

**CALIFORNIA COASTAL COMMISSION**

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Commission Action:

**STAFF REPORT: PERMIT AMENDMENT**

**APPLICATION NO.:** A5-RPV-93-005-A-19 (Ocean Trails/V.H. Property)

**APPLICANT:** V. H. Property

**AGENTS:** Vincent Stello, Jeff Kaplinski

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

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

**PREVIOUS AMENDMENTS:** See Appendix B

**SUMMARY OF AMENDMENT 19:**

- 1) Reconfigure 11 golf holes on golf course, add tournament tees to several holes, construct water features, (waterfalls and associated ponds and imitation rock retaining walls) at three holes; lot line adjustments in two locations: at hole 4 and lot 34 tract 50667 a residential lot, and at hole 5 between the golf course lot and lot C, a buffer strip adjacent to the residential lots in tract 50667.
- 2) Removal of 0.8 acres of coastal sage scrub habitat (CSS) that is presently established on the golf course and planting 1.14 acres of CSS on the golf course in areas not previously committed to be planted in previous Commission approvals.

- 3) Change approved coastal sage scrub installation plan for the golf course required as part of Habitat Conservation Plan and coastal permit requirements. The change would convert 0.3 acres that were previously planted in CSS and removed by the landslide stockpiling approved in amendment A-5-RPV-93-005-A15 to golf course use. CSS removed for landslide repair was to be replaced in place; instead, the applicant proposes to replace it as part of the new 1.14-acre CSS installation.

Applicant's Proposed Habitat and Restoration Map, See Exhibit 1.

### **SUMMARY OF STAFF RECOMMENDATION:**

This proposal raises three issues: The first issue is whether installation of water features on land where a 17-acre landslide has occurred could destabilize the site, resulting in damage to the golf course and to the associated habitat, parks and trails. The second issue is whether the removal and relocation of 0.8 acres of scattered plantings of coastal sage scrub installed on the golf course as project mitigation is consistent with LCP policies protecting environmentally sensitive habitat and with the Commission's 1993 action approving this permit and its subsequent amendments. These changes will require removal, relocation and reinstallation of some habitat installed on the golf course as part of the Habitat Conservation Plan, in order to mitigate for the project's impacts on the habitat of the threatened coastal California gnatcatcher. The third issue is the creation of new golf tees that are closer to existing bicycle and pedestrian trails than existing tees. In particular, the boundary of the graded pad of the new tee located at Hole 9 is located only 7 feet from the pedestrian/bicycle trail that leads along the bluff and then through the site, and the tee itself is 19 feet from the trail (Exhibit 3). A proposed "tournament tee" at Hole 5 would drive across a vertical access path from the major public road (Palos Verdes Drive South) that connects a turn-off and six car parking lot to the project trails (Exhibit 4). Staff recommends removal of the tee at Hole 9 in order to protect the public's right to use the adjacent trail safely, and protects a previously required wetland mitigation area. Staff also recommends limitations on use of the tee at Hole 5 to the approved six annual special events.

Staff recommends approval of the project with additional special conditions to address habitat, geologic safety, water quality and public access along dedicated trails. The changes include: (a) revisions of previously approved Special Condition 8 to require the establishment of the replaced habitat on the golf course before opening the 18 hole golf course for play; (b) a new special condition 36 to require installation of monitoring wells at Hole 1, liners, subdrains and water flow monitors at each new water feature as recommended by the project consultant and the City in technical reports provided to the Commission staff in conjunction with this amendment; and extending the clay cap underneath the new tees, having tested the suitability of the material to be used in constructing the cap; (c) constructing the new retaining walls according to recommendations of the City's and applicant's geologic consultants; (d) conformance with

project geologist, the City consultant, Cotton Shires and the City's Lake Consultant with regard to the safety of the installations; (e) elimination of the new tee at Hole 9; (f) a survey verifying that the dimensions of the mitigation plantings, parks and habitat preserves conform to permit requirements. All other previously imposed special conditions shall remain in effect.

**LOCAL APPROVALS RECEIVED:**

1. City of Rancho Palos Verdes CUP 163, et al. "Modifications to Holes # 2, #3, #4, #5, #7, #9, #16 and Landslide C Area Course Modifications Creating New Back Tees for Holes #1 and #12," 5/15/03.
2. City of Rancho Palos Verdes Director of Planning, Building and Code Enforcement, Memorandum "Proposed Amendment to the Ocean Trails Project," April 29, 2003.
3. City of Rancho Palo Verdes CUP 163, et. al., "Modifications to Holes #1, #4, and #17 including new water features".
4. City of Rancho Palos Verdes, Memorandum from Gregory Pfost, Deputy Planning Director to Director of Planning Building and Code Enforcement, "Golf Course Modifications to the Ocean Trails Project," May 14, 2003.
5. City of Rancho Palos Verdes Director of Planning, Building and Code Enforcement, Memorandum "Review of proposed water features at the Ocean Trails Golf Course," May 20, 2003.
6. Goebel, Karen A., United States Fish and Wildlife Service and Tippetts, William E., California Department of Fish and Game, Letter to Mike Sweesy, "Comments on the proposed modifications to the Ocean Trails Golf Course in the City Of Rancho Palos Verdes," ref. FWS/CDFG-LA-769.3, August 5, 2003.

**COMMISSION'S PREVIOUSLY ADOPTED SPECIAL CONDITIONS, (WITH RECOMMENDED CHANGES INSERTED): SEE APPENDIX A**

**PREVIOUS AMENDMENTS: SEE APPENDIX B, available in Commission files.**

**SUBSTANTIVE FILE DOCUMENTS: SEE APPENDIX C**

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

- (1) The Executive Director determines that the proposed amendment is a material change,
- (2) Objection is made to the Executive Director's determination of immateriality,
- (3) Or, the proposed amendment affects conditions required in order to protect a coastal resource or coastal access.

In this proposed amendment to a conditionally approved permit, the proposed revision is a material change that affects conditions required for the purposes of protecting natural

resources and coastal access. Therefore, the Executive Director has determined that the change must be reported to the Commission and noticed to the public.

**I. STAFF RECOMMENDATION:**

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

***MOTION: I move that the Commission approve the proposed amendment to Coastal Development Permit No. A5-RPV-93-005-A19 pursuant to the staff recommendation.***

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE A PERMIT AMENDMENT:**

The Commission hereby approves the coastal development permit amendment on the grounds that the development, as amended and subject to conditions, will be in conformity with the policies of the certified LCP and with the public access and public recreation policies of Chapter 3 of the Coastal Act. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

**II. STANDARD AND SPECIAL CONDITIONS:**

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

**NOTE:** Appendix A, attached, includes all standard and special conditions that apply to this development as approved by the Commission in its original action and its subsequent amendments, including this Amendment 19. Changes in the names of parks and trails adopted by the City of Rancho Palos Verdes are inserted into the park and trail designations. The previous designations are provided for purposes of clarity. Corrections to typographic or stylistic errors, which the Executive Director determined did not change the meaning of the conditions, have been made in this document without the use of annotated or highlighted text.

All of the Commission's adopted special conditions and changes in the project description proposed by the applicant and approved during previous Commission actions continue to apply unless explicitly changed in this action. New conditions specifically imposed in this action on Amendment 19 are shown in the following section. Within Appendix A, changes to the previously approved special conditions are also shown in bold. This will result in one set of adopted special conditions. Unless previous conditions are noted for revision, they are not being modified by the Commission's action on Amendment 19.

**Changes to existing special conditions and new special conditions imposed by this permit amendment:**

1. **Add the following subsection 8 to special condition 8 "Conformance with the Requirements of The Resource Agencies, with Respect to Threatened, Rare or Endangered Species"; Section D, "Schedule."**

**8.D.**

**(8) Adjustment of boundaries and locations of Golf course habitat, 2003-2004**

- (a) **Prior to issuance of the amended permit A5-RPV-93-005-A19, the applicant shall submit final detailed planting plans for the golf course habitat areas for the review and approval of the Executive Director. The applicant shall also agree in writing, in a form and content subject to the review and approval of the Executive Director, to maintain no fewer than 22.64 acres of coastal sage scrub on the golf course consistent with that plan. In addition the applicant shall identify, for the review and approval of the Executive Director, a location on or adjacent to the project site where it can plant no less than 0.66 acres additional coastal sage scrub mitigation. The golf course habitat shall be in locations generally consistent with the June 27, 2003 Plans by Dudek Associates. The final plan shall also include a maintenance schedule.**
  - (i) **The coastal sage scrub shall installed in the 1.14 acre and 0.66 acre newly identified areas shall conform to the standards indicated in subsection 8D5 above for on-site habitat prior to opening of the 18-hole golf course for play. The golf course areas and shall be maintained in accordance with the requirements of the coastal development permit.**
  - (b) **The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan including the installation of monitoring wells or other facilities within habitat areas shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission**

approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

**2. AMEND SPECIAL CONDITION 18 ASSUMPTION OF RISK, TO ADD THE FOLLOWING SECTION E**

**18. Assumption of Risk.**

**E. By acceptance of this amended permit A5-RPV-93-005-A19, the applicant acknowledges and agrees (a) that the site may be subject to extraordinary hazard from landslide, earth movement and bluff failure, (b) that water features located upslope of a landslide area is subject to extraordinary hazards and that the design and execution of such work is the responsibility of the applicant, (c) to assume the risks to the applicant and the property that is the subject of this permit amendment of injury and damage from such hazards in connection with the permitted development, (d) to accept sole responsibility for the removal of any structural or other debris resulting from landslides, (e) to unconditionally waive any claims of damage or liability against the Commission, its officers, agents and employees for injury or damage from such hazards and (f) to indemnify and hold harmless the Commission, its officers, agents and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.**

**3. ADD NEW SPECIAL CONDITION 36:**

**36. SAFETY AND CONSTRUCTION OF WATER FEATURES.**

**A. Prior to issuance of the amended permit A5-RPV-93-005-A19, or construction of any water feature on Holes 1 or 12, within the landslide repair area, the applicant shall submit for the review and approval of the Executive Director written agreements to incorporate all safety features that were recommended in the Converse letters dated February 17, 2003, April 24, 2003 and May 8, 2003, and in the Cotton-Shires review letters dated March 12, 2003, May 2, 2003, and May 13, 2003 into the final designs of the water features and the new tees.**

**B. Pursuant to this agreement, the applicant shall:**

- 1. Construct a new clay cap in areas to be irrigated under which the old clay cap does not extend,**
- 2. Implement a testing program to ensure that material stockpiled for the construction of a new clay cap meets the requirements outlined**

in the Converse reports dated February 17, 2003, April 24, 2003 and May 8, 2003.

3. Implement a testing program to identify and avoid potential problems related to the construction of caisson-founded retaining walls as outlined in the Converse reports dated February 17, 2003, April 24, 2003 and May 8, 2003,
4. Construct the retaining walls consistent with the geotechnical parameters advised for their structural in the Converse report dated February 17, 2003;
5. Construct drainage systems comparable to those required by the existing permit as described in the Converse letter dated February 17, 2003,
6. Install ground water monitoring wells as described in the Converse reports dated February 17, 2003, April 24, 2003 and May 8, 2003, and
7. Implement a monitoring program as described in the Converse reports dated February 17, 2003, April 24, 2003 and May 8, 2003

C. The applicant shall provide two copies of all monitoring reports required in this special condition, including reports of the lake monitor, to the Executive Director within ten days of their completion. The applicant shall also submit any recommendations or comments by the City of Rancho Palos Verdes Department of Building and Safety or their consultants to the Executive Director within 10 days of their receipt.

D. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall be carried out without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

#### **4. ADD NEW SPECIAL CONDITION 37**

##### **37. EVIDENCE OF CONFORMANCE OF ACTUAL EXTENT OF HABITAT AREAS WITH ESTIMATED ACREAGE.**

A. Prior to recordation of any lot line adjustment, but in any event prior to opening of the 18-hole golf course for play, the applicant shall provide for the review and approval of the Executive Director accurate surveys showing the dimensions of all land disturbed by grading and stockpiling and all parks, trails and habitat areas offered by the applicant and or required by this permit. If any such lots or habitat areas are smaller than described in the applicant's proposal and or in the special conditions, the applicant shall

submit plans showing how any discrepancies will be resolved consistent with the terms and conditions of the permit. Following the Executive Director's review and approval of these plans the applicant shall implement them, unless the Executive Director determines that a permit amendment is required.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall be carried out without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

## **5. ADD NEW SPECIAL CONDITION 38**

### **38. CONFLICTS WITH TEE PLACEMENT AND DESIGN**

It is the intent of the Commission that conflicts between the public's safety and the design of the golf course be resolved in favor of the public. Consistent with Special Condition 5, no wire cage (or "slinky") may be constructed over any trail on the golf course. Conflicts shall be resolved without closing the trails describe in Special Condition 3, and must be resolved by redesign, closure or relocation of tees if injuries to trail users are attributed to the distance or design of trails or the relative elevation of any tee and a public trail.

Pursuant to this concern, prior to issuance of the amended permit A-5-RPV-93 005-A19; the applicant shall submit revised plans for the review and approval of the Executive Director, eliminating the new tee at Hole 9. The applicant shall also acknowledge in writing that the new tee in Hole 5 is restricted to tournament use and may only be used during the six special events allowed on the golf course each year.

## **6. ADD NEW SPECIAL CONDITION 39.**

### **39. WATER QUALITY IMPACTS OF WATER FEATURES.**

Prior to issuance of the amended permit A5-RPV-93-005-A19 the applicant shall provide for the review and approval of the Executive Director the following information concerning the artificial rock proposed for the water features:



- a. All manufacturers' statements concerning the chemical makeup of the material, including information on any constituents that may or have in the past leached into nearby waters,
- b. Reports of any laboratory testing of the rocks and the constituents proposed for use in the rocks and any adhesives proposed to attach the rocks to the walls,
- c. Any analysis of the tendency of the material to slough off or fragment into the water system.

The information shall be adequate to demonstrate to the satisfaction of the Executive Director that the artificial rocks and the materials used to construct them and/or attach them to the retaining walls will not be hazardous to marine life, plant or animal life or to the health of humans who may come into contact with the project lakes, streams or runoff.

## **7. ADD NEW SPECIAL CONDITION 40**

### **40. DEED RESTRICTION.**

**PRIOR TO ISSUANCE OF THE AMENDED COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.**

### III. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

#### A. PROJECT HISTORY

In April 1993, two co-applicants, Zuckerman Building Company and Hon Investments received a permit to re-subdivide ten lots and develop 83 residential lots, a golf course, a trail and park system and a Habitat Enhancement Program into 2 tracts. The City had approved a project design that clustered 83 single-family units on two stable areas of the site and allowed the development of a golf course where the factor of safety was less than 1.2.<sup>1</sup> In addition to geologic safety, the City conditions, the applicant's final project and the Commission's conditions of approval addressed two additional issues: the protection of existing public access on the site, and the protection of habitat. The Department of Fish and Game and the United States Fish and Wildlife Service (USFWS) had conceptually approved the Habitat Enhancement Program (HEP), which was required because of the discovery of a threatened bird, the coastal California gnatcatcher, on the property. The special conditions required protection of 7.7 acres of existing coastal sage scrub, 37.8 acres of bluff face, and restoration of 20.4 of acres of coastal sage scrub on the property in preserves. The applicants also indicated that they intended to plant an additional 10 acres of CSS in the "non-active play areas" of the golf course in order to conform to the HEP. The conditions also required reservation of all but the roads in an 85.5-acre property just outside the coastal zone, the Switchback property<sup>2</sup>, and 20 acres of adjacent park, Shoreline Park for habitat use. These preservation and restoration efforts allowed the applicant to clear 5.6 acres of high quality CSS and an additional 27.5 acres of disturbed CSS. The habitat issues are described in more detail in section C below.

Many members of the public testified that the public had long used the site. While the applicant did not agree that prescriptive rights existed along the trails found on the site, the applicant proposed a network of public trails linking public parks and open spaces along the bluff edge and at the project entrance, including a park on the promontory in the center of the project, Halfway Point. The applicant also proposed to develop and dedicate four on-site pedestrian routes from the frontage road; Palos Verdes Drive South to the beach and, in addition, agreed to improve a path from the road to the beach over the adjoining undeveloped public park Shoreline Park. The final proposal, as approved, included 75.5 acres of dedicated lands<sup>3</sup> in addition to approximately 26,000 linear feet of trails. The Commission approved the applicant's proposal.

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<sup>1</sup> A factor of safety is the ratio of the forces resisting a potential landslide to the forces driving the potential landslide. A factor of safety of 1.5 generally is required before new residential development is permitted.

<sup>2</sup> So identified because Palos Verdes Drive East, a major road, extends up the property in several sharp curves, dividing it into two segments.

<sup>3</sup> 67.1 acres of habitat preserves and parks were required to be revegetated as habitat preserves, 8.4 acres of parks.

In 1994, the Commission amended the project to relocate a golf clubhouse nearer to the bluff top promontory at the center of the property and to eliminate several residential lots that were not sufficiently stable to develop residentially. In 1995, the Commission, the City of Rancho Palos Verdes and the applicant settled a lawsuit brought by opponents and expanded the areas on the property that would be replanted in habitat after grading. The applicant requested an amendment to reduce the project to 75 single-family residential lots, incorporated four moderate cost units, additional parking, and additional areas of restored habitat on the non-active play areas of the golf course (identified as "non-golf setbacks" in the settlement). The settlement also required the City of Rancho Palos Verdes to accept fee ownership of certain park and open space land.

In 1997, the Commission approved a modification to its conditions so that dedications of trail and park areas could occur before lot lines were established. The applicant recorded offers to dedicate based on mapped depictions of the areas to be dedicated, the permit issued and grading commenced. In May 1999, the residential lots in the easterly tract, Tract 50667, recorded, but pending discussions concerning liability, the City of Rancho Palos Verdes has not accepted the parks and trails, so the applicant has not recorded the exact boundaries of the park and open space lots. All trails except for trail along Palos Verdes Drive West and within tract 50666 (the westerly tract) were complete.

In June 1999, a landslide occurred that removed over 17 acres, including portions of 4 trails, some 5.88 acres of restored habitat areas and 2 holes of the golf course. The applicant proposed to repair the golf course, the habitat areas along the bluff top and the trails. In July 2000, the Commission approved an amendment, A-5-RPV-93-005-A-15, that authorized the repair which would impact an additional 7.07 acres of habitat for grading and stockpiling and which would require temporary closure of some trails. After the slide, to mitigate permanent and temporal loss, the applicant agreed to restore an additional 26.96 acres of habitat over an above habitat required as part of the original approval. As part of the repair, the applicant agreed to restore the trails and habitat areas<sup>4</sup> and reconstruct the park at Halfway Point. The Commission approved this reconstructive work, and subsequently approved two immaterial amendments (A-5-RPV-93-005-A-16 and A-17) that allowed more time for the applicant to receive approval from the United States Fish and Wildlife Service and the Department of Fish and Game, and allowed the applicant to use a parking area next to the slide for passage of heavy equipment and stockpiling.

In August 2000, the City, the United States Fish and Wildlife Service (USFWS) and the Department of Fish and Game approved an amended Habitat Conservation Plan (HCP); the applicant has secured the off-site land and commenced restoration. Work on the second restoration efforts lagged due to several dry years and the financial problems of the original applicant. Several on and off-site restoration areas have not met coverage goals and need weeding. Representatives of the new owner indicate that maintenance of the restoration area has resumed.

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<sup>4</sup> Ten acres will be restored on the restored bluff top, additional areas will be restored in Shoreline Park and in Forrestal Draw.

While the repairs were underway, ownership of the project transferred to a third party. The new owner, V. H. Properties, now propose several changes in the project. First, the new owners propose to change the configuration some golf holes and to add new water features to the golf course. These are the changes now before the Commission. In the near future, the new owner proposes to increase the restaurant service area at the golf club house and to install a driving range on some of the residential land open space lots on tract 50666. The final clubhouse revisions, after-the-fact revisions to the repair plan and final park plan are pending at the City. The applicant has not yet submitted the plans for the driving range to the City. The applicant has requested that the Executive Director report the golf course work to the Commission separately, in advance of these other requests, arguing that the impacts of the changes to the golf course on geologic stability, on habitat and on parks and trails provided by the project are minimal and can be mitigated within the golf course. Therefore, the applicant argues, the Commission and the City can review the golf course changes without prejudicing Commission's review of the other proposed changes.

**Detailed description of work presently proposed:**

The applicant proposes water features at Holes 1, 4, and 17 and to relocate the fairway of Hole 1 within the golf course. In addition, the applicant proposes new tees at holes 2, 3, 4, 5, 7, 9 and 16. The applicant also requests an after-the-fact approval to create new back tees for Holes 1 and 12 within the slide repair areas, where grading is underway for slide repair. The back tee at Hole 1 will be elevated on fill and require a retaining wall. The new tee at Hole 12 requires a change in the location of the golf course habitat area. The changes at Holes 1, 4, 3, 5, and 12 require either removal of habitat or changes to the location of restoration pledged to mitigate landslide damage occurring as part of the landslide and its repair. The new tees at holes 1 and 12 are rough-graded. The changes in Hole 9 will impact about 102 square feet of wetland mitigation. The changes at Holes 4 and 5 require lot line adjustments. The lot line adjustments will have no effect on habitat; the change at Hole 5 will result in a drive across a vertical access trail that connects a five-car parking lot with the bluff edge trails (Exhibit 4).

**Present status of Project.** As noted above, the applicant has recorded all offers of dedication required by the Commission but has not recorded easements required in the settlement (and incorporated into the project description in the second amendment.) The offers to dedicate are recorded as depictions of the final offers. The applicant has not recorded metes and bounds descriptions of dedicated land in tract 50667 as required by Special Condition 1. The trails on the east end of the project, within Tract 50667, are complete and open to the public. Pioneered trails in Tract 50666 to and along the bluff remain open; an emergency trail across the golf course is open, as is public parking. A golf clubhouse is constructed and a restaurant and snack bar are open to the public. As noted above, the trails located in and adjacent to the residential portions of Tract 50666 have not been constructed, and trails located along a widened Palos Verdes Drive South

are still under construction. Fifteen holes of golf are open. Gnatcatchers have been nesting in the restoration areas.

Grading for repair of the golf course and park is nearing completion, but as of submittal of this amendment, the applicant had not commenced reconstructing and replanting the park and habitat areas damaged in the slide and in the repair efforts. The applicant has made some changes in the grading plans during construction. The applicant has also proposed some changes to the clubhouse and the park and trail designs to accommodate changes in the final grading plans and to accommodate changed marketing plans. The amendment request for the changes in the park, clubhouse and grading plans are expected to be before the Commission in January or February 2004.

## **B. CONSISTENCY WITH THE NATURAL HAZARDS AND CORRIDORS ELEMENTS OF THE CERTIFIED LCP.**

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

### **(1) NATURAL HAZARDS.**

The LCP requires avoidance of hazardous areas and clustering of development in safer areas. The LCP is based on a policy of avoidance. Activities in the most sensitive areas are highly restricted, in order to avoid hazards, habitat damage and other problems related to building near cliffs and bluffs.

LCP Policies and Project History. Landslide C was identified in the process of adopting the City's LCP and in approving this permit. In the Natural Hazards element, various constraints (hazards, vegetation, slope, flooding) were identified by the initials "CRM" (critical management) and a code number. The bluff face and the area of the present slide were designated CRM 1 extreme slope, CRM 3 geologic hazard, CRM 4 marginally stable, and CRM 7-flood inundation hazard in the certified LCP. The City LCP states in part:

"...The purpose of this district (CRM1) is to regulate use development and alteration of land in extreme slope areas so that essential natural characteristics such as land form, vegetation and wildlife communities, scenic qualities and open space can be substantially maintained. The district further considers the risk to

public safety from earth slides and slips, erosion and attendant siltation. Regrading, requiring cut slopes and embankments is a potential instigator of landslide and the probability of these occurrences can be high within this district..."

Landslide C is designated "CRM 3, Geologic Hazard" in the LCP, which restricts development in CRM 3 lands to recreational features and trails requiring minimal grading. The remainder of the golf course is located on lands classified in the LCP as CRM 2, (extreme slope and insufficient information)

In the early 1980's, the City rejected a proposal for residential development over much of the site because the presence of adverse bedding planes resulted in a calculation of a factor of safety of less than 1.5 and even less than 1.2 for extensive areas of the site. Not only did the bedding dip toward the coast, surveys revealed two layers of bentonite in the sedimentary layers.<sup>5</sup> Instead, the applicant proposed a golf course over much of the site. In 1993, the City and the Commission approved a mixed-use development that located structures on the more stable areas of the site, and the golf course, habitat and access trails on the less stable areas of the site. However, the public trails were located along the bluff edge. The bluff edge trail and bluff edge habitat restoration areas as well as parts of the golf course, including most of Hole 18, extended onto Landslide C.

Recent Landslide The June 1999 landslide severely impacted public access and habitat, required the closure of two trails and delayed the opening of a public park. As noted below, the slide and the repair efforts resulted in the removal of almost 13 acres of environmentally sensitive habitat, coastal sage scrub. The slide that occurred on June 2, 1999 was a reactivation of an ancient slide, identified as "Slide C" in the project's documentation. Over seventeen acres were affected. The slide moved a piece of the bluff face outward and down, leaving a depression at least 100 feet wide behind it (called a "graben" by geologists) and isolating a portion of the bluff top. The five-acre central block was fractured by numerous cracks, some of which were up to five feet wide and 80 feet deep. In simple terms, a large block of material slid seaward on a layer of bentonite identified as the "upper Bentonite layer," which extends from near sea level to an area about 150 feet inland of the former edge of the bluff.<sup>6</sup> About the same time, other fissures were noted at the seaward tip of Ocean Trails Park and adjacent to a trail near the eastern end of the project. Those fissures have not resulted in catastrophic failures, but are the typical "raveling" expected near the top of the bluff.

This amendment raises two major issues that involve geologic stability:

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<sup>5</sup> See below "Recent Landslide". There is a lower layer of bentonite that, in the middle of the site, extends almost to Palos Verdes Drive South. There is no evidence that the slide moved along this lower layer in the recent failure.

<sup>6</sup> Bentonite is highly plastic clay, derived from volcanic ash that swells and becomes a slick, soapy material when it is wet. The 0.5" to 3" thick layer of bentonite about 90 feet below the former ground surface was the slip surface for the June 2<sup>nd</sup> landslide.

First, the applicant proposes to add three water features to the golf course, while acknowledging that the introduction of moisture into the bentonite sediments that underlay the site was instrumental in causing the failure of Slide "C". Second, by extending the golf holes by adding additional tees, the applicant will expand the area that is planted with turf, requiring irrigation, including water pipes and the like. In addition, several retaining walls with imitation rocks will be necessary to support the "waterfalls" which will cascade over the faces. Some retaining walls are planned in locations where the developer buried excess rock during construction of the golf course.

While a large part of the upper bentonite layer has been removed in the course of slide repair, and the slide repair has created a mechanically stabilized earth (MSE) wall (with a factor of safety of 1.5) at the seaward edge of about one quarter of the golf course, there are still potential issues. First, the lower bentonite layer extends from almost Palos Verdes Drive West to the cliff face. All the proposed water features are located on land underlain by bentonite, although there is some evidence that the bentonite layer near the Hole 1 water feature dips away from the cliff face. The bedding planes under the golf course and under Palos Verdes Drive dip out of the face of the cliff. The rock underlying the golf course is porous and moisture can percolate through it. Ground water that accumulates and results in either a temporary or long-term elevation in the water table, results in a buoyant force that effectively reduces the forces resisting landslide initiation. Thus, the infiltration of ground water can lead to a landslide, as it did in June 1999.

In addition to these two major issues, the City geologic consultants have expressed concern about the stability of the walls due to complications that might arise during their construction due to the presence of buried rocks in the fill material in which they will be founded. The consultants have recommended that the applicant perform additional geologic tests in advance of issuance of building permits. To address the problem of water leaking from the water filters, the City is requiring a monitoring well near Hole one, where there is not yet a monitoring well, the installation of a clay liner under all water features, testing of stockpiled clay to be sure it meets the hydrologic characteristics necessary for the clay cap, the installation of subdrains, and performing monitoring of the water lines feeding the water features. In addition, the City requires that a lake monitor, its own independent engineer, be present during installation of the water features.

The Commission's Senior Geologist Dr. Mark Johnsson has reviewed the geotechnical reports and reviews submitted in support of the proposed water features and other golf course changes (Exhibit 10). The Converse report dated February 17, 2003 provides guidelines for accomplishing the proposed golf course changes in areas outside of the landslide repair. Dr. Johnsson concludes that these guidelines, which include the construction of a new clay cap in areas to be irrigated under which the old clay cap does not extend, the construction of drainage systems comparable to those required by the existing permit, and the geotechnical parameters for use by the structural engineer in the construction of the proposed retaining walls, should be incorporated into the project description or be required by special condition.

A series of review letters by Cotton-Shires (dated March 12, 2003 and May 2, 2003) identify potential problems related to the construction of caisson-founded retaining walls in areas where oversized rock was disposed of in the artificial fill, recommends for a testing program to ensure that material stockpiled for the construction of a new clay cap is adequate to the task, and recommends ground water monitoring wells and a monitoring program. These recommendations are responded to in Converse letters dated April 24, 2003 and May 8, 2003. Dr. Johnsson concurs with the Cotton-Shires review letter dated May 13, 2003 that the recommendations put forth in each of the Converse letters adequately addresses these concerns.

Dr. Johnsson concludes that the amount of grading proposed and, especially, the construction of new water features and relatively high retaining walls constitute sufficient departures from the previously approved amendment that a new amendment should be required and brought before the Commission. That said, it is his recommendation the Commission approve the proposed plans, subject to the recommendations in the Converse reports dated February 17, 2003, April 24, 2003 and May 8, 2003.

The applicant proposes these water features along with the safeguards recommended by the City and by its own consultant. These safeguards include a system of (clay) liners, monitoring wells and automatic cutoff valves so that leaks will not result in the infusion of water into the sediments of the site. The City requires the applicant to employ an independent lake consultant answerable to the City during installation of the water features. Nevertheless, the Commission is requiring that such devices be incorporated into the plans and then, that any change in lake design or in these mitigation measures be reported to the Executive Director to determine whether an amendment is necessary. For this reason, the applicant is required to provide working drawings and updated geologic reports to the Executive Director.

#### Assumption of Risk Deed Restriction

Because this development includes some risks to the applicant's property and to any other public or private property that may be damaged by an activated slide, the Commission indicates that it has approved this application based on the applicant's assertion that while risky the development can be carried out safely.

The certified LCP, consistent with Section 30253 of the Coastal Act allows new development in areas of high geologic, flood, and fire hazard to occur so long as risks to life and property are minimized and the other policies of the certified LCP are met. The Commission recognizes that new development may involve the taking of some risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his/her property.

The proposed water features, as described above, pose a risk to stability because they are constructed on land with a factor of safety against landsliding of 1.2. This land may



have been partially stabilized by a mechanically stabilized earth wall downslope of the proposed water features. According to reports by Converse Associates, which were reviewed by City consultants, Cotton Shires, these water features can be built safely. However, the applicant commissioned these reports, and ultimately the conclusion of the reports and the decision to construct the project relying on the report is the responsibility of the applicant. As noted elsewhere, there are numerous hazards on the property, which additional water may exacerbate. The geotechnical evaluations and the designs to mitigate the effects of leakage do not guarantee that future erosion, landslide activity, or land movement due to broken pipes will not affect the stability of the proposed project or that movement of offsite slides might not affect this property or adjacent roads. This development is located on a site where failure can and has occurred. The golf course is located on a slope underlain by adverse bedding planes and terminating in a bluff and a landslide. Because of the inherent risks of this situation, the Commission cannot absolutely acknowledge that the design of the water features will protect the golf course. Therefore, the Commission finds that the proposed project is subject to risk from landslides and that the applicant should assume the liability of such risk.

The applicant may decide that the economic benefits of development outweigh the risk of harm, which may occur from the identified hazards. However, neither the Commission nor any other public agency that permits development should be held liable for the applicant's decision to develop. Therefore, the applicant is required to expressly waive any potential claim of liability against the Commission for any damage or economic harm suffered as a result of the decision to develop. The assumption of risk, when recorded against the property as a deed restriction, will show that the applicant is aware of and appreciates the nature of the hazards which may exist on the site and which may adversely affect the stability or safety of the proposed development.

In case an unexpected event occurs on the subject property, the Commission imposes a new section E to Special Condition 18, which requires the land owner to assume the risk of extraordinary erosion and/or geologic hazards of the property and accept sole responsibility for the removal of any structural or other debris resulting from landslides, slope failures, or erosion on and from the site. The Commission requires to applicant to record the assumption of risk as a deed restriction, along with all the special conditions of this permit. The deed restriction will provide notice of potential hazards of the property and help eliminate false expectations on the part of potential buyers of the property, lending institutions, and insurance agencies that the property is safe for an indefinite period of time and for further development indefinitely in the future.

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

to this coastal development permit. As conditioned, the development of the new tees and the water features is consistent with the geologic safety provisions of the certified LCP.

## **(2) ENVIRONMENTALLY SENSITIVE HABITAT.**

The applicant proposes to remove 0.8 acres of (CSS) is presently established on the golf course as part of Habitat Conservation Plan and coastal permit requirements and replant 1.14 acres of CSS in areas that are presently not planted in CSS. The applicant also proposes to reconfigure the location and configuration of the strips of coastal sage scrub habitat (CSS) installed within golf course boundaries. The result of the reconfiguration would be that the 0.7 of the CSS removed for golf course enhancements would be replaced on the golf course within the 1.14 acres of newly planted areas. The applicant also proposes to change the location of some of the CSS that the Commission already approved to be removed and replanted as part of the landslide repair. Additionally, 0.1 acres of CSS were to be removed in order to construct the tees and water features will be replaced in the same location it previously occupied. The applicant proposes to replant 1.2 acres removed by stockpiling, as previously approved, in its previous location. An area of restored golf course habitat, 0.3 acres in size that was damaged by stockpiling would be converted to golf course use. These 0.3 acres of CSS would be replaced within the 1.14 acres of newly planted CSS on the golf course.

With respect to the present amendment, the applicant does not propose 2:1 replacement for this current relocation, instead, arguing that its obligation is to meet the 20 acre requirement in the HCP for habitat on the golf course, which it meets, and pointing out that its replacement ratio exceeds 1:1 (net removal 0.7 acre; replacement not committed to other obligations 0.84 acres). (See Exhibits 8, 9, 11-13.) The applicant indicates in the attached Exhibit 1 that it now views the obligation for replacement of habitat within the golf course that is damaged as 1:1.

The revised HCP and the landslide repair amendment (A-5-RPV-93-005-A15) established that coastal sage scrub damaged by the landslide or removed for landslide repair should be replaced at a 1:1 ratio on site and 1:1 ratio off-site to make up for temporal loss. Even though the final calculations in the HCP are silent about replacement of the CSS on the golf course, the applicant, then, accepted 2:1 replace of its original losses (Exhibits 13, 14, 15, 17). While the habitat on the golf course does not provide nesting, it is a necessary part of the pattern of habitat required by the resources agencies. It is a link between the band of restored habitat at the edge of the cliff and the more extensive areas off the site and inland at the Switchback, which the applicant was allowed to consider as part of this restoration project. Gnatcatchers are small birds and do not fly very far. The golf course habitat formed a staging area and connection. If habitat has a role and it is taken away, it has been the policy of both the agencies and the commission to require additional habitat provided to mitigate for temporal loss. The commission does this by requiring a 2:1 ratio of mitigation for any habitat that is removed.

The following is staff's summary of the habitat impacts and mitigations proposed of recent activities on the golf course. Staff concludes that the applicant needs to provide an additional 0.66 acres of CSS restoration to fully offset the impact of the proposed project and to be consistent with the certified LCP.

Description	Credit	Debit	Balance
<b>Golf Course Landslide Damage</b>		<b>1.50</b>	<b>(1.50)</b>
<b>Mitigation Proposed (on-site) for Landslide</b>	<b>1.20</b>		<b>(0.30)</b>
<b>Conversion of CSS habitat to water feature (1:1)</b>		<b>0.80</b>	<b>(1.10)</b>
<b>Water feature conversion requires impacts to be mitigated at 2:1</b>		<b>0.80</b>	<b>(1.90)</b>
<b>Mitigation Proposed For CSS Conversion to Water Feature</b>	<b>1.14</b>		<b>(0.76)</b>
<b>In-Place Restoration of Prior Mitigation</b>	<b>0.10</b>		<b>(0.66)</b>

The applicant has prepared a map that summarizes golf removal and planting and landslide removal and replanting under this proposed amendment, the original permit and the landside repair amendment, A-5-RPV-93-005-A15. This map combines the changes proposed in the permit amendment application with the applicant's previous obligations (See Exhibit 1).

In the original permit, the applicant agreed to plant 20 acres of coastal sage scrub on the golf course, submitted a plan showing 22 acres, and planted all but .56 acres (21.44 acres.) The landslide and its repair damaged 1.5 acres of coastal sage scrub on the golf course (which should leave 19.94 acres in place, although the applicant reports on Exhibit 1 that there is actually less than that, 19.7 acres.) The applicant, in completion of its past obligation and carrying out its present one asserts it will plant a total of 3 acres of CSS in four types of areas on the golf course that are designated as CSS in this plan:

- Areas not presently designated CSS (1.14 acres),
- An area designated for CSS in 1997 but never planted (0.56 acres),
- Areas cleared during construction of water features (0.1 acres), and
- Areas removed by landslide and its reconstruction (1.2 acres).

The applicant's position is that instead of mitigating for removal, it simply has to meet the obligation in the HCP, which it states it will carry out by providing 22.41 acres of CSS on the golf course after replanting is complete. Staff was unable to reconcile these figures, and has asked the applicant to recalculate, and to resurvey the golf course to determine the exact amount of existing coastal sage scrub. (See proposed Special Condition 37). Previously, the HCP (which is adopted by reference in Special Condition 8 of the CDP)

required 20 acres and the applicant actually planted 21.44 acres on the non-playing areas of the course. The resources agencies approved the plan (See Exhibits 1 and 6).

This proposal raises three potential issues:

- Consistency with Coastal Act policies protecting environmentally sensitive habitat (ESHA) as interpreted by the courts in the Bolsa Chica decision;
- Consistency with the certified Local coastal program (the statutory standard of review in post certification appeals), and
- Consistency with the CDP A-5-RPV-93-005, as amended.

While the applicability of the Bolsa Chica decision to post certification matters is not entirely clear, in order for the consistency with Bolsa Chica to be an issue, the habitat in question must be environmentally sensitive habitat as defined by the Coastal Act. Coastal Commission Staff Ecologist Dr. John (Exhibit 7) visited the site on November 5, 2003 to determine whether there was evidence that the golf course CSS is considered environmentally sensitive habitat. He states:

The areas between the fairways at the Ocean Trails Golf Course are generally vegetated with coastal sage scrub (CSS) species (habitat areas) or a combination of coastal sage scrub species and drought tolerant ornamental trees (landscape areas). We examined each of the habitat areas proposed for modification during our site visit on November 5, 2003. The habitat areas appear healthy and have low cover of weeds due to continuing maintenance activities. Some of the habitat areas have relatively low species diversity, however there are apparently ongoing efforts to increase diversity through seeding and planting. These areas of CSS habitat tend to be narrow linear features that are somewhat isolated from large blocks of CSS by the golf course fairways. Although California gnatcatchers have been nesting successfully in restored coastal sage scrub in canyons within the golf course and in larger habitat blocks around the periphery of the golf course, they have not included golf course habitat in their breeding territories. Gnatcatchers have been occasionally sighted in a few areas of golf course habitat since 2001, but these are thought to have been dispersing juveniles (M. Sweesy, personal communication, November 5, 2003).

Given the relatively isolated and fragmented nature of the coastal sage scrub within the golf course itself and the fact that it has not been used by breeding California gnatcatchers, I do not think those habitat areas meet the definition of Environmentally Sensitive Area in Section 30107.5 of the Coastal Act. This includes those areas that have been proposed for modifications. Should any of these areas be found to provide significant support for rare species, their status would have to be reassessed (JD November 14, 2003).

Therefore, the CSS plantings on the golf course, in their present condition, do not fall under the protection of the Bolsa Chica decision.

The proposed new tee at Hole 9 will remove 102 acres of freshwater marsh habitat proposed by the applicant in mitigation of some fill permitted in a coastal canyon (Exhibit 3). The applicant states that it has restored ample riparian vegetation elsewhere on the

site (see special condition 8.D.6) and that the area removed can be absorbed in the other restoration areas. This issue need not be evaluated because the new tee on Hole 9 is not recommended for approval. Since the applicant did not provide information in its original application to support the removal, there is no evidence supporting the removal of this habitat or which would enable the Commission to judge its conformance with either the requirements of the Bolsa Chica decision, or with the LCP standards cited below.

The second issue is consistency with the LCP policies adopted to carry out Coastal Act Section 30240, which protects environmentally sensitive habitat and areas adjacent to it. The Corridors Element of the certified LCP protects sensitive habitat, identifying the bluff tops and bluff face as areas that should be investigated, and if habitat is present, impacts to the habitat must be "fully offset."

The Natural Element Section of the certified LCP, Policy No. 8 states:

*It is the policy of the City to 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.*

The LCP identified areas in which more study would be needed to identify the kind of habitat that was present and the necessary degree of protection. While the LCP identified the bluff faces and canyons on this property as potentially sensitive, the bluff tops were not so identified. The LCP proved to be an error: During the project's approval, the coastal California gnatcatcher (*Polioptila californica californica*), a threatened species, was identified on the property. The applicant, Fish and Game, and Fish and Wildlife Service agreed to a Habitat Enhancement Plan (HEP) that, after approval of the project, was adopted as a Habitat Conservation Plan (HCP). The plan allowed the "take" of some gnatcatcher habitat as long as it was replaced on more than a one-to-one basis. The applicant achieved this on- and off-site. The corridor along the bluff top was identified as one of the areas that must be revegetated to provide nesting areas for the gnatcatcher, the cactus wren (*Campylorhynchus bunneicapillus cousei*) and other increasingly rare and threatened species depending on Coastal Sage Scrub (CSS) and Coastal Bluff Scrub (CBS). Much of the bluff top had been barren and weedy—patches of habitat were located in the center of the property, on slopes and in drainages.

At the time of its approval of the project, the Commission found that the project would "fully offset" the removal of coastal sage scrub based on the applicants' assertion that a plan to consolidate habitat and create reserves on and off the property would result in a net gain in the quantity and quality of the habitat. The permit allowed the relocation and consolidation of habitat that was located throughout the site onto a strip along the bluff edge and onto certain City-owned land that is located off-site. As noted elsewhere, the 1993 coastal development permit required 67.1 acres of habitat areas to be reserved on-site and 20 acres in Shoreline Park and 85.50 acres of the "Switchback" (the area outside

of roads and fire clearance strips<sup>7</sup>) to be reserved for habitat protection purposes (Special Conditions 1 and 2). The applicant was required to restore 21.4 acres on-site, restore 20 acres off-site, and enhance 10 acres of Shoreline Park for a total of 51.6 acres to be actively enhanced or restored over a five-year period. The resources agencies allowed the applicant to increase these numbers as noted elsewhere by counting, among other things, a relatively untouched canyon on the site, the areas dedicated as a result of the lawsuit and the golf course restoration.

In this case, the resources agencies agree that the proposed changes to the golf course habitat plan is consistent with protective measures adopted to offset the habitat damage of the original development, and that the damage that would occur will be fully offset by replanting.

The Commission finds, however, if CSS is removed voluntarily, in order to fully offset the removal, the replacement should be subject to the same standards that applied to the habitat that the project is removing. The applicant states that it intends to move "mature plants" that will establish quickly. The existing permit states that the habitat on the site shall be of sufficient maturity to support nesting and feeding. The golf course habitat is mature enough to support feeding, but does not support nesting because the areas of habitat are too small and too prone to disturbance to support nesting.

To fully offset the removal, the mitigation should be at a ratio of 2:1 and the restored area should maintain the functioning of the habitat in restoration project as a whole. Special Condition 8.D.5a establishes these criteria. It states that the 18-acre golf course cannot open or houses be constructed on more than five lots in each tract until:

- (a) The restored habitat in the onsite restoration areas noted above with the exception of landslide area restoration required in subsection 7 below, is of sufficient maturity to supply food and cover and nest areas for Gnatcatchers and cactus wrens and other coastal sage scrub dependent species ... and

The Commission finds that to fully offset impacts to the habitat, there should be no damage to the functioning of the habitat as a result of allowing some adjustment in its location. Applying the same standard to the replacement as applied to the existing habitat means that replacement habitat must be established and functioning before construction of any houses on lots approved in this permit may begin, or before the 18-hole golf course can open for play.

The third issue is whether the proposed development is consistent with the underlying coastal development permit subject to this amendment request. In addition to dedicating and restoring preserves, in Special Condition 8 the Commission required the applicant to conform to any requirements of the HEP (which required 10 acres of restoration on the

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<sup>7</sup> Early offers characterized the Switchback as "almost 100 acres". However, when roads, including the road widening of Palos Verdes Drive South required by the City in as mitigation for this project, and fire clearance adjacent to roads is taken into account, the actual amount was less.

golf course). The Commission in a later amendment changed the reference from the HEP to the HCP; consequently, the permit now requires conformance with the HCP. In the HCP, the applicants agreed to create 20 acres of CSS in the non-playing areas of the golf course. The HCP included more on- and offsite acres in the restoration program than were in either the HEP or the Commission action. An example is that the HCP took the 3.9 acres of "non-golf setback" into account. It considered a significant part of Forrestal Canyon as a preserve adding another 5.3 acres in mitigation credit. It allowed another 1.2 acres of restoration in the off site program. On the other hand, the HCP used different criteria and more categories to judge habitat. While the major dedications were identical to the Commission's action, the numbers are almost impossible to compare. The HCP stated that, following completion of the development, "there will be a net gain of 29.7 acres of CSS and 2.9 acres of coastal bluff scrub on the project site." It stated there would be a net gain of "31.7 acres coastal sage scrub offsite." To reach this total, the USFWS counted the golf course restoration areas. The restored areas on the golf course were expected to provide "nesting and migratory opportunities for coastal California gnatcatchers and cactus wrens" (Exhibits 20-23.)

In its original approval, the Commission treated the revegetated golf course areas differently from other areas. The approval did not contain a map of the areas in the golf course identified for revegetation, unlike bluff top corridor areas or the offsite areas, which were carefully described. The Commission did not add a condition requiring the golf course revegetation area to be designed prior to issuance of the permit; instead, it relied on the inclusion of golf course revegetation areas in the applicants' characterization of the restoration that was pledged in the HEP, that they would institute if the project were approved (Exhibits 19, 20). The Commission did not require dedication of the areas on the golf course, and allowed the applicant to defer mapping the CSS until the golf course design was complete. Instead, it counted the golf course areas as part of the habitat restoration, and required conformance with the HEP (now HCP). Before beginning work on the golf course, the applicant and its golf course designer provided the Executive Director with detailed plans showing the provision of 20 acres and conformance with the HCP. While the applicant is bound to conform with the condition, the terms of the condition implies intent to grant flexibility within the golf course in reaching the 20-acre requirement of the HCP.

After the 1999 slide, the applicant was required to amend its HCP. Under federal regulations, the applicant has an obligation to replace both habitat damaged by the slide and habitat damaged by geologic exploration and reconstruction. The HCP estimates that the total habitat lost through both causes is 12.95 acres, which the Commission and the resource agencies required the applicant to replace on site. Because of the time that is expected to elapse between the initial damage and the establishment of replacement habitat the Commission and the resources agencies required replacement at slightly more than a 2:1 ratio to make up for interim loss of habitat, which results in a requirement of 26.96 acres of restoration on and off the site. The Commission found that this would mitigate for interim and permanent damage and "take" of animals.

The applicant has not completed the on-site slide mitigation, because the slide repair is not yet finished. The applicant asserts that the earthmoving equipment (with the exception of a few small bulldozers) left the site in early November of 2003. The applicant proposes to carry out the mitigation work at the same time as the golf course is enhanced and the habitat needing to be replaced as a result of the redesign is planted.

Within the golf course, the applicant is proposing to replace habitat lost by both the landslide and this project at a slightly greater than 1:1 ratio (See Exhibit 1 applicant's proposal and Exhibit 6, letter from the resources agencies). Special condition 8D5, imposed to allow revegetation after the slide, provides that all revegetation areas shall be planted before beginning construction of any homes in either tract, Special Condition 8.D.7 requires at all previously undisturbed habitat removed shall be replaced at 3:1 ratio. If golf course habitat that was not disturbed is considered "previously undisturbed habitat" this language implies that the applicant will need to replace 3 times the 0.8 acres removed, or 2.4 acres of habitat, instead of the habitat proposed.<sup>8</sup> The resources agencies, in calculating the repair ratio for the golf course work indicate that the removal was offset in part by the provision of 2.41 acres over and above the amount of habitat originally required in the golf course.

In the special conditions of the approved permit, the standard of review for the golf course revegetation is the HCP. In this case, the applicant proposes acreage that conforms to HCP requirements, proposes removing only 4 percent of the HCP required areas, and plans to replace them with acreage of CSS over and above what was originally planted in the late 1990's. In addition, the applicant has provided written approval from all three signatories of the HCP: the City of Rancho Palos Verdes, the California Department of Fish and Game and the United States Fish and Wildlife Service (Exhibits 6 and 7).

The Commission, under the Natural Corridors element of the LCP, has a responsibility to assure that the corridors are preserved, which includes restoring and maintaining the quality of habitat on this segment of the Rancho Palos Verdes coastline. As conditioned, to fully offset the impacts of the development, the project is in conformity with the HCP and is consistent with the Natural Corridors Element of the LCP.

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<sup>8</sup> There is also a difference between the amount of golf course habitat (1-acre) that the applicant stated was damaged by the slide in its 2000 application for golf course repair, and the 1.5 acres the applicant now states was damaged by the slide and slide repair. This discrepancy, if it is the result of more habitat removed for staging and stockpiling than originally reported, would result in the need to install additional habitat. Since some of this discrepancy could be the result of incomplete information, measuring errors, double counting or overlapping mapping, the Commission requires that the applicant re-map and recalculate both the size and location of the areas damaged by the slide and by repairs, on and off the golf course, and the dimensions of existing habitat reserves. The Commission was provided with 12.45-acre estimate of slide damage; the HCP a month later used an estimate of 12.95 acres.



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

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

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

In its action on the appeal in 1993, the Commission received testimony concerning historic public use of the trails and bluff edges on the site. The Commission reviewed petitions from people who claimed use the property for hiking, and reviewed biological assessments that identified Gnatcatcher habitat in areas slated for grading for both the golf course and for residential development. At the public hearing on April 15, 1993, the applicants proposed increases in the park and trail system. The offers of dedication that the applicants made at the hearing included additional acreage over and above the written application in response to issues raised in the staff recommendation, and by the public, regarding conformance with the LCP, potential conflicts between habitat restoration and recreation, and the project's impacts on the public's existing access to the property.

The final proposal, as approved, included 75.5 acres of dedicated lands<sup>9</sup> in addition to approximately 26,000 linear feet of trails. The applicant offered to build five trails from the bluff top to the beach on its property and on Shoreline Park, an adjacent public park. The trails are located both within the dedicated parks and preserves, and on the golf course and other private land. Based on this offer, the Commission allowed the applicant to close trails, reduce their number and replace them at new locations.

In the settlement with third parties noted above, the applicant again agreed to dedicate the noted trails and parks on the site and to improve the parks and trails required in Coastal Development Permit A-5-RPV-93-005 as amended. The trails are listed and described in Special Condition 1 of this permit (See Appendix A, Conditions).

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<sup>9</sup> 67.1 acres were required to be revegetated as habitat preserves, 8.4 acres were to be developed as parks.

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 supported its conditions on the applicant's offer and on the consistency of that offer with Sections 30210, 30211, 30252, 30240 of the Coastal Act.

#### **The Present Proposal's Impacts to Trails.**

The applicant consulted with a golf safety expert concerning the design and placement of the golf holes with respect to the safety of the trails. Several of the existing tees are close to trails. The proposed redesign of Hole 1 will increase the distance between the fairway and the principal bike trail entering the property. The proposed new tees serving Holes 3 and 5 are located closer to trails than the present tees. The edge of the new tee on Hole 3 is located 15 feet from the regional bike trail on Palos Verdes Drive South. The tee itself is 25 feet away from the trail, and 17 feet below it. The new tee on Hole 5 is located two feet away from a trail (25 feet from the center of the tee to the trail), but is also located so that the golfer will hit across a trail. When staff questioned the applicants about Hole 5, the applicants indicated that this tee would be restricted to tournament use. The permit allows up to six special events of a year, during which time two of the four on-site vertical access trails may be closed (Exhibit 4). The edge of the pad graded for the tee near the lake on Hole 9 is located 7 feet from a pedestrian trail; the distance from the center of the tee to the path is 19 feet; the elevation difference is five feet. The nearest existing tee is located 25 feet from the same trail (Exhibit 3).

With the exception of the tees at Holes 3, 5 and 9, while the new tees are close to several trails, they are not closer to the trails than the existing tees. Hole 9 is extraordinarily close to a trail (Exhibit 3). It will also impact an area that was approved to be a wetland mitigation area and that has already been planted. Special conditions 29 and 32 that refer to replacing the trails after bluff failure provide that the applicant must relocate golf facilities if they prove to be a safety hazard to visitors rather than constructing net or fencing barriers on the course. In order to avoid this conflict, the Commission requires that the applicant eliminate this tee. The Commission does not require the tee on Hole 5 to be eliminated, but instead, in new special condition 38 restricts the new tee in Hole 5 to tournament use and may be used only during the six special events allowed on the golf course each year. With these restrictions and changes to assure that public access is protected, the Commission finds that the amended permit is consistent with the public access policies of the Coastal Act and of the certified LCP.

#### **D. MARINE RESOURCES AND WATER QUALITY.**

The Certified LCP has several policies that require protection of marine resources. In its earlier action on this appeal, the Commission imposed special conditions 10 and 11 addressing water quality siltation and erosion, requiring among other things that the applicant provide the Executive Director the SWPPP report for the coming winter on

November 1 of each year. This year, the applicant has failed to provide the SWPPP, although representatives have now agreed to do this. The project contains an elaborate program to capture excess irrigation water and discharge it into the project lakes. The proposed waterfalls will operate on recirculating systems, with excess water discharges to the lakes. Surface runoff and surplus water from the project is discharged from the lakes through the canyons to the shoreline. The shoreline offshore of this project supports tide pools and kelp. The present proposal raises an issue because of the introduction of plastics and adhesives used for construction or installation of the artificial rock water falls into the recirculating lake/irrigation system.

The applicable LCP Policies in the Natural Environment Element state:

7. Prohibit activities which create excessive silt, pollutant runoff, increase canyon-wall erosion or potential for landslide, within or affecting Coastal Resource Management districts containing hydrologic factors. (CRM8)<sup>10</sup>
15. Provide mitigating measures where possible to control surface runoff that might be degrading to the natural environment.

Recent research has revealed that small quantities of some chemical pollutants, when discharged into water systems can impact habitat. In addition, small shards of plastic can also discharge into offshore waters, causing disruptions which are only now being discovered.

Therefore, the Commission requires that the applicant test the materials used in the imitation rocks of the proposed water falls and to attach the imitation rocks to the retaining wall, and use only materials that will not be hazardous to marine life, plant or animal life or to the health of humans who may come into contact with the project lakes, streams or runoff. As conditioned (Special Condition 39) the amended project is consistent with the Natural Environment Element of the LCP.

## **E. UNPERMITTED DEVELOPMENT**

While the applicant was carrying out its slide repair, the applicant changed some of the boundaries of the excavation and increased staging areas. In response to contacts with staff, the applicants proposed to revegetate any areas that were damaged that were not initially approved by the Commission. Heights of some trees were adjusted in the repair area of the golf course. Estimates of the amount of vegetation removed because of landslides or slide repair in this permit exceeds the amount initially estimated in June of 2000 when the Commission approved the slide repair A-5-RPV-03-005-A15. An amendment to the grading for the slide repair is pending and will be reported to the Commission in early 2004. As with any large project, staff periodically receives complaints that the applicant has not complied with its conditions, in this case that maintenance of vegetated areas has lapsed, that project roads in tract 50667 are posted or that the

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<sup>10</sup> The Canyons are mapped CRM 8

applicant or its security guards have attempted to close trails in the early evening, or that sandbags are not installed.

These complaints and the corrections that may be necessary have not influence the staff's evaluation or this project. On the other hand the approval of this project or staff's visit to the site in order to process this request does not represent an agreement by staff that noncompliance in of the matters has been resolved (Exhibit 11). Although staff discovered some development on the property that has taken place prior to submission of this amendment application, and other instances in which corrections are needed, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to any alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

#### **F. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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

In this case, there are several alternatives. The first alternative is denial. The Commission could decide, with respect to either the water features or the removal of mitigation habitat that the development is inconsistent with the access policies of the Coastal Act and the policies of the certified Local Coastal Program. Based on this the Commission could decide that once an area is planted with habitat, the area is so dedicated in perpetuity. This argument could easily be made in the areas on the property that were offered for dedication as habitat and subject to recorded restrictions, which now include the 67.1 acres originally dedicated as well as the 3.9 acres reserved after the 1995 settlement and the two canyons subsequently offered as mitigation for landslide work. They are restricted to habitat. Their areas are extensive (larger than a nesting territory of a gnatcatcher) and after revegetation have supported nesting.

The areas on the golf course are physically different and are described not by location but by acreage and use; their location is generally described in both the permit condition and the HCP as within the non-playing areas of the golf course. The linear areas are subject to frequent disturbance from conversations, and golfers looking for lost balls even though the habitat areas are posted "no entry" and "habitat". As noted above relocating the golf course habitat will not reduce the productivity of the site as a whole although the golf

course habitat does provide some food and cover to juveniles after they leave their nests in nearby habitat, while exploring for new nest sites. Staff observed such a juvenile near the project lake.

With respect to the water features, again leaks from the existing lakes are implicated in the 1999 17-acre slide. More water features provide more sources of leaks, adding to the risk of reactivating the slides. Alternatives would be either to permit no additional water sources on the site or to create decorative features without water.

There are feasible alternatives or mitigation measures available; however, all of them seem to be equivalent in their effectiveness in mitigation of the significant impacts of the original project. Those impacts in 1997 were closure of existing trails, removal of habitat. The proposed alternative, as conditioned, will lessen any significant adverse impact the activity, would have on the environment. Therefore, the Commission finds that the proposed project as conditioned is consistent with CEQA and the policies of the Coastal Act.

#### **SUBSTANTIVE FILE DOCUMENTS SPECIFIC TO THIS AMENDMENT**

1. Sweesy, Michael A, Dudek Associates, Letter to Kerri Davis, USFWS, "Revised Coastal Sage Scrub Acreage Analysis for the Ocean Trails Golf Course Enhancements," June 27, 2003
2. Sweesy, Michael A, Dudek Associates, Letter to Kerri Davis, USFWS, "Coastal Sage Scrub Acreage Analysis for the Ocean Trails Golf Course Enhancements," April 29, 2003
3. Sweesy, Michael A, Dudek Associates, Letter to Greg Pfof, City of Rancho Palos Verdes, "Responses to Coastal Conservation Coalition Letter Dated May 13, 2003," May 16, 2003.
4. Sweesy, Michael A, Dudek Associates, Letter to Greg Pfof, City of Rancho Palos Verdes, "Responses to Coastal Conservation Coalition Letter Dated May 13, 2003," May 16, 2003.
5. Miller, Alan C, PhD, "Reexamination of the Biological Impacts of the 1999 Ocean Trails Golf Course Landslide C on the Adjacent Shoreline and Nearshore Environments," 14 February, 2003.
6. Morton, Jess, Coastal Conservation Coalition, letter to City of Rancho Palos Verdes regarding, Certain Water features, Driving range impacts to West Bluff Preserve, Maintenance of habitat, Tee in Halfway Point Park, parking, widening of fairways, CEQA.
7. Lu Bill T PhD, Schluter, Mark Converse Consultants Converse Project No. 02-31-210 -01, Geotechnical Evaluation, Ocean Trails Golf Course Modifications, Proposed Grading Plan Amendment, Ocean Trails Golf Course, Rancho Palos Verdes California, 1, February 17, 2003,

8. Lu Bill, T. PhD, Schluter Mark, Converse Consultants, " Geotechnical Evaluation Ocean Trails Golf Course, Proposed Grading Plan Amendment Landslide C Repair Area," The Ocean Trails Golf Course, Rancho Palos Verdes, California Converse project No. 02.31-210 -01, February 17, 2003,
9. Helenschmidt, Stan, Morrison, William, senior geo technical engineer, Cotton, Shires & Associates Geotechnical Review Comments Proposed Golf Course Modifications EC0008, March 12, 2003
10. Lu Bill, T. PhD, Schluter, Mark, Converse Consultants, "Response to Cotton, Shires & Associates, Inc. Geotechnical Review, dated March 14, 2003, "Geotechnical Review Comments Proposed Grading Plan Amendment Landslide C Repair Area," Ocean Trails Golf Course, Rancho Palos Verdes, California April 24, 2003
11. Lu Bill, T. PhD, Schluter, Mark, Converse Consultants, "Response to Cotton, Shires & Associates Geotechnical Review, dated March 12, 2003,"Geotechnical Review Comments Proposed Golf Course Modifications Converse project no 02-31-210-01, April 24, 2003
12. Helenschmidt, Stan, Cotton, Shires & Associates, Geotechnical review of Converse Consultants' response dated April 24, 2003 EC0008 May 2, 2003
13. Helenschmidt, Stan, Cotton, Shires & Associates, "Geotechnical review of Converse Consultant's response dated April 24, 2003, Proposed Grading Plan Amendment Landslide C Repair Area," Ocean Trails Golf Course, Rancho Palos Verdes, ECO008C California. May 7, 2003
14. Lu Bill, T. PhD Schluter Mark Converse Consultants Response to Cotton, Shires & Associates geotechnical review dated May 2, 2003, "Geotechnical review of Converse Consultants Response dated April 24, 2003, Proposed Golf Course Modifications." Converse Project No. 02-3`-210-01, May 8, 2003
15. Helenschmidt Stan Cotton, Shires & Associates Geotechnical review of Converse Consultants' response dated April 8 2003, Golf Course Modifications, EC0008, May 13, 2003

For a list of further Substantive File Documents, see Appendix C attached.

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APPENDIX A**

**STANDARD CONDITIONS AND SPECIAL CONDITIONS**

**Currently approved A-5-RPV-93-005 as amended-through A-5-RPV-93-005-A18; changes recommended in staff report for A-5-RPV-93-005-A19 are shown in bold.**

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

**A-5-RPV-93-005-A19: NOTE:** Appendix A, attached, includes all standard and special conditions that apply to this development as approved by the Commission in its original action and its subsequent amendments, including this Amendment 19. Changes in the names of parks and trails adopted by the City of Rancho Palos Verdes are inserted into the park and trail designations. The previous designations are provided for purposes of clarity. Corrections to typographic or stylistic errors, which the Executive Director determined did not change the meaning of the conditions, have been made in this document without the use of annotated or highlighted text.

All of the Commission's adopted special conditions and changes in the project description proposed by the applicant and approved during previous Commission actions continue to apply unless explicitly changed in this action. New conditions specifically imposed in this action on Amendment 19 are shown in the following section. Within Appendix A, changes to the previously approved special conditions are also shown in bold. This will result in one set of adopted special conditions. Unless previous conditions are noted for revision, they are not being modified by the Commission's action on Amendment 19.

**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. **Interpretation.** Any questions of intent or interpretation of any Condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and Conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and Conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and Conditions.

**SPECIAL CONDITIONS:**

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

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

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



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, Sunset Point Park (Palos Verdes Drive-West Vista Park) 1.5 acres  
Lot H; Ocean Trails Park (Halfway Point Park), including all areas inland of the bluff edge trail described in 3.A(11) below, not less than: 5.21 acres
- (2) LOT D VTTM 50666, Portuguese Bend Overlook and Fuel Modification Area, as shown in Exhibit 49, not less than: 1.0 acre
- (3) Bluff Top Activity Corridor, Lot K Vesting Tentative Tract Map 50666 as shown in the Attached Exhibit I, (Roman numeral one) generally described as southerly of Lot 38 and being no less than 100 feet wide, immediately adjacent to the bluff edge (west bluff face is Lot G) extending from the easterly tract boundary with VTTM 50667 to the intersection with Lot F (Halfway Point Preserve Area), no less than 8.9 acres
- (4) Catalina View Park, (Palos Verdes Drive-- East Vista Park), Lot D within Vesting Tentative Tract Map 50667: 1.2 acres
- 5) (Bluff Top Activity Corridor Lot K, within Vesting Tentative Tract Map 50667 as shown in the attached Exhibit I (roman numeral, one) generally described as southerly of Lot 38, being no less than 100 feet wide immediately adjacent the edge of bluff (east bluff face is Lot I), no less than: 4.5 acres

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

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

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

**B. PASSIVE PARK/HABITAT PRESERVES.** Lands to be dedicated for purposes of habitat enhancement and passive recreation as shown on Exhibits I and III (roman numeral of the revised findings of the original permit):

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

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- |   |            |
|---|------------|
| Lot E, West Bluff Preserve, no less than 7 acres,<br>generally as indicated on Exhibits 2, 3 and 4<br>except that no portion of Lot E shall be closer<br>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  
identified in Condition 3 of this permit:
- |   |            |
|---|------------|
| Lot G, East Bluff Preserve, no less than  | 7.7 acres  |
| Lot I, Bluff Face and Beach, no less than | 10.1 acres |

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

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

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

(1) The entirety of the following lots within Vesting Tentative Tract Map 50666:  
Lot B, Forrestal Draw and Portuguese Bend Club connector  
Lot C managed fire break.

(2) The entirety of the following lots within Vesting Tentative Tract Map 50667:  
Lots A, B, C, for open space, drainage and slope hazards  
Lot H east end for managed fire break

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

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

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

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

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

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

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

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

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

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

**A. OFFER OF EASEMENT OVER RANCHO PALOS VERDES CITY PROPERTY**

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

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

The easement shall:

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

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

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

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

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

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

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



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

The easement shall:

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

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

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

### 3. OFFER TO DEDICATE TRAIL EASEMENTS

Prior to the issuance of Coastal Development Permit Amendment A-5-RPV-93-005-A15, the landowner shall execute and record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for public pedestrian and, where noted, bicycle access and passive recreational use of the corridors described below, but excluding from the offer any portion of a trail within any park area that has already been offered to be dedicated in Condition 1A. The easement areas offered to be dedicated shall include all portions of the following trails noted on Exhibits A, II and 5b of the Commission's original approval) and not already within a park area offered to be dedicated in Condition 1A and found on Exhibit I. Parallel trails may be described in one easement. However, in combined adjacent trail dedications, the tread widths of the trails shall not be diminished, the trail separation shall be no less than three (3) feet in width and no less than two feet of landscaped buffer shall be located in the easement, between the trail and any other use. Trail segments combined with golf cart paths are identified in Exhibit 10. In these segments, the proposed dedication shall include the entire width of the proposed golf cart path, and signs, benches, pull-outs and pavement treatment shall give clear indication that the public trail is located on the path.

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

**A.** The following access corridors located within Vesting Tentative Tract Map 50666:

(1) Palos Verdes Drive On-Street Bicycle Lane. Class II, high-speed bicycle lane on both sides of widened Palos Verdes Drive South, along all portions of Palos Verdes Drive South located within the boundaries of the tract.

(2) Ocean Vista Bikeway (Palos Verdes Drive Off-Road Bicycle Trail.) Class I, eight foot-wide off-road bicycle path in twelve-foot wide corridor along south side of Palos Verdes Drive South, along all portions of Palos Verdes Drive South located within the boundaries of VTTM 50666.

(3) Ocean Vista Trail (Palos Verdes Drive South Off-Road Jogging Trail). Class I, four-foot wide soft-footed pedestrian trail in an eight-foot corridor along South side of Palos Verdes Drive South, along all portions of Palos Verdes Drive South located within the boundaries of VTTM 50666.

(4) West Portal Bikeway (West End Bicycle Route). Class II, bicycle lane extending along the west side of Street C from Palos Verdes Drive South to the northern boundary of Lot 40, connecting at that point to a Class I, eight foot wide off road bicycle path in twelve foot wide corridor, extending, as mapped, around periphery of residential development, inland of habitat preserve, to Ocean Trails Park (Halfway Point Park), extending across the north side of Ocean Trails Park (Halfway Point Park) to connect with the Bluff Top Corridor Bicycle and Jogging Trail described in 3.A(12). This trail shall cross Forrestal Canyon via a bridge constructed by the applicant and dedicated for that purpose. Portions of this trail located in Ocean Trails Park (Halfway Point Park), as shown on Exhibit 10 may be combined with the golf cart path.

(5) West Portal Trail (West End Jogging Trail). Improved public sidewalk extending along west side of Street C from Palos Verdes Drive South to the northern boundary of Lot 40, connecting at that point, by stairs, to a Class I, four foot wide soft footed pedestrian trail in a six foot wide corridor, extending, as mapped, around periphery of residential development to Portuguese Bend Overlook. At the dedicated overlook, the trail connects with handicapped trail number 3.A (16) which is routed inland of the habitat preserve, connecting to Ocean Trails Park (Halfway Point Park.)

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

(7) Sunrise Trail (San Pedro Trail, also identified as Beach Access trail three (3)) Four foot wide, State Park standard, stabilized soft-footed, beach access trail, a bluff-to-beach access trail in the general location of Ocean Trails Park, extending to the ocean from the east side of the Ocean Trails Park. This trail shall be completed along with the golf course improvements and landslide repair approved in Amendment 15. It shall include a view platform with interpretive material about landslides. It shall include lockable swing gates at the top and bottom and warnings that the toe of the slide and other areas are deemed to be in an unsafe natural Condition by the City of Rancho Palos Verdes. The Sunrise Trail shall include railings at potentially dangerous locations, passing areas, and rest stops. (Trail 4 Exhibit A)

(8) El Portal Bicycle Trail (Street A, Palos Verdes Drive to Halfway Point Bicycle Trail). Class I, eight foot wide off road bicycle path in twelve foot wide corridor along eastern side of relocated Paseo del Mar, (known as Ocean Trails Drive) Street A, "J" road) from intersection of Paseo del Mar and Palos Verdes Drive South to Ocean Trails Park (Halfway Point Park).

(9) El Portal Sidewalk (Street A, Palos Verdes Drive to Halfway Point) paved sidewalk. Class I, four foot wide pedestrian trail in eight foot wide corridor along eastern side of relocated Paseo del Mar, (known as Ocean Trails Drive Street A, "J" road) from intersection of Paseo del Mar and Palos Verdes Drive South to Ocean Trails Park (Halfway Point Park.)

(10) Canyon Rim Trail (Forrestal Canyon overlook). Fifteen foot wide all weather fire trail with foot and bicycle access extending from the end of Street E, parallel to the west side of Forrestal Draw connecting with Streets C and D via three foot side pedestrian paths and terminating at Trail 3.A (4).

(11) Catalina View Trail (Bluff-Top Corridor Bluff edge pedestrian trail), a two foot wide soft-footed pedestrian trail generally following the present unimproved eighteen inch trail along the bluff edge in Tract 50666, extending from the upper terminus of the Torrance trail, thence around the periphery of Halfway Point, outside of Ocean Trails Park (Halfway Point Park,) connecting to the upper terminus of the San Pedro trail along the top edge of the bluff. Adjacent to the park, the trail shall be generally located inland of and parallel to the 147-foot contour line as shown in Exhibit 7. From the easterly boundary of the publicly dedicated Ocean Trails Park (Halfway Point Park,) the trail shall be routed generally along the edge of the bluff to the tract boundary on the east, connecting with the bluff edge trail in Tract 50667 described in 3B(7) below. In no case will the trail be routed where grading is required, or where cracks or undermining have occurred. In the area described by exhibit 5 of Amendment 15 of this permit as "landslide reconstruction," that is underlain by artificial fill, or the "slide block" of slide C, as also noted in Condition 29 of Amendment 15, said trail shall be located only in an area certified by a licensed engineering geologist and/or structural engineer to have a localized factor of safety of 1.5 or more. On Halfway Point, no portion of the trail shall be located below the 145-foot contour line as shown on the maps dated June 24, 1994.

(12) Catalina View Bikeway (Bluff Top Activity Corridor Bicycle and jogging Trail). Class I, eight-foot wide pedestrian/bicycle trail in a twelve-foot corridor, within the 100-foot minimum bluff top corridor. This trail begins at the end of trail 3.A.12 above in the northeasterly corner of Ocean Trails Park (Halfway Point Park,) and extends north to the western end of La Rotonda Drive. In the area described by exhibit 5 of Amendment 15 of this permit as "landslide reconstruction," that is underlain by artificial fill, or the "slide block" of slide C, as also noted in Condition 29 of amendment 15, said trail shall be located only in an

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area certified by a licensed engineering geologist and/or structural engineer to have a localized factor of safety of 1.5 or more.

(13) Flying Golfball Trail (Sewer easement trail) Class I, eight foot pedestrian/golf cart/sewer maintenance truck trail in a twelve foot corridor located generally as shown in Exhibit A, generally along the route of landslide scarp C from Halfway Point/J road ocean-ward to the Bluff edge trail generally in the center of Lot 38. (See attached Exhibit B). The upper portion of the loop trail (north of golf course hole number 18) located on the top of the slide scarp may be used by golf carts and maintenance vehicles. The lower portions of the trail located south of the golf hole and not used by golf carts may be improved with a four-foot wide soft-footed tread. Said trail shall be signed and shall be open and available for use by the general public during daylight hours.

(14) West Bluff Trail (trail 4 (four)) Being a two foot wide soft-footed pedestrian trail extending from the West End jogging and handicapped access trail described in item 3.A (5), above, and 3.A (15) the bluff edge nature trail in the West Bluff Preserve. Said trail shall connect the West End jogging trail to the bluff edge, generally in the area located directly east of the West Bluff Passive Park and Preserve area, Lot E, within the western edge of the golf course. The bluff top portions of said 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 via this trail and the dedication grants the public the right to use the entire width of the applicable portion of the golf cart path. (Trail 1, Exhibit A.)

(15) West Bluff Trail (West Bluff Passive Park Nature Trail) Being a two foot wide, fenced, soft-footed pedestrian trail as shown in Exhibit B and II extending from the Portuguese Bend Overlook (described in 1.A.2 above) to the upper edge of slide scarp A. From there, the trail splits into two branches. The first branch, which shall not be improved and shall only be opened if the United States Fish and Wildlife Service determines that the effort to conserve habitat on the site has not succeeded, leads down the scarp face to the bluff top and then along the bluff top to Mariposa Lily Point. The second branch, which shall be opened in the first stage of restoration, follows the upper edge of the scarp of landslide A, proceeding along the scarp, connecting with the beach access trail described in Condition 3.A (14) above. Said trail is to be designed in conjunction with the Department of Fish and Game, with low barriers parallel to the trail, staging areas, information signage, and other methods to protect vegetation.

(16) Park Loop Trail (Halfway Point Handicapped Loop Trail). Being a nine (9) foot wide pedestrian and handicapped accessible trail with a minimum tread width of (5) feet. The trail shall begin at the terminus of Street "A" (J road or Paseo del Mar extension). From the terminus of Street "A", the trail shall follow the easterly side of the parking lot, entering Ocean Trails Park (Halfway Point Park) on the northeasterly corner. From there, the trail shall be constructed

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

(17) Clubhouse Connector Trails, being the foot trails, stairs, decks and sidewalks shown on Exhibit 8 of permit amendment A-5-RPV-93-005A, and Exhibit 3 of amendment A11 connecting Ocean Trails Park (Halfway Point Park) with two public parking lots located at the terminus of Street "A" including all paths or walks necessary for access to the public facilities proposed within the clubhouse.

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

(19) Landslide Bypass Trail. A trail as described in Amendment 13, Exhibit 4, that connects the three Ocean Trails Public Parking lots, via Ocean Trails Drive, along the golf course path located between the 9<sup>th</sup> and 12<sup>th</sup> golf holes, and from there, to bluff top corridor trails A (11) and A (12). The entire width of the trail shall be available for foot and bicycle access. If, on June 2, 2000, trails A 11, A 12 and A 13 are restricted from public use in any manner, in addition to the requirements of Special Condition 1, the applicant shall record an offer to dedicate this trail as required in this Condition and any other trails necessary to provide access that is equivalent in time place and manner to the access along the bluff provided by these trails. Said recording shall occur no later than June 1, 2000, unless additional time is granted by the Executive Director for good cause. In no event shall the applicant interfere with public use of this trail until the Executive Director certifies that the entirety of Bluff Top Trails A(11) and (A12) have been repaired and are available to the public, and the project has provided no fewer than five beach access trails.

**B.** The following Access Corridors located within Vesting Tentative Tract Map 50667:

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(1) Palos Verdes Drive South on-Street Bicycle Lane Class II, high speed bicycle lane on both sides of widened Palos Verdes Drive South, along all portions of Palos Verdes Drive South located within the boundaries of the tract. (L6-92 117).

(2) La Rotonda Bikeway. (La Rotonda Drive On-Street Bicycle Lane). Class II, high speed bicycle lane on both sides of La Rotonda Drive connecting with trail 3.A(12) above through the parking lot and connecting with Palos Verdes Drive South.

(3) Ocean Vista Bikeway (Palos Verdes Drive South Off-Road Bicycle Trail). Class I, eight foot wide off road bicycle path in twelve-foot wide corridor along south side of Palos Verdes Drive South, along all portions of Palos Verdes Drive South located within the boundaries of VTTM 50667.

(4) Ocean Vista Trail (Palos Verdes Drive South Off-Road Jogging Trail.) Class I, four-foot wide pedestrian trail in eight-foot corridor along south side of Palos Verdes Drive South, along all portions of Palos Verdes Drive South located within the boundaries of VTTM 50667.

(5) Prickly Pear Trail (Palos Verdes Drive South Overlook-La Rotonda parking lot connector). Four foot wide pedestrian stairway and switchback trail as shown in Exhibit 10, linking viewing overlooks located on Palos Verdes Drive South west of Lot 35, VTTM 50667, through VTTM 50667 to La Rotonda trail head, road/trail interface. Any stairs necessary shall be constructed by the applicant according to applicable City and State Park standards. Portions of this trail may be combined with a golf cart path.

(6) Lakeview Trail/Bikeway (La Rotonda knoll edge trail to La Rotonda Point and bluff edge). La Rotonda Drive to La Rotonda Point, four foot wide soft footed pedestrian trail within a six foot wide corridor from Palos Verdes Drive South within Lots A, and H, then following Lot H in switch backs through Lots H and 39 to La Rotonda Overlook, connecting with bluff edge pedestrian trail 3.B (7), as shown on Exhibits B and 5.

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



shall be posted at each end of the closed trail by the applicant or its successor in interest.

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

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

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

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

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

In the event that coastal erosion, landslide or bluff collapse makes a designated trail impassable, requiring the relocation of a trail, the obligation to maintain access shall remain and the applicants or their successors in interest shall apply to the Commission for an amendment to designate an alternate trail corridor. Access along the beach and recreational use of the shoreline shall not be restricted, except for the temporary restriction of trail areas A (6), A (7), A (12) A (11) and A (18) within Slide C. If, on June 2, 2000, any portion of the above-identified trails is still considered hazardous, the applicant shall submit a complete permit application to the Commission which includes a thorough analysis of these hazardous conditions and review of options to minimize these hazards. The application shall identify replacement trail(s) or support areas that provide public access equivalent in time, place, and manner of access to the abandoned area. The applicant or its successor interest shall submit these substitute trails for the review and approval of the Commission. Within 30 days of the Commission's approval of the replacement trails and or support areas, the applicant shall dedicate and improve such substitute trail(s) or support areas as required by this Condition.

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

The dedication shall include the right of the developer and the accepting agency, subject to the limitations of the relevant portions of Condition 3 set forth above 1) to enter the property, 2) to carry out revegetation activities and maintain the areas as described in the HCP and Conditions 4 and 8 of this permit, 3) to construct and maintain required trail improvements including without limitation trails described in the Public Amenities Plan Trails and Signage Map of September 26, 1996 revised 1/20/97, in the project description, in Condition 1 and in Condition 4 below, in the Conceptual Public Amenities and Coastal Access Program of 1996, Revised, (August 28, 1997) and in the Public Amenities Plan, Trails and Signage Map of September 26, 1996 (revised 1/20/97) and (5) to perform erosion control. Additionally, the developer shall have the right to construct and use drainage devices, dewatering wells, exploratory pits, other remedial measure and monitoring wells as recommended by the City geologist provided that the construction and location of

such wells in the reasonable judgment of the Executive Director do not materially and adversely effect the purpose of Condition 1 as set forth above.

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

#### **4. ACCESS SUPPORT AND IMPROVEMENTS**

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

The first stage shall be completed to the satisfaction of the Executive Director in consultation with any accepting agency prior to closing off any existing trails. The second stage shall be completed to the satisfaction of the Executive Director in consultation with the accepting agency prior to the opening of the golf clubhouse, with the exception of a limited term non-profit golf school and the temporary 15-hole golf course. The third stage shall be completed to the satisfaction of the Executive

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Director in consultation with the accepting agency prior to the opening of the 18-hole golf course for play. The fourth stage shall be completed to the satisfaction of the Executive Director in consultation with the accepting agency prior to the construction of more than five residential units within Tract 50666 and prior to the occupancy of any residential structures.

- A.** First stage. The following shall be completed before any fencing contemplated in the executed Habitat Conservation Plan is installed (HCP Phase II): trail improvements, interpretive signs and trail fencing shall be installed and open before any fencing for habitat restoration or other facets of the project interferes with public access which may exist on the property. During construction, the applicant shall not interfere with public use of the trails listed below except as specified in Conditions 1 and 3. The following trails must be provided but may be confined within fenced corridors to prevent individuals from damaging restoration areas. The trail surfaces may be left temporarily as unimproved trails. All the existing trails located in Tract 50667, on Street A, or on the golf course within Tract 50666 shall be improved to the standards of the trail improvement plan over their entire length prior to the commencement of play on the 18-hole golf course, (with the exception of a limited term, non-profit golf school.) Before the construction of any residential units in VTTM 50666, Trails A(4) and A(5) must be improved in their entirety to the standards of the trail improvement plan.

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

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

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

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

1) Park improvements required to be completed before opening of the golf clubhouse (second stage):

- a) Ocean Trails Park (Halfway Point Park), Mini park located on Halfway Point, including seating; the 45 car, parking lot east of the park, "J Road", picnic area, public parking along Paseo del Mar;
- b) Ocean Trails Drive ("J" road, Street A,) as far as Ocean Trails Park (Halfway Point Park), including public parking areas on J road.
- c) No fewer than six view overlooks including 3 within the bluff top corridor as shown on the Public Access Amenity Plan of 1996 (updated 1997) between Ocean Trails Park (Halfway Point Park) and the East Bluff Preserve. All overlooks shall include seating but shall not require the grading or construction of pads or the use of heavy equipment 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 resource agencies serving trail 3(A)5.
- f) Parking lot for 50 cars and comfort station on Lot E VTTM 50667.
- g) In Portuguese Bend Overlook improvements, that is the overlook adjacent to West Bluff preserve in fuel management area adjacent to property line, benches, no fewer than three trees or other shade and a turnaround.
- h) Completion of East Vista Park complete with water fountain, benches, signage, and recreation facilities designed to accommodate a comparable number of visitors as are provided in parks of comparable size elsewhere in the City or operated by adjacent jurisdictions.
- i) Completion of Ocean Trails Drive ("J" road or Paseo del Mar) parking area, located to the west of the golf clubhouse.

2) Trail improvements required to be completed before opening of the golf clubhouse (second stage):

Trails required in Conditions 3, A (8) (except approximate 200 feet of the trail adjacent to East Vista Park, which shall be completed by October 15, 1999), A (16), A (17) A (18), and A (19) and also 3 B (2). All portions of

trails 3 A(6); A(8) , A(9), A(11) A(12), and A(13) that lie outside the slide area as mapped in amendment A13.

3) Trail plans required for approval second stage.

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

4) Parks and Trails required to be open to the public before opening the 15 hole golf course for play:

- All trails in Tract 50667 and Shoreline Park except for the three trails paralleling Palos Verdes Drive South;
- All portions of the bluff top trails (3 A (11), (12) and 3B(7) located outside the area authorized for grading for landslide repair (Exhibit 5 of Amendment A15);
- The beach access trails identified as 3.B (5) Prickly Pear Trail and 3.A (6) Sunset Trail;
- A portion of the park loop trail 3.A (16) along on the western side of Ocean Trails Park and adjacent to holes 10 and 11 sufficient to connect the clubhouse to the Sunset Trail as shown on Exhibit 26 of Amendment 15 ; and west of Ocean Trails Park, sufficient to connect with the west end bluff edge Trails and the Portuguese Bend Overlook;
- Bluff top portions of three West bluff trails; 3.A (5) at overlook, 3.A(14) A (15), connecting to 3.A (16);
- Temporary Trail A (19), and
- East Vista Park, both clubhouse public parking areas.

**C. Third Stage.** All trail and park improvements listed below in subsections C (1) and C (2) shall be completed, inspected by the City and accepted by the City or other accepting agency before opening the golf course for play. However, the Executive Director may authorize a temporary golf school and/or a 15-hole golf course upon verification that all Stage 2 trails and temporary trails noted in subsection B (4) above are open to the public. Revised trail plans and park plans shall be submitted as part of any plan for grading or golf course reconstruction. Said plans shall be consistent with Conditions 1 and 3, and shall provide access to the beach and to and along the top of the bluff in Tract 50666 and from trail A (7) to the eastern tract boundary of VTTM 50667. Pursuant to this requirement, the applicant shall submit evidence for the review and approval of the Executive Director of its compliance with all requirements concerning trail and habitat completion outlined above in sections A, B, in this

section C and also in condition 8 of this permit. If the Executive Director determines that such facilities are completed and open as required in its permit, he or she shall authorize opening of the 18-hole golf course.

1) Park improvements required to be completed prior to opening of the 18-hole golf course for play (third stage):

- a) Ocean Trails Park (Halfway Point Park), as shown on the materials submitted with Amendment 1 (A-5-RPV-93-005A) of this permit, sheet 3 and 3a of the Public Amenities and Coastal Access program as revised, August 28, 1997 with additional public seating and tables in locations approved by the City of Rancho Palos Verdes, as shown on Exhibits 26 and 27 of Amendment A6 including the 45 car parking lot east of the park, the shared golf and public parking lot west of the park, Ocean Trails Drive, picnic area, public parking along Ocean Trails Drive. The park shall adequately be set back from the bluff edge to (1) adequately provide for public safety and (2) to safely accommodate trail A (11) along the edge of Halfway Point.
- b) Habitat and golf course safety fencing as approved according to Conditions 6 and 7, below.
- c) Landslide and rockfall signage.
- d) Any other replacement park areas required according to Conditions 1 and 3 above.

2) Trail improvements required to be completed prior to the opening of the golf course for play (third stage):

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

3) Mitigation of Damage to State Lands.

Within four months of the Commission's approval of this Amendment 15, unless additional time is granted by the Executive Director for good cause, the applicant shall submit for the review of the State Lands Commission a study plan for a biological survey of the areas affected by the landslide. Such survey shall, in conjunction with the 1997 and 1999 surveys, reassess the condition of the biological resources affected by the landslide, the nature and extent of the

ecosystem presently functioning at the site and provide recommended mitigation measures to enhance existing resources on- or off-site, or re-establish historic biological resources at the site, with a schedule of implementation of such measures. Upon acceptance of the study plan by the State Lands Commission, the applicant shall apply to the Coastal Commission for an amendment to this permit for the Commission's review and approval of the mitigation measures recommended in the plan.

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

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

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

- 1) Park improvements required to be completed, inspected by the City and accepted by the City or other accepting agency and open to the public prior to construction of more than five model homes in Tract 50666 (fourth stage).
  - a) View Overlook at the head of Forrestal Canyon.
  - b) Completion of Sunset Point Park (West Vista Park or Palos Verdes Drive Park) complete with water fountain, benches, picnic tables, signage, and recreation facilities designed to accommodate a comparable number of visitors as are provided in parks of comparable size elsewhere in the City or operated by adjacent jurisdictions.



c) All remaining trails, amenities, and facilities outlined in the Public Access and Amenities Plan of February 5, 1993 as modified by the Conditions of this permit, the Public Amenities Plan, Trails and Signage Map of September 26, 1996 (revised 1/20/97), or otherwise required in the Conditions above.

(2) Trails and other improvements required to be completed, inspected by the City and accepted by the City or other accepting agency and open to the public prior to construction of more than five model homes in Tract 50666 (fourth stage). The applicant shall complete the improvement of the trails noted below consistent with the standards of the approved trail plan.

a) Trails identified in Conditions 3 A (1), A (2), A (3), A(4), A (5), A(10), A(14); the permanent bridge over Forrestal Canyon trail, A (17) west of the bridge and trails 3 B (1), B(3), B(4).

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

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

## **5. FENCES, SAFETY NETS AND BOUNDARIES.**

Prior to issuance of the permit or the construction of any fences authorized by Coastal Development Permit Amendment A-5-RPV-93-005-A15, the applicant shall provide complete plans showing the location of all fences, nets, safety devices and boundary treatments for the review and approval of the Executive Director. Said plans shall have received prior review and approval by the City of Rancho Palos Verdes, the California Department of Fish and Game and the United States Fish and Wildlife Service. Such fences and nets shall be as generally indicated on Exhibit VI or in the applicant's letter of

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January 14, 1997. The location, design and height of all fences, nets, and hedges shall be shown, and, in the event of vegetative boundaries, the materials shall be specified. The plans shall also have received review and comment from the golf course operator and its insurance or safety consultant.

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

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

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

- (1) Wrought iron or wire cages surrounding trails.
- (2) Any netting or wire link fences with holes smaller than commercial chain link.

- (3) Any fence over six feet in height.
- (4) Any fence that would arch over the heads of pedestrians on an approved pedestrian path.

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

## **6. ACCESS AND HABITAT MANAGEMENT AND MAINTENANCE**

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

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

## **7. DEED RESTRICTIONS.**

Prior to issuance of the Coastal Development Permit Amendment A-5-RPV-93-005-A15, the applicant shall record a deed restriction, subject to the review and **approval of the Executive Director that shall apply to lots 1-40, VTTM 50666, Lots 1-39 Vesting Tentative Tract Map 50667, and all parcels created by Parcel Map numbers 20970 and 23004.** The deed restriction shall be recorded on each lot created in the above tract and parcel maps when such lots are recorded. The deed restriction shall provide:

- A. The obligation to complete the habitat, trail and park improvements as required in Conditions 4 and 8 prior to final grading of individual lots or the

construction of more than five "model homes" in Tract 50666 or the occupancy of any residential structures.

B. The requirements for habitat and public access required in *the Special* Conditions of this coastal development permit.

C. Notice of the public's right to park on and pass through the streets of this subdivision.

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

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

F. A restriction on the use of invasive, non-native plants, as listed below in the landscaping Condition 10. A list of such plants approved by the on-site habitat manager shall be provided for the review and approval of the Executive Director prior to recording.

G. A further restriction indicating that no development, other than development approved in this permit shall occur in the park areas indicated in Condition 1A and the trail areas shown in Exhibits II, 42 and 43 except as authorized by a future coastal development permit, and as otherwise authorized by law. No coastal development permit exemptions as defined in Section 30610 of the Coastal Act shall apply to the trails described above.

H. A restriction on **all golf course lots**, Lots 38 of VTTM 50666 and **Lots 38 and 39** of VTTM 50667, describing a public access program for the improved golf cart paths. Said trails shall be signed and identified as public and shall be open and available for pedestrian use by the general public during non-golfing daylight hours.

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

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

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

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

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

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

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

D. Schedule

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

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

(3) Phase III. Schedule (HCP Phase I grading). When the Executive Director verifies that revegetation has begun and the Department of Fish and Game and or the United States Fish and Wildlife Service releases the applicant for the golf course grading, consistent with the approved final Habitat Conservation Plan, (HCP) the applicant may begin grading the golf course (Lots 38 and 39), Ocean Trails Park (Halfway Point Park) and the Ocean Trails Drive ("J road" or Paseo del Mar). The applicant may grade and stockpile on the clubhouse and clubhouse parking areas, and the westernmost tier of lots of Tract 50666. No finish grading of residential lots may occur. Applicant may also begin constructing the second stage of trail and access improvements, and the lots on VTTM 50667. At the completion of grading of the golf course, the applicant shall complete installation of the park improvements noted above as stage B in Condition 4.

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

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

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

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

Prior to commencement of construction of any residential units in Tracts 50667 and 50666 except for five (5) model homes, the applicant, irrespective of the status of any approval for golf course repair, shall

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provide evidence that it has (1) identified areas for on and off-site restoration of landslide damage to habitat; (2) secured long term control of any off-site property for purposes of restoration and (3) commenced planting on-site mitigation areas in acreage required by sub-Section 7 of this Condition.

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

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

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

b) Tract 50666. The applicant shall provide to the Executive Director all communications from the ACOE, the US Fish and Wildlife Service and/or the Department of Fish and Game concerning the required mitigation and such mitigation shall be installed prior to the construction of more than five residential units in Tract 50666.

(7) Mitigation for Landslide, and Landslide Exploration and Repair. Prior to issuance of Amendment A-5-RPV-93-005-A-15/16 for landslide remediation the applicant shall provide a revised HCP, signed by the applicant, the Department of Fish and Game and the City of Rancho Palos Verdes, and evidence acceptable to the Executive Director that such HCP has been published in the Federal Register. Prior to issuance of Amendment A-5-RPV-93-005-A-15 and A16, the applicant shall also agree in writing that no work will be done outside the limits of grading for the previously-approved winterization, as shown on Exhibit A, until the applicant has provided a fully executed revised HCP. Allowable landslide work prior to execution of the HCP includes shear pin installation and the construction of the associated haul roads and staging areas within the disturbed area. Such work does not include excavation of the slide block for purposes of installation of the MSE wall. The HCP and related materials provided by the applicant shall include::

a. The locations and types of on-site habitat restoration or enhancement required by the resource agencies. All restored habitat removed from revegetation areas by grading shall be reestablished on-site at no less than a 1:1 ratio irrespective of any off-site requirements that might also be imposed by the resource agencies. All previously undisturbed habitat removed by grading activities shall be restored on



site at a 3:1 basis.

b. An analysis of the depth of saturation caused by drip irrigation. Said information shall be provided for all property owners of off-site areas.

c. The location and amounts of any off-site habitat restoration required by the Resources Agencies. Such off-site restoration plan shall be accompanied by an irrevocable agreement with the property owners indicating intent to allow use of the property involved for long term habitat restoration purposes.

d. An estimate of the length of time that will be necessary for the coverage and maturity of habitat required by the resource agencies to establish.

e. An agreement that failing approval of golf course repair, the applicant will proceed to re-establish on-site mitigation areas in the quality and acreage required by this permit by October 1, 2000.

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

g. A schedule of completion that includes the schedule for installation of any drainage facilities or public construction in the on-site canyons.

**(8) Adjustment of boundaries and locations of Golf course habitat, 2003-2004**

- (a) Prior to issuance of the amended permit A5-RPV-93-005-A19, the applicant shall submit final detailed planting plans for the golf course habitat areas for the review and approval of the Executive Director. The applicant shall also agree in writing, in a form and content subject to the review and approval of the Executive Director, to maintain no fewer than 22.64 acres of coastal sage scrub on the golf course consistent with that plan. In addition the applicant shall identify, for the review and approval of the Executive Director, a location on or adjacent to the project site where it can plant no less than 0.66 acres additional coastal sage scrub mitigation. The golf course habitat shall be in locations generally**

**consistent with the June 27, 2003 Plans by Dudek Associates. The final plan shall also include a maintenance schedule.**

- (i) The coastal sage scrub shall installed in the 1.14 acre and 0.66 acre newly identified areas shall conform to the standards indicated in subsection 8D5 above for on-site habitat prior to opening of the 18-hole golf course for play. The golf course areas and shall be maintained in accordance with the requirements of the coastal development permit.**
- (b) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan including the installation of monitoring wells or other facilities within habitat areas shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.**

**9. GRADING PLANS AND STANDARDS.**

A. 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.

B. All final design and construction plans for landslide remediation approved in Coastal Development Permit Amendment A-5-RPV-93-005-A15, including but not limited to plans for shear pin installation, drainage, wall construction, earthwork, stockpiling, phasing of construction, shall be consistent with all recommendations contained in Sections 5, 6, 7, and 8 of the report entitled "Repair Design for Landslide "C", Ocean Trails Golf Course, Rancho Palos Verdes California," dated June 9, 2000,

by Converse Consultants , as modified by any revised plans required as a result of the Commission's actions on Amendment 15. PRIOR TO THE ISSUANCE OF THE AMENDED COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, a schedule of plan review and approval, that has been approved by the City of Rancho Palos Verdes and final plans for shear pin installation. The applicant may submit engineered final plans for the remaining work in two additional phases separately, as long as all such plans are provided no less than four months after the issuance of the amended permit. The phases are (1) the MSE wall, and (2) the lake reconstruction, Ocean Trails Park, final trails, landscaping and revegetation work. Prior to authorization of any phase of work, including, but not limited to, the commencement of installation of shear pins, the applicant shall provide, for the Executive Director's review and written approval, detailed final grading, drainage, erosion control and stockpiling plans for that phase consistent with the June 9, 2000 Geotechnical report cited above. Said plans shall be accompanied by: (a) evidence that an appropriate licensed professional and the City of Rancho Palos Verdes have reviewed and approved the final design and construction plans for that phase and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site. No work may commence on any phase of work until the applicant receives written authorization for that phase from the Executive Director.

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

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

(2) Disposal of excess material. Any excess material resulting from grading or site preparation to be deposited within the coastal zone shall be disposed of in accordance with an approved coastal development permit. No excess material shall be dumped over the bluff or placed on the beach, or on any protected habitat or restoration areas.

(3) Equipment storage. No grading equipment shall be stored within any habitat area, *or within* open space easement area, **with the exception of the 45-car public parking lot adjacent to Ocean Trails Park if such spaces are replaced with public recreation-only parking within the restaurant golf course/public lot.** With the exception of areas within the landslide remediation project as shown on Exhibit 5 of Amendment 15 of this permit, **no grading equipment shall be stored** within 30 feet of the coastal bluff.

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

C. The permittee shall undertake development authorized in Amendment 15 in accordance with the approved final plans. Any proposed changes to the approved final plans or phases of construction shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

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

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

A. Erosion and siltation control. Prior to the commencement of grading on each tract, the golf course, and prior to the landslide repair permitted in Amendment 15, the applicant shall provide to both the City and the Executive Director, for their joint review and approval, plan notes and general standards for erosion control. On or before September 15 of each year of construction, the applicant shall provide to both the City and the Executive Director for their joint review and approval, interim erosion and sediment control plans that will prevent all siltation and/or deposition of construction debris onto the beach, tide pools and habitat areas adjacent to the site. All sediment, construction debris, and waste products should be retained on-site unless removed to an appropriate approved dumping location. The approved plans shall be subject to the following requirements and include the following components:

1. Erosion on the site shall be controlled to avoid adverse impacts to beaches, tide pools and habitat areas. This shall include erosion due to on- and off-site drainage or release of water, construction activities, and the existence of roads and graded pads on the site. The applicant shall take all safe and reasonable measures to control siltation attributable to the landslide or other earth movement.
2. The following temporary erosion control measures shall be used during construction activity: a combination of temporary measures (e.g., geo-fabric blankets, spray tackifiers, silt fences, fiber rolls, sand bags and gravel bags), as appropriate, during each phase of site preparation, grading and project construction. Materials used shall be consistent with the HCP requirements concerning the introduction of weedy plant species. The applicant shall also provide containment methods to prevent man made debris and/or chemicals from slope stabilization from entering the tidepools or the offshore waters.
3. Following construction, erosion on the site shall be controlled to avoid adverse impacts on dedicated trails, public roadways, beaches, tide pools and habitat areas
4. A copy of the Storm Water Pollution Prevention Plan (SWPPP) and any amendments thereto, prepared for compliance with the State Water Resources Control Board General Construction Activity Permit, which specifies BMPs appropriate for use during each phase of site preparation, grading and project construction, and procedures for their installation, based on soil loss calculations. The submitted calculations will account for factors such as soil conditions, hydrology (drainage flows), topography, slope gradients, vegetation cover, use of chemicals or fixatives, the type of equipment or materials proposed for use near shoreline areas and groundwater elevations.
5. A site plan showing the location of all temporary erosion control measures. Such site plan may acknowledge that minor adjustments in the location of temporary erosion control measures may occur if necessary to protect downstream resources. Such measures shall be noted on project grading plans.

6. A plan to mobilize crews, equipment, and staging areas for BMP installation during each phase of site preparation, grading and project construction, with timing of deployment based on the forecast percentage of rainfall occurrence. The plan shall also address provisions for delivery of erosion prevention/control materials, or access to onsite supplies including unit costs and specifications for adequate storage capabilities.
7. A plan for landscaping, consistent with section B below.
8. Limitations on grading activities during the rainy season, from November 1 to March 31 of each year, wherein grading may only occur in increments as determined by the City Engineer. Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations, and maintained throughout the development process to control erosion, and to trap and remove manmade debris, coarse sediment and fine particulates from runoff waters leaving the site during construction activity, prior to such runoff being conveyed off site. All areas disturbed, but not completed, during the construction season, including graded pads, shall be stabilized in advance of the rainy season.

B. Landscape plans. Prior to submittal of landscape plans, and temporary erosion control plans, the applicant shall obtain the review and comments of the California Native Plant Society, the Department of Fish and Game and the United States Fish and Wildlife Service. The Executive Director shall approve plans that are consistent with the objectives of the executed Habitat Conservation Plan.

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

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

"Prohibited Invasive Ornamental Plants" or "Weedy Plants to be Eradicated" shall be introduced into any portion the project site. These lists, approved by the resource agencies, shall remain available for public consultation at the California Coastal Commission, the City of Rancho Palos Verdes, or from on-site naturalist for the Ocean Trails Project. Additions to or deletions from these lists may be made by the Executive Director of the California Coastal Commission after consultation with the project's restoration ecologist and the resource agencies.

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

- E. While grading may occur within the landslide repair area, noted as Exhibit 5 of Amendment 15 of this permit, prior to the commencement of any grading, the applicant shall place clearly visible security construction fences at the edges of all habitat areas at the boundary of the disturbed area noted in Exhibit 5, and along the outside of such areas within 100 feet from any construction road. The fences shall be located between habitat areas and all grading areas identified in Exhibit 5. No storage of equipment, or materials or stockpiling shall occur within any habitat area or on the beach. If a rock crusher is employed, it shall be placed on the undeveloped residential areas of the site or on the golf course. No drainage shall be directed over the bluff, no overspill, stockpiling, equipment storage, material storage or grading shall be conducted seaward of this fence. The fence shall include small animal escape holes if required by the Department of Fish and Game.
- F. At the end of rough grading, all rough graded lots, and all disturbed areas not included in park development, the golf course, roadways, or revegetation areas shall be revegetated with plants indigenous to the area consistent with the approved HCP and the approved landscaping plan. The plans shall specify seed and plant sources, using, as far as possible, locally collected seed.
- G. Prior to issuance of the grading permit, the applicant shall provide evidence that a bond has been posted with the City of Rancho Palos Verdes sufficient to enable the City and/or the Department of Fish and Game to provide for revegetation and stabilization of the site in the event of bankruptcy or indefinite cessation of development activities.
- H. All fuel modification plans shall have been reviewed and approved by the Los Angeles County Fire Department. Invasive plants, as noted above, shall not be employed in fuel modification areas. The majority of plants employed shall be California native plants naturally occurring on-the Palos Verdes Peninsula.
- I. Plantings in preserves and areas designated for habitat restoration shall conform to the approved revegetation plan for each area and the Executed HCP.

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

**11. FINAL DRAINAGE PLANS.**

Prior to issuance of the Coastal Development permit and prior to issuance of Coastal Development Permit Amendment A-5-RPV-93-005-A15, the applicant shall provide, for the review and written approval of the Executive Director, preliminary engineered



drainage plans for drainage facilities and a written agreement to abide by such plans for Tract 50667, and the golf course, and conceptual drainage plans for Tract 50666 and for the landslide stabilization plans approved in Amendment A-5-RPV-93-005-A15. Prior to beginning preliminary grading for Tract 50666, the applicant shall provide for the review and written approval of the Executive Director, final engineered drainage plans for Tract 50666. Said final drawings shall have received review and comment by: 1) the project geologist, 2) the City Engineer, 3) the City Geologist, 4) the United States Fish and Wildlife Service, 5) the Department of Fish and Game, 6) the United States Army Corps of Engineers, 7) the Regional Water Quality Control Board, 8) County Flood Control. Drainage plans for each drainage shall be designed consistent with one of the two alternative methods discussed in detail below: (a) tunneled pipes or (b) on-site canyons. If the applicant chooses to use Option b for Tract 50666, prior to authorization of such construction, the applicant shall submit for the review and approval of the Executive Director, final engineered working drawings for such drains consistent with the plans submitted with amendment 15 of this permit, and evidence of final approval of all of the above agencies. If the amount of hardscape required by option b increases by more than 15% an amendment to this permit will be required.

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

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

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

- The golf course shall be equipped with flow reducers or shutoff valves triggered by a pressure drop so that broken pipes do not increase flow to the storm drains.
- The applicant shall provide, for the review and approval of the Executive Director, plans for a self-contained cart washing facility that is equipped with a pre-treatment facility and if significant discharge is proposed, is connected to the sanitary sewer.
- All storm drain inlet structures must be equipped with trash racks, which shall be maintained by the golf course operator unless the racks are eligible for maintenance by the County of Los Angeles;
- The applicant shall either: (a) provide a written estimate from the project engineers verifying that less than 21% of the project area is developed with impervious surfaces; or (b) shall equip the storm drain inlets on project streets with oil water separators, which shall be maintained by the golf course operator.
- Storm drains must be stenciled with water quality warnings indicating that the drain flows to the ocean.

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

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

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

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

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

**12. REVISED PLANS**

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

**13. DELETED**

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

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

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

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

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

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

## **16. PROOF OF LEGAL ABILITY TO COMPLY WITH CONDITIONS**

Prior to issuance of the coastal development permit, or of any amendment to this coastal development permit, the applicants shall provide 1) proof of undivided legal interest in 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.**

- A. By acceptance of this amended permit A-5-RPV-93-005, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves, storm waves, and flooding; landslide, bluff retreat, erosion, and earth movement; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- B. Prior to the issuance of the coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that: (a) the applicant understands that the site may be subject to extraordinary hazard from landslide, and earth movement and bluff failure, and (b) the applicant hereby waives any future claims of liability against the Commission or its successors in interest for

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

- C. Prior to issuance of Permit Amendment A-5-RPV-93-005-A13, the applicant shall execute and record a supplement to its deed restriction, in a form and content acceptable to the Executive Director, which shall provide that: (a) the applicant understands that the site may be subject to extraordinary hazard from landslide, earth movement and bluff failure, (b) that work in the landslide area is subject to extraordinary hazards and that the design and execution of such work is the responsibility of the applicant, and (c) the applicant hereby waives any future claims of liability against the Commission or its successors in interest for damage from such hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.
- D. Prior to issuance of Permit Amendment A-5-RPV-93-005-A15, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall state that the applicant acknowledges and agrees (a) that the site may be subject to extraordinary hazard from landslide, earth movement and bluff failure, (b) that work in the landslide area is subject to extraordinary hazards and that the design and execution of such work is the responsibility of the applicant, (c) to assume the risks to the applicant and the property that is the subject of this permit amendment of injury and damage from such hazards in connection with the permitted development, (d) to unconditionally waive any claims of damage or liability against the Commission, its officers, agents and employees for injury or damage from such hazards and (e) to indemnify and hold harmless the Commission, its officers, agents and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.
- E. **By acceptance of this amended permit A5-RPV-93-005-A19, the applicant acknowledges and agrees (a) that the site may be subject to extraordinary hazard from landslide, earth movement and bluff failure, (b) that water features located upslope of a landslide area is subject to extraordinary hazards and that the design and execution of such work is the responsibility of the applicant, (c) to assume the risks to the applicant and the property that is the subject of this permit amendment of injury and damage from such hazards in connection with the permitted development, (d) to accept sole responsibility for the removal of any structural or other debris resulting from landslides, (e) to unconditionally waive any claims of damage or liability against the Commission, its officers, agents and employees for injury or damage from such hazards**

and (f) to indemnify and hold harmless the Commission, its officers, agents and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

#### **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 no earlier than one hour after sunset.)
- D. **RESTROOMS.** In lieu of construction of a separate public restroom facility, the applicant and its successors in interest shall agree to construct, maintain and to operate the comfort station in Lot E Tract 50667, the clubhouse restrooms, and lower level patio of the clubhouse as public facilities in conjunction with Ocean Trails Park (Halfway Point Park) and the public trail system.
- E. **OPERATIONS.** The applicant and its successors in interest, including but not limited to, the golf course operator shall agree and covenant with the City of Rancho Palos Verdes to operate the parking lots at the end of Ocean Trails Drive (Street A), the restrooms in the vicinity of the west end of La Rotonda Drive, easily accessible from Lot E, Tract 50667, and the restrooms and patio area within the clubhouse as public facilities. The applicant, its agents, its lessees, and its successors in interest shall open these facilities to the public from dawn to dusk. No fee or validation shall be required for use of these facilities.

F. PUBLIC USE. The rest rooms and the lower level patio area shall be public spaces available to all members of the public without discrimination or requirement of purchase, imposition of dress codes or other rules not related to the safe operation of the facilities and shall not be locked during daylight hours.

G. SIGNS. The parking lots, restrooms and lower patio area shall be identified as open to the public by appropriate visible signs subject to the review and approval of the Executive Director. The signs shall be erected in areas accessible to the public, including Ocean Trails Drive (Street A), La Rotonda Drive, the parking lots themselves and Ocean Trails Park (Halfway Point Park.)

H. OPERATION OF THE OVERFLOW PARKING LOT. The applicant, its successors in interest and or managers or lessees shall agree by covenant with the City of Rancho Palos Verdes to operate the overflow parking lot located adjacent to the maintenance yard on golf course Lot 38 VTTM 50667 from 8:00 a.m. to 5:00 p.m. on all summer and holiday weekends, during all banquets and special events and whenever there are more than 125 cars in the westerly club house parking lot.

The applicant shall assure that all covenants and agreements with the City of Rancho Palos Verdes that address the operation of these public facilities, including the parking lots, the golf course, the clubhouse, banquet room, restrooms and other public facilities, are consistent with this permit. Pursuant to this requirement, any agreements or covenants that delegate maintenance or operation of these public facilities to a third party shall be consistent with all terms and Conditions herein, and shall be provided to the Executive Director with evidence of such consistency prior to their execution.

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



**20. STATE LANDS COMMISSION REVIEW.**

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

- A. No State lands are involved in the development; or
- B. State lands are involved in the development, and all permits required by the State Lands Commission have been obtained; or
- C. State lands may be involved in the development, but pending a final determination of state lands involvement, an agreement has been made by the applicant with the State Lands Commission for the project to proceed without prejudice to the determination.
- D. Prior to issuance of Permit Amendment 13, the applicant shall provide an update to the determination required above with respect to the newly established shoreline and the areas inland of it. Any work occurring on state property must receive prior approval by the State Lands Commission.
- E. Prior to issuance of the Coastal Development Permit Amendment A-5-RPV-93-005-A15, the applicant shall provide evidence that detailed plans have been provided to the State Lands Commission and that the State Lands Commission concurs that either no state lands are involved in the project or that the work proposed is permissible and not permanent. If the State Lands Commission requires any permit or waiver, such permit or waiver shall be obtained in advance of any work. In addition, the applicant shall agree in writing to proceed with an assessment of any damage that may have occurred to intertidal areas. As noted in Condition 4 above, the applicant shall provide a written agreement with the State Lands Commission concerning repair or mitigation of any damage identified by such study prior to opening of the golf course for play.

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

**21. Lighting and Sound.**

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

A. Lighting. The lighting plan shall be subject to the review and approval of the Executive Director and shall include an analysis of the effects of the project's light, including security lights and the headlights of cars, on the bluff face and the West Bluff Preserve. Security lights shall be shielded so that light is directed to the roads and parking lots only, the golf course shall not be lighted, and the berm or wall required above shall be high enough to block all direct light from automobile headlights that might otherwise shine onto preserve areas.

B. Noise. In order to reduce traffic and facility noise, the applicants shall construct a berm or wall on the west side of the clubhouse parking lot. The berm or wall shall be high enough to block car-door and engine noises that might carry into the preserve from the clubhouse parking lot. The facility shall be sound-proofed, and night entertainment shall be limited so that noise levels in the West Bluff Preserve are not increased beyond those expected in residential areas.

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

**23. Signage, Final Public Amenity Plan.**

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

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

All public parks and parking areas required by this permit shall be operated as indicated in the Commission's Conditions of approval for Coastal Development Permit A-5-RPV-93-005 as explicitly amended by subsequent Commission actions, including but not limited to 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.<sup>i</sup>**

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

**26. REVISED SIGNAGE PLAN.**

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

**27. TEMPORARY GOLF SCHOOL.**

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

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

- A. Only the development noted in Section B below is authorized. Installation of pilings is not authorized in this amendment. The applicant may carry out slope repair, remedial grading and surface drainage controls for winter stabilization of slide C as described in the Converse letters of August 24 and 25, 1999 and the Cotton letter of August 26, 1999, except that:
- 1) Prior to issuance of Permit Amendment 13, the applicant shall submit final plans and calculations shall have been for review and approval by the Executive Director. These plans shall be in substantial conformance to the conceptual plans provided to the Commission in the Converse letters of Aug. 24 and 25 of 1999 and the Cotton letter of Aug. 26, 1999. Said final plans and calculations shall have been approved by the City of Rancho Palos Verdes Dept. of Public Works.
  - 2) Prior to issuance of Permit Amendment 13, the applicant shall provide, for the review and approval of the Executive Director, detailed plans showing all grading and disturbance areas consistent with the conceptual plans provided to the Commission and the Conditions of this permit. All such areas shall be located in the disturbed area noted in Exhibit 17, the golf course or within 25 feet of the "limits of excavation" shown on Exhibit 7. No further disturbance except for the placement of approved surface drain conduits and a drain diversion berm in already disturbed area (shown in Exhibit 17) shall occur in the Bluff face preserve (Lot G VTTM 50666) or the gnatcatcher nesting area (Lot F VTTM 50666). Grading or any other disturbance of the Bluff Top corridor habitat restoration area (Lot K VTTM 50666) is limited to: (a) grading down the graben walls and access equipment within an area no more than 25 feet from the edge of the mapped "limits of repair excavation" in Exhibit 7 (b) of Amendment 13, filling cracks as shown in Exhibit 8, (c) removing topsoil as shown in Exhibit 8b of this Amendment 13, surface drainage controls and sandbagging. This permit amendment does not exempt the applicant from the review and approval of the Department of Fish and Game and the US Fish and Wildlife Service and the terms and Conditions of the executed HCP.
  - 3) After approval of the areas that may be disturbed, the applicant shall install highly visible temporary fencing around all habitat areas within and adjacent to the job-site that are to be protected, and call for inspection from the Department of Fish and Game. A note identifying protected areas shall be placed on all grading plans.
  - 4) All equipment access routes, and stockpile areas shall be located on the golf course, Halfway Point Park, **the 45-car lot**, and the disturbed area of the slide block as shown in Exhibit 17. All silt and runoff from the stockpiles and the disturbed graded areas of the site shall be controlled and confined within the site. Pursuant to this requirement, prior to

issuance of Permit Amendment 13, the applicant shall provide erosion control plans for the review and approval of the Executive Director. Said plans shall be approved in advance by the City of Rancho Palos Verdes and conform to all Conditions of this permit.

- 5) Prior to issuance of Permit Amendment 13, the applicant shall provide, for the review and approval of the Executive Director, plans identifying feasible measures to protect intertidal areas and scree slopes. The applicant shall utilize all feasible measures to reduce further siltation from the slide into the ocean. The plan shall be provided to the Commission in advance of submittal to the State Lands Commission and the Department of Fish and Game.
- 6) Prior to issuance of Permit Amendment 13, the applicant shall provide, for the review and approval of the Executive Director, the City Department of Public Works and the Department of Fish and Game, detailed specifications for the backfill of cracks and fissures, including materials. Fissures shall be flagged and sandbagged as required by the City Engineer to avoid percolation and/or hazards to employees and the public. The plans shall include monitoring and re-filing if necessary.
- 7) Prior to issuance of Permit Amendment 13, the applicant shall provide plans for the review and approval of the Executive Director showing Erosion and drainage control as required. Said plans shall have been approved by the Project Engineer and City of Rancho Palos Verdes. The plans shall include: (a) the construction of a berm on the north side of the graben to route drainage away from the graben, (b) grading within the graben to create positive drainage and prevent ponding, (c) temporary surface conduits to direct drainage to ocean, (d) sandbags around repaired cracks and fissures, (e) sandbags and silt fences as needed elsewhere on the site and in Halfway Point Park, (f) low berms and diversion structures in already disturbed areas as needed to keep water off the face of the slide and (g) other safety and erosion control devices as long as such devices are located in the disturbed area noted as Exhibit 17 of Amendment 13. Any grading for such erosion control shall be limited to the golf course, the areas within 25 feet of limits of repair in Exhibit 7, or already disturbed areas (Exhibit 17).

**B.** The following work is authorized.

- 1) Drilling and grading for geologic exploration within the already disturbed Bluff Top Corridor Area on slide C as shown in Exhibit 17 of Amendment 13, within the golf course, and within 25 feet of the "limit of excavation" as shown on exhibit 7, provided that no drilling or grading removes established plants identified as critical habitat or as rare and endangered by the Department of Fish and Game. Installation of safety fencing and

access control.

- 2) Fill fissures, cracks and gullies on bluff top at Halfway Point, as necessary to avert potential block failure on face of cliff including the large block, identified as "Fissured Rock Mass" on Exhibit 6 of Amendment 13, on the seaward bluff adjacent to Halfway Point.
- 3) Fill approximately 76 mapped cracks and fissures on main slide block as shown on Exhibit 8 of Amendment 13 with rocks, material from the graben and a top capping of sand and bentonite, to form an impervious surface layer.
- 4) Salvage topsoil from slide block and stockpile for future habitat restoration; install erosion control at edges of work to prevent siltation into the ocean; and install temporary fences at edge of habitat in remaining Lot K, F and G habitat areas to prevent accidental disturbance of the habitat.
- 5) Trim back oversteepened, unstable graben slopes up to a slope of 1.5:1 as shown on the "limits of repair" shown in Exhibit 7 and as Conditioned above.
- 6) Install safety fencing.
- 7) The erosion control work described in subsection A 7 above.

## 29. REVISED PLANS

A. Prior to issuance of the permit amendment A-5-RPV-93-005A15, the applicant shall submit, for the review and written approval of the Executive Director, revised conceptual golf course landslide repair and trail plans and a written agreement that final plans will comply with the following: The plans shall show that within the limits of the area graded for landslide repair as shown on Exhibit 5 of Amendment 15, that are also underlain by artificial fill, or by the slide block of Slide C, the bluff top pedestrian trail and the entire accompanying bluff top bicycle trail are located on land that (1) is not likely to be subject to catastrophic failure or deep and hazardous cracks, (2) can be reasonably maintained and (3) can be safely entered for repair and (4) has a localized factor of safety of 1.5 or more. The plan shall be prepared by a licensed geotechnical engineer or civil engineer and shall be approved by the accepting agency.

- 1) Said plans shall be consistent with golf course risk analysis policy used in the initial design of the trails.
- 2) Said plans shall show the trails and their dimensions consistent with the requirements of Condition 3.

- 3) The methods to calculate the factor of safety shall be consistent with established professional standards.
- 4) If the golf course is required to be redesigned to accomplish this goal, said plans shall show the changes to the golf course design.
- 5) Said plans shall not employ an overhead wire cage (a "slinky") to assure trail user safety.

B. Consistent with the schedule submitted in conformance with condition 9B above, but no later than 120 days after the issuance of this permit amendment A-15, the applicant shall provide final engineered park, trail and landscaping plans and lake reconstruction plans, approved by the City and the resource agencies that are consistent with all provisions of the Commission's action. No construction shall occur in any phase until the Executive Director approves such plans as consistent with the Commission's actions and the provisions of this permit.

C. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

### **30. MONITORING THE LAKES**

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

### **31. LANDSLIDE INVESTIGATIONS**

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

### **32. TRAIL REPLACEMENT**

A. By acceptance of this amended permit, Coastal Development Permit Amendment A-5-RPV-93-005-A15, the applicant acknowledges and agrees that if either of the bluff top trails (Trails identified in Conditions 3.A.11; 3.A.12; 3.B.3 or 3.B.7) fails, and cannot be reasonable repaired within two weeks of damage, the applicant will replace the trail(s). Said replacement trail(s) will be located in a safe area between the bluff edge and the golf course. In such relocation the applicant shall take all reasonable measures to assure the public safety from golf balls. No cage or "slinky" shall be permitted in lieu of golf course redesign. Further, the applicant agrees to complete all replacement trails approved in this permit within two months of damage to the trail. The design for such trails shall be accompanied by redesign and relocation, as necessary, of other improvements on the property, including the golf course.

B. PRIOR TO ANY CONVEYANCE OF THE PROPERTY THAT IS THE SUBJECT OF THIS AMENDED COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of subsection (a) of this Condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

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

### **33. INSPECTIONS.**

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

### **34. COMPLIANCE.**

All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any changes approved in this and other amendments and subject to any revised plans provided in compliance with the Commission's special conditions and any other special conditions noted above. Any proposed change from the approved plans must be reviewed and approved by the Executive Director to determine if an amendment is necessary.

### **35. BUYER' (S) ACKNOWLEDGMENT.**

A. Prior to issuance of this amended coastal development permit, the owner(s) of the property that is the subject of this permit shall agree that before close of escrow



on any sale or transfer of any of that property or any interest in that property that occurs before completion of all public amenities required in permit condition 4 and establishment of habitat restoration areas required in permit condition 8 (collectively, the "Improvements"), the owner-seller shall secure a letter from the buyer of the property (1) acknowledging (a) that the conditions imposed by this permit, as amended, run with the land, (b) that the use and/or development of the land may therefore be restricted by special conditions 4, 7, 8, 15, 18 and 19 of the permit, and by any agreements entered into (see, e.g., agreement among the applicant, the City and the resources agencies, known as the Habitat Conservation Plan) and deed restrictions recorded pursuant thereto, and may be further affected by special conditions 23 (and the public amenities plan prepared pursuant thereto), 26 (and the signage plan prepared pursuant thereto), and 32 (and any deed restriction(s) recorded pursuant thereto), and furthermore, (c) that pursuant to special conditions 1, 3, and 24 of the permit and the special offers recorded pursuant thereto or otherwise required in this coastal development permit, the public has certain rights with respect to future use of project streets and trails; and (2) agreeing that, prior to any further sale or transfer of any of the property or any interest in the property that occurs before completion of the Improvements, that that buyer-turned-seller shall secure from its buyer a letter to the same effect.

- B. Subsequent to the issuance of this amended coastal development permit, and prior to the close of escrow on the sale or transfer of any of the property or any interest in the property that is the subject of this permit that occurs before completion of all of the Improvements, the owner of the property being sold shall secure a letter from the buyer (1) acknowledging (a) that the conditions imposed by this permit, as amended, run with the land, (b) that the use and/or development of the land may therefore be restricted by special conditions 4, 7, 8, 15, 18 and 19 of the permit and by any agreements entered into (see, e.g., agreement among the applicant, the City and the resources agencies, known as the Habitat Conservation Plan) and deed restrictions recorded pursuant thereto, and may be further affected by special conditions 23 (and the public amenities plan prepared pursuant thereto), 26 (and the signage plan prepared pursuant thereto), and 32 (and any deed restriction(s) recorded pursuant thereto), and furthermore, (c) that pursuant to Special Conditions 1, 3, and 24 of the permit and the special offers recorded pursuant thereto or otherwise required in this coastal development permit, the public has certain rights with respect to future use of project streets and trails; and (2) agreeing that, prior to any further sale or transfer of any of the property or any interest in the property that occurs before completion of the Improvements, that that buyer-turned-seller shall secure from its buyer a letter to the same effect.
- C. A copy of such letter(s) shall be provided to the Executive Director, and the Planning Director of the City of Rancho Palos Verdes.

**36. SAFETY AND CONSTRUCTION OF WATER FEATURES.**

**A. Prior to issuance of the amended permit A5-RPV-93-005-A19, or construction of any water feature on Holes 1 or 12, within the landslide repair area, the applicant shall submit for the review and approval of the Executive Director written agreements to incorporate all safety features that were recommended in the Converse letters dated February 17, 2003, April 24, 2003 and May 8, 2003, and in the Cotton-Shires review letters dated March 12, 2003, May 2, 2003, and May 13, 2003 into the final designs of the water features and the new tees.**

**B. Pursuant to this agreement, the applicant shall:**

- 1. Construct a new clay cap in areas to be irrigated under which the old clay cap does not extend,**
- 2. Implement a testing program to ensure that material stockpiled for the construction of a new clay cap meets the requirements outlined in the Converse reports dated February 17, 2003, April 24, 2003 and May 8, 2003.**
- 3. Implement a testing program to identify and avoid potential problems related to the construction of caisson-founded retaining walls as outlined in the Converse reports dated February 17, 2003, April 24, 2003 and May 8, 2003,**
- 4. Construct the retaining walls consistent with the geotechnical parameters advised for their structural in the Converse report dated February 17, 2003;**
- 5. Construct drainage systems comparable to those required by the existing permit as described in the Converse letter dated February 17, 2003,**
- 6. Install ground water monitoring wells as described in the Converse reports dated February 17, 2003, April 24, 2003 and May 8, 2003, and**
- 7. Implement a monitoring program as described in the Converse reports dated February 17, 2003, April 24, 2003 and May 8, 2003**

**C. The applicant shall provide two copies of all monitoring reports required in this special condition, including reports of the lake monitor, to the Executive Director within ten days of their completion. The applicant shall also submit any recommendations or comments by the City of Rancho Palos Verdes Department of Building and Safety or their consultants to the Executive Director within 10 days of their receipt.**

**D. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be**

reported to the Executive Director. No changes to the approved final plans shall be carried out without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**37. EVIDENCE OF CONFORMANCE OF ACTUAL EXTENT OF HABITAT AREAS WITH ESTIMATED ACREAGE.**

A. Prior to recordation of any lot line adjustment, but in any event prior to opening of the 18-hole golf course for play, the applicant shall provide for the review and approval of the Executive Director accurate surveys showing the dimensions of all land disturbed by grading and stockpiling and all parks, trails and habitat areas offered by the applicant and or required by this permit. If any such lots or habitat areas are smaller than described in the applicant's proposal and or in the special conditions, the applicant shall submit plans showing how any discrepancies will be resolved consistent with the terms and conditions of the permit. Following the Executive Director's review and approval of these plans the applicant shall implement them, unless the Executive Director determines that a permit amendment is required.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall be carried out without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**38. CONFLICTS WITH TEE PLACEMENT AND DESIGN**

It is the intent of the Commission that conflicts between the public's safety and the design of the golf course be resolved in favor of the public. Consistent with Special Condition 5, no wire cage (or "slinky") may be constructed over any trail on the golf course. Conflicts shall be resolved without closing the trails describe in Special Condition 3, and must be resolved by redesign, closure or relocation of tees if injuries to trail users are attributed to the distance or design of trails or the relative elevation of any tee and a public trail.

Pursuant to this concern, prior to issuance of the amended permit A-5-RPV-93 005-A19; the applicant shall submit revised plans for the review and approval of the Executive Director, eliminating the new tee at Hole 9. The applicant shall also acknowledge in writing that the new tee in Hole 5 is restricted to tournament use and may only be used during the six special events allowed on the golf course each year.

**39. WATER QUALITY IMPACTS OF WATER FEATURES.**

Prior to issuance of the amended permit A5-RPV-93-005-A19 the applicant shall provide for the review and approval of the Executive Director the following information concerning the artificial rock proposed for the water features:

- a. All manufacturers' statements concerning the chemical makeup of the material, including information on any constituents that may or have in the past leached into nearby waters,
- b. Reports of any laboratory testing of the rocks and the constituents proposed for use in the rocks and any adhesives proposed to attach the rocks to the walls,
- c. Any analysis of the tendency of the material to slough off or fragment into the water system.

The information shall be adequate to demonstrate to the satisfaction of the Executive Director that the artificial rocks and the materials used to construct them and/or attach them to the retaining walls will not be hazardous to marine life, plant or animal life or to the health of humans who may come into contact with the project lakes, streams or runoff.

**40 DEED RESTRICTION.**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.



## Appendix C

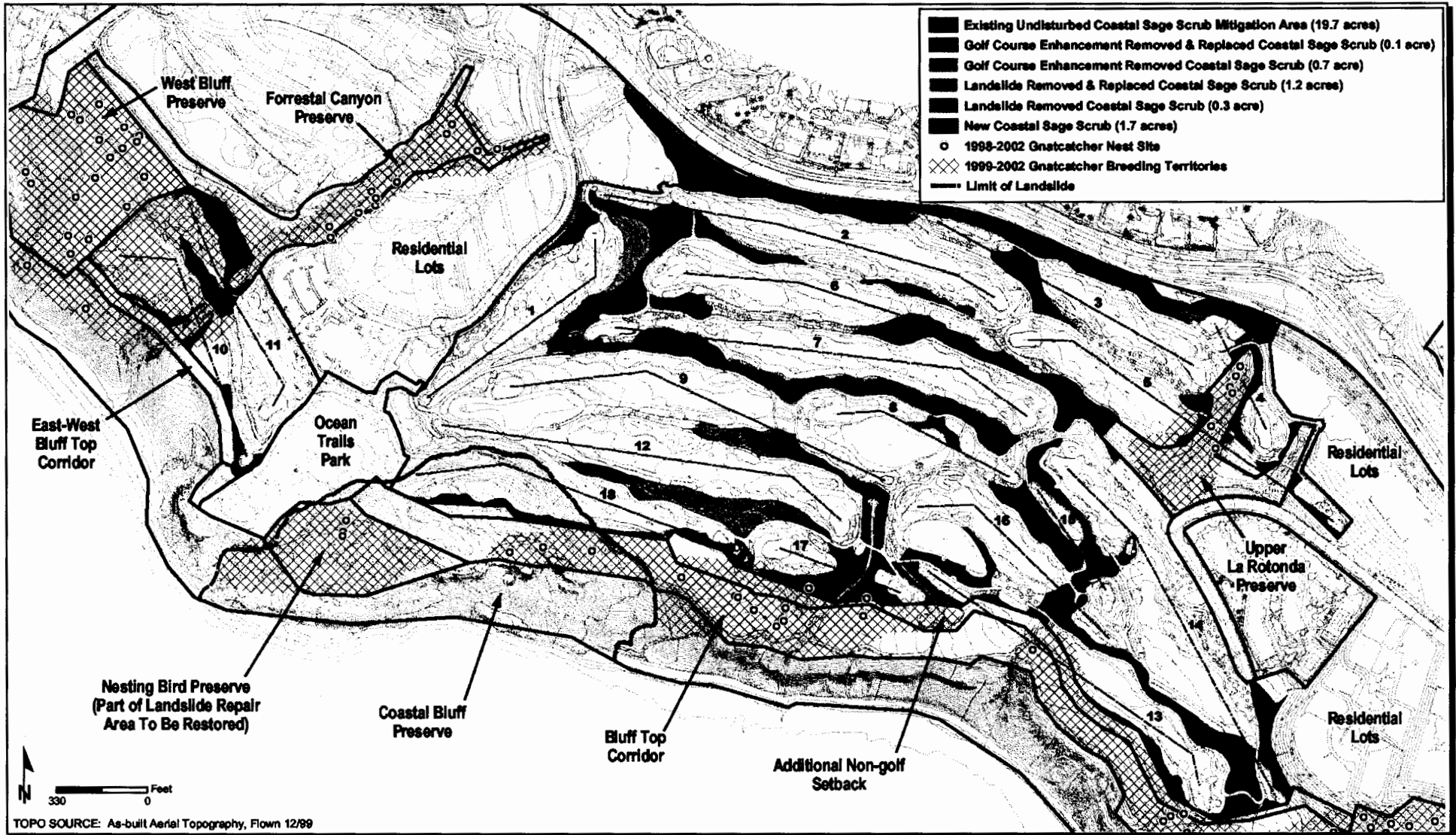
### Substantive File Documents

1. Sweesy, Michael A, Dudek Associates, Letter to Kerri Davis, USFWS, "Revised Coastal Sage Scrub Acreage Analysis for the Ocean Trails Golf Course Enhancements," June 27, 2003
2. Sweesy, Michael A, Dudek Associates, Letter to Kerri Davis, USFWS, "Coastal Sage Scrub Acreage Analysis for the Ocean Trails Golf Course Enhancements," April 29, 2003
3. Sweesy, Michael A, Dudek Associates, Letter to Greg Pfof, City of Rancho Palos Verdes, "Responses to Coastal Conservation Coalition Letter Dated May 13, 2003," May 16, 2003.
4. Sweesy, Michael A, Dudek Associates, Letter to Greg Pfof, City of Rancho Palos Verdes, "Responses to Coastal Conservation Coalition Letter Dated May 13, 2003," May 16, 2003.
5. Miller, Alan C, PhD, "Reexamination of the Biological Impacts of the 1999 Ocean Trails Golf Course Landslide C on the Adjacent Shoreline and Nearshore Environments," 14 February, 2003.
6. Morton, Jess, Coastal Conservation Coalition, letter to City of Rancho Palos Verdes regarding, Certain Water features, Driving range impacts to West Bluff Preserve, Maintenance of habitat, Tee in Halfway Point Park, parking, widening of fairways, CEQA.
7. Lu Bill T PhD, Schluter, Mark Converse Consultants Converse Project No. 02-31-210 -01, Geotechnical Evaluation, Ocean Trails Golf Course Modifications, Proposed Grading Plan Amendment, Ocean Trails Golf Course, Rancho Palos Verdes California, 1, February 17, 2003,
8. Lu Bill, T. PhD, Schluter Mark, Converse Consultants, " Geotechnical Evaluation Ocean Trails Golf Course, Proposed Grading Plan Amendment Landslide C Repair Area," The Ocean Trails Golf Course, Rancho Palos Verdes, California Converse project No. 02.31-210 -01, February 17, 2003,
9. Helenschmidt, Stan, Morrison, William, senior geo technical engineer, Cotton, Shires & Associates Geotechnical Review Comments Proposed Golf Course Modifications EC0008, March 12, 2003
10. Lu Bill, T. PhD, Schluter, Mark, Converse Consultants, "Response to Cotton, Shires & Associates, Inc. Geotechnical Review, dated March 14, 2003, "Geotechnical Review Comments Proposed Grading Plan Amendment Landslide C Repair Area," Ocean Trails Golf Course, Rancho Palos Verdes, California April 24, 2003
11. Lu Bill, T. PhD, Schluter, Mark, Converse Consultants, "Response to Cotton, Shires & Associates Geotechnical Review, dated March 12, 2003," Geotechnical Review Comments Proposed Golf Course Modifications Converse project no 02-31-210-01, April 24, 2003

12. Helenschmidt, Stan, Cotton, Shires & Associates, Geotechnical review of Converse Consultants' response dated April 24, 2003 EC0008 May 2, 2003
13. Helenschmidt, Stan, Cotton, Shires & Associates, "Geotechnical review of Converse Consultant's response dated April 24, 2003, Proposed Grading Plan Amendment Landslide C Repair Area," Ocean Trails Golf Course, Rancho Palos Verdes, E00008C California. May 7, 2003
14. Lu Bill, T. PhD Schluter Mark Converse Consultants Response to Cotton, Shires & Associates geotechnical review dated May 2, 2003, "Geotechnical review of Converse Consultants Response dated April 24, 2003, Proposed Golf Course Modifications." Converse Project No. 02-3'-210-01, May 8, 2003
15. Helenschmidt Stan Cotton, Shires & Associates Geotechnical review of Converse Consultants' response dated April 8 2003, Golf Course Modifications, EC0008, May 13, 2003
16. Ocean Trails, L.P., "Habitat Conservation Plan", 1997.
17. Ocean Trails, L.P., "Habitat Conservation Plan Amendment," August , 2000
18. City of Rancho Palos Verdes, October 6, 1999, letter from Les Evans, City Manager, transmitting conceptual approval of shear pin design.
19. City of Rancho Palos Verdes, October 6, 1999, letter from Les Evans, City Manager, to Kenneth A. Zuckerman, concerning termination of city review process.
20. City of Rancho Palos Verdes, September 29, 1999, letter from Carolyn Petru, Assistant City Manager concerning status of city approval of shear pin design.
21. Cotton, Shires & Associates, Inc., City of Rancho Palos Verdes' consulting engineering geologists, Memorandum, August 26, 1999, to Dean Allison (City of Rancho Palos Verdes Public Works Director,) "Geologic Review Comments Regarding Repair Efforts Prior to the Rainy Season."
22. Cotton, Shires & Associates, Inc., Memorandum of **September 30, 1999**, to Dean Allison, Preliminary Geotechnical Review Comments Regarding Shear Pin Installation Winterization Plan Part B.
23. Cotton, Shires & Associates, Inc., Memorandum, **October 8, 1999**, to Les Evans, City Manager, "Winterization Effort Prior to the Rainy Season."
24. Cotton, Shires & Associates, Inc., Memorandum , **October 11, 1999** to Dean Allison, " Geotechnical Review Comments Regarding Converse Consultants; Response to Report Dated October 6, 1999: Winterization Plan Part B
25. Perry Ehlig, City of Rancho Palos Verdes' City Geologist, Memorandum of September 20, 1999, to Bill Lu, Converse, " Comments on Winterization Plan Parts and A and B, Ocean Trails Golf Course.
26. Converse Consultants, Applicant's Geotechnical Consultant Memorandum August 9, 1999, "Update on Ocean Trails Landslide "C" Restoration and Adjacent Coastal Access Trails."

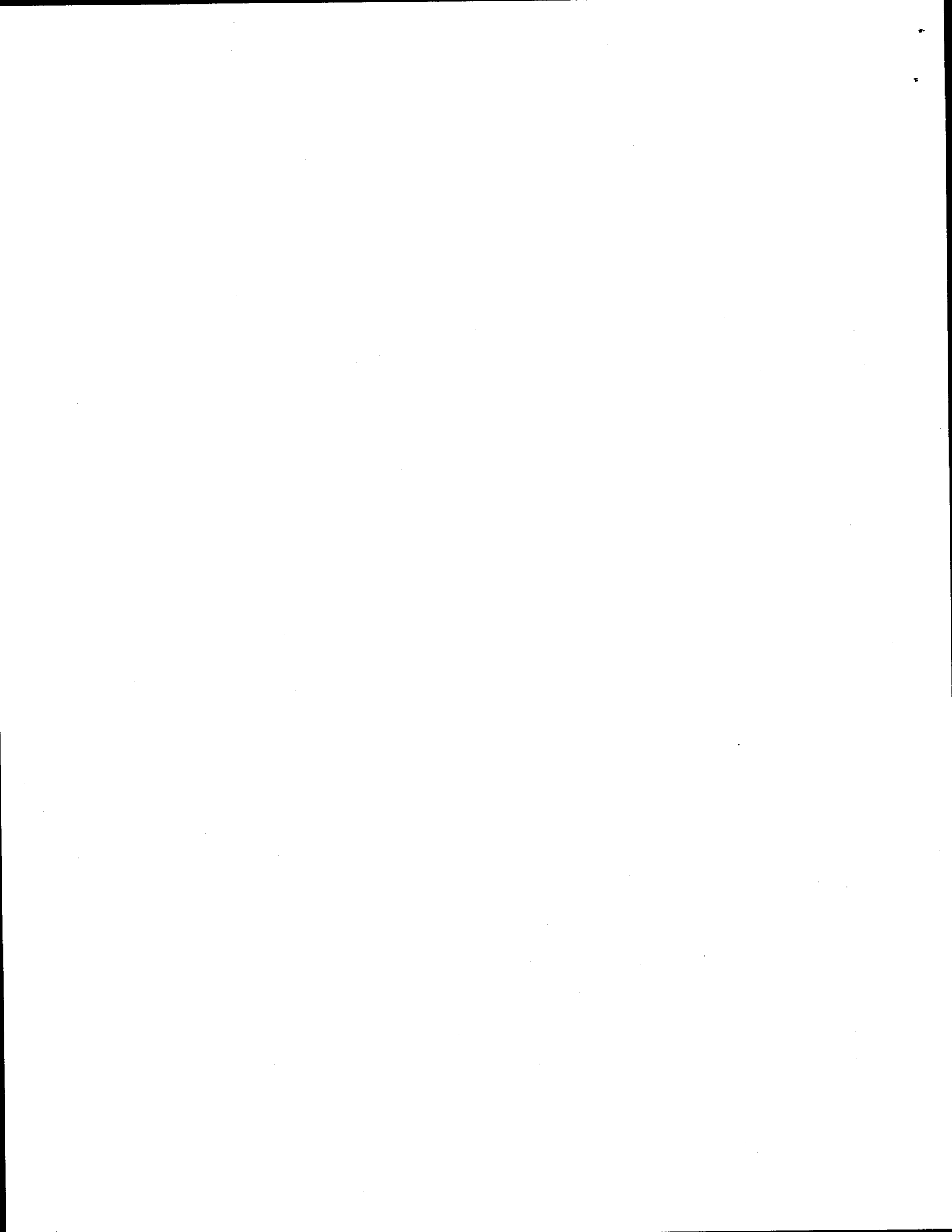
27. Converse Consultants; Letter, August 23, 1999, Prior recommendations for filling tension cracks, to Kenneth Zuckerman
28. Converse Consultants, August 25, 1999, Draft Report Preliminary Repair Design, for Landslide C.
29. Converse Consultants; Report, September 7, Clay Cap Investigation, Ocean Trails Golf Course.
30. Converse Consultants; Report, September 15, 1999, Winterization Plan, Part B, Installation of Large Diameter Shear Pins.
31. Converse Consultants; Memorandum September 20, 1999, to Perry Ehlig, Response to Comments on Winterization Plan parts A and B.
32. Converse Consultants; Bill Lu, Memorandum September 27, 1999 Response to Perry Ehlig memo of Sept. 20, 1999
33. Converse Consultants, Bill Lu, Memorandum, September 29, 1999, Selected Case Histories of Using Large Diameter Piles to Stabilize Landslides.
34. Converse Consultants, Memorandum, October 6, 1999, Response to Perry Ehlig's September 24, 1999 memo
35. Converse Consultants, Memorandum October 6, 1999, Response to Preliminary Technical Review Comments Regarding Shear Pin Installation Winterization Plan Part B, by Cotton Shires and Associates, dated September 30, 1999.
36. Converse Consultants, Memorandum, October 13, 1999, Geotechnical Considerations, Shear Pin design.
37. D. Bartlett Associates; landslide repair alternatives matrix
38. Skelly Engineering , Letter October 7, 1999, "Preliminary plans for Restoration of Coastal Access and Surfing Resources."
39. ESCO, September 23, 1999, Blueprint: Winterization plan, Ocean Trails.
40. Dudek Associates, Michael Sweesy, October 13, 1999, report, "Revised Landslide Impact analysis for Landslide C, Ocean Trails"

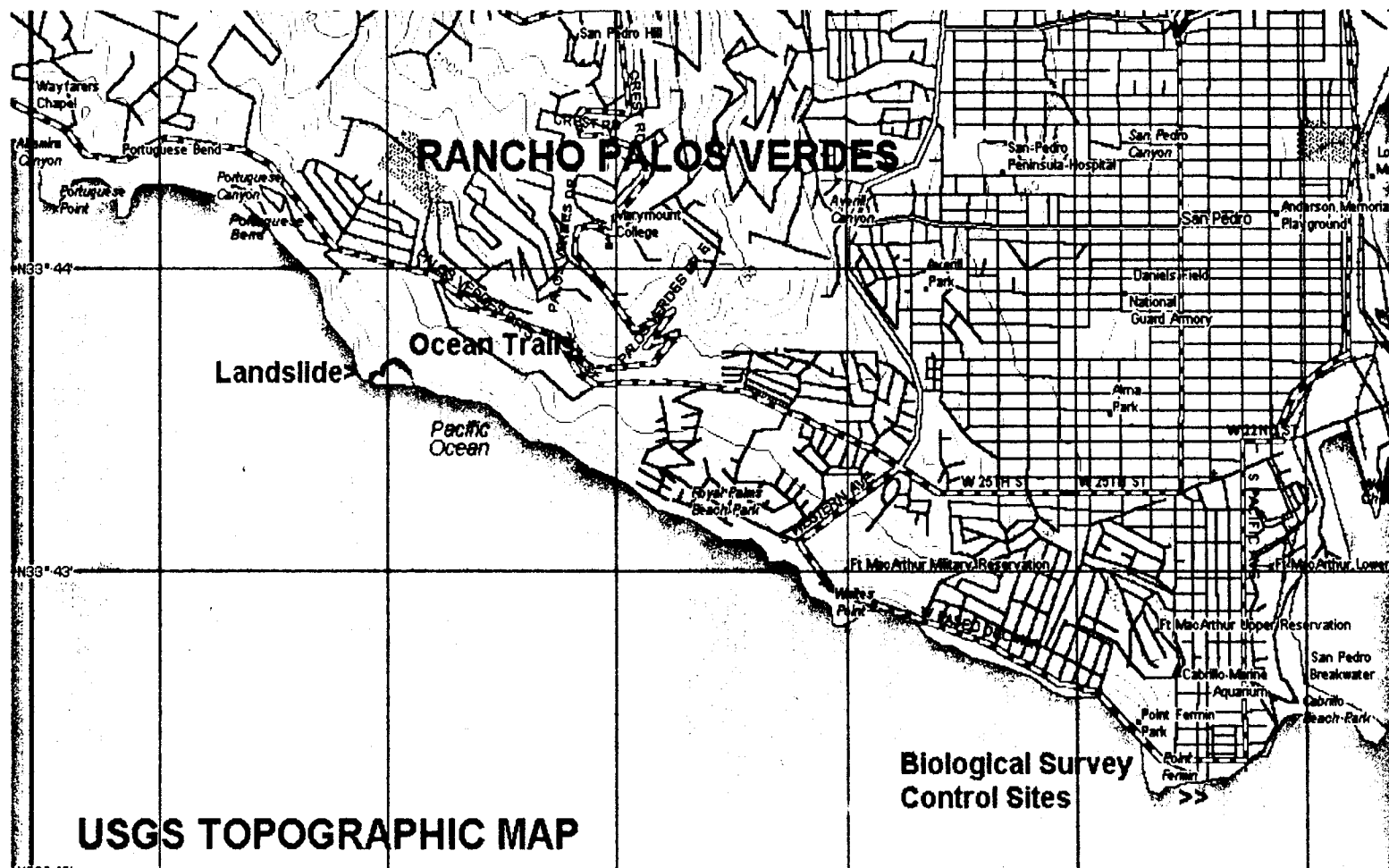




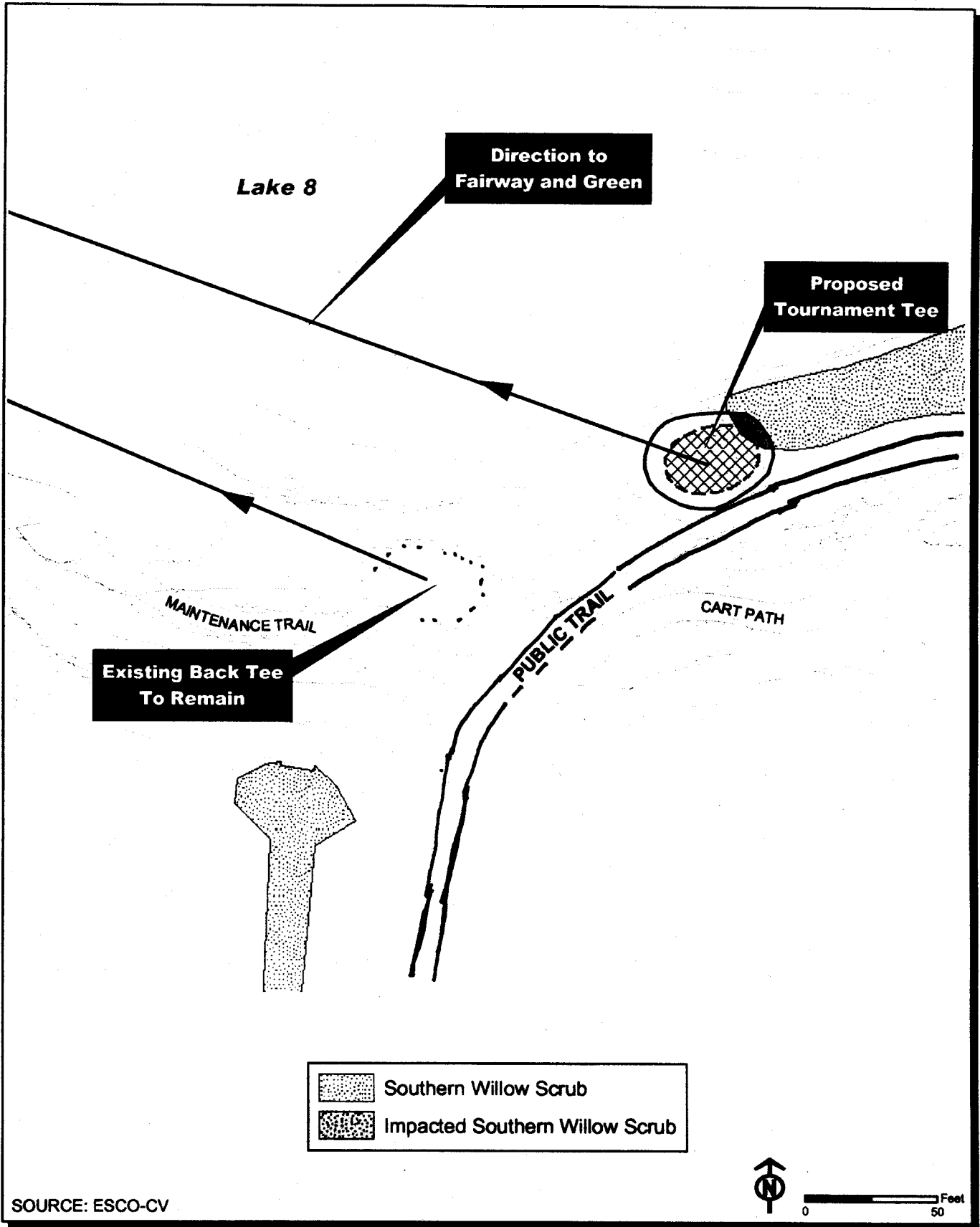
A-5-RPV-93-005-A19 Exhibit 1 Applicant's Golf Course Habitat Program

Ocean Trails Golf Course Enhancement 2003  
Coastal Sage Scrub Acreage Analysis





A 5. RPY. 93 005 A19  
Exhibit 2 Location



SOURCE: ESCO-CV

**A-5-RPV-93-005-A19**  
**Exhibit 3 Hole 9**

**Ocean Trails**  
**Existing and Proposed Tees for Hole 9**

**FIGURE**

**Pam Emerson**

---

**From:** Mike Sweesy [msweesy@dudek.com]  
**Sent:** Wednesday, November 19, 2003 11:05 AM  
**To:** Pam Emerson (Pam Emerson)  
**Subject:** FW: Corrected Hole 9 Distance from Trail



Hole9Tee.pdf

Oops! I corrected the distance of the existing tee to the public trail below. Sorry for the confusion!

-----Original Message-----

**From:** Mike Sweesy  
**Sent:** Wednesday, November 19, 2003 11:03 AM  
**To:** Pam Emerson (Pam Emerson)  
**Subject:** FW: Hole 9 again

Pam: attached is a .pdf graphic of the proposed Hole 9 tee and it's relation to the public trail. As you can see, the trail runs behind the trail and I believe it would be a rare event that a ball would be hit anywhere near the trail, given the direction to the green and fairway, as shown. I am told by Ocean Trails that the tee box will be elevated approximately 2 feet above the trail elevation using rock walls. As depicted, the existing and proposed tee boxes are approximately 25 feet and 7 feet from the public trail.

With regard to wetland impacts, the new tee box will impact approximately 102 sq. ft. of wetland mitigation area in the form of southern will scrub. We believe the additional southern willow scrub that has been established in the adjacent Golf Course Canyon drainage (depicted on graphic below Lake 8) more than compensates for this minor impact.

Please call me if you have any additional questions. I will be at Ocean Trails tomorrow, if that info. is of any help.

Mike

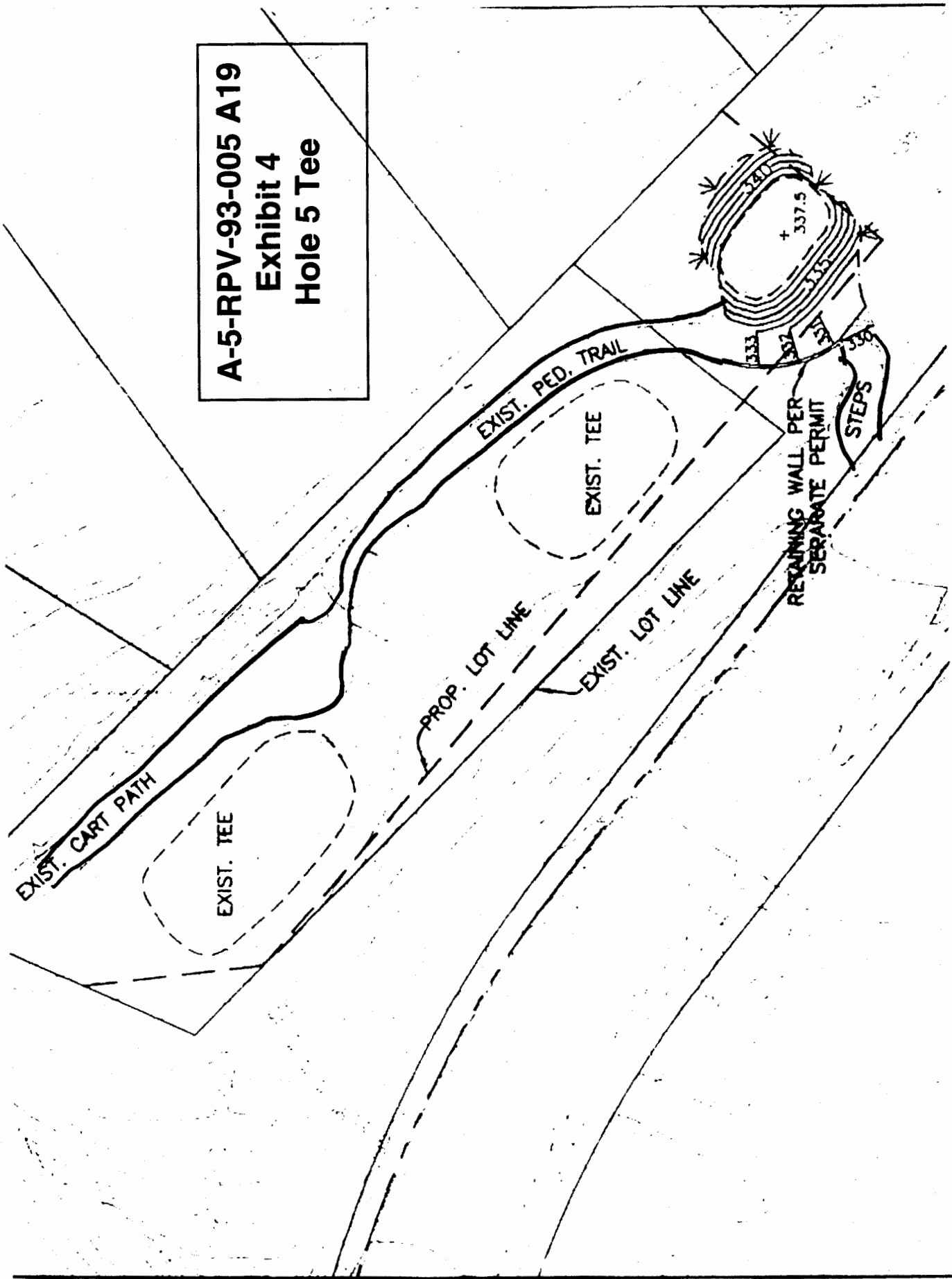
-----Original Message-----

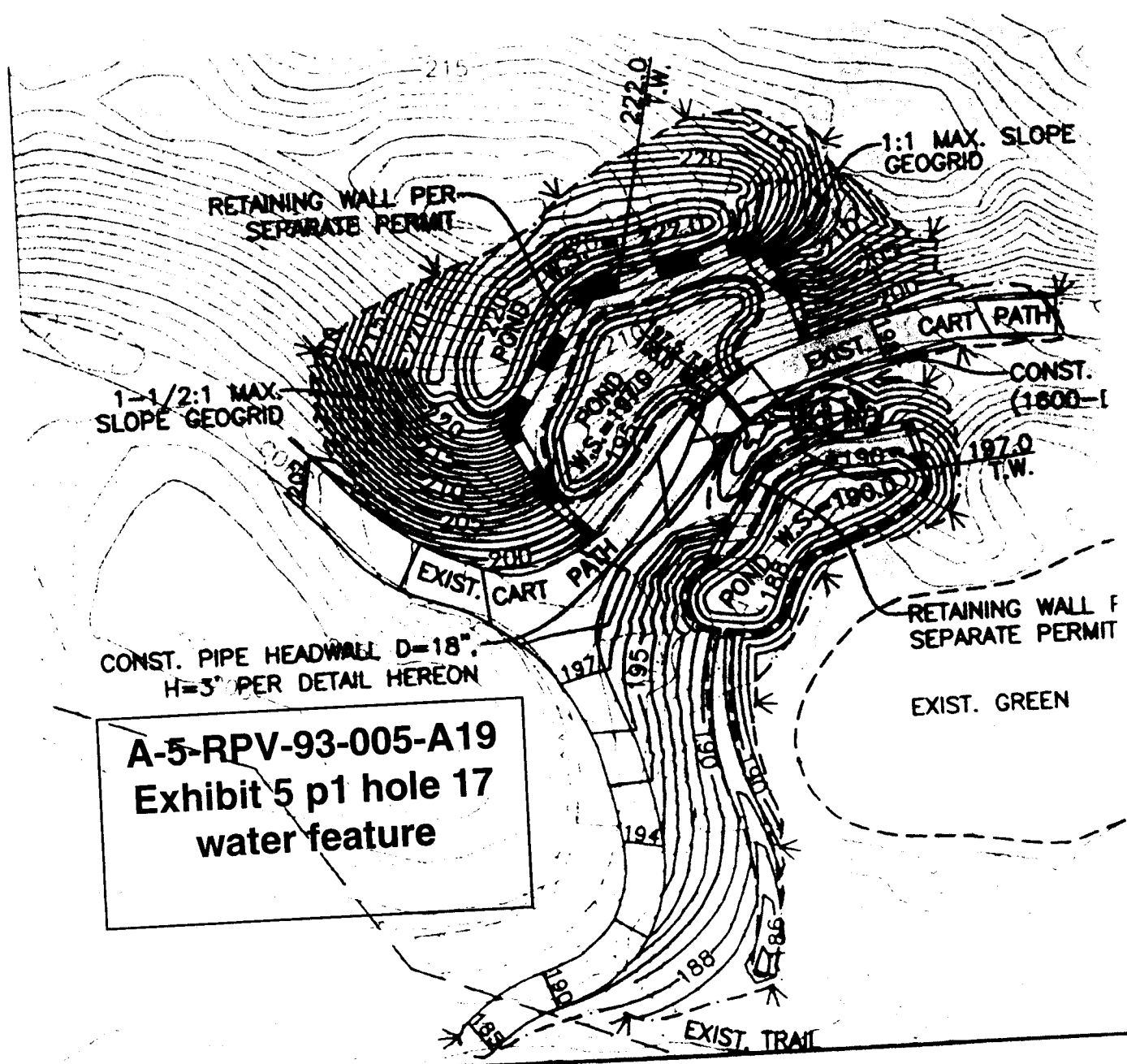
**From:** Martie Clemons  
**Sent:** Wednesday, November 19, 2003 10:38 AM  
**To:** Mike Sweesy  
**Subject:** Hole 9 again

Here ya go ...  
<<Hole9Tee.pdf>>

A5 RPV 93-005 A19  
Exhibit 3p2

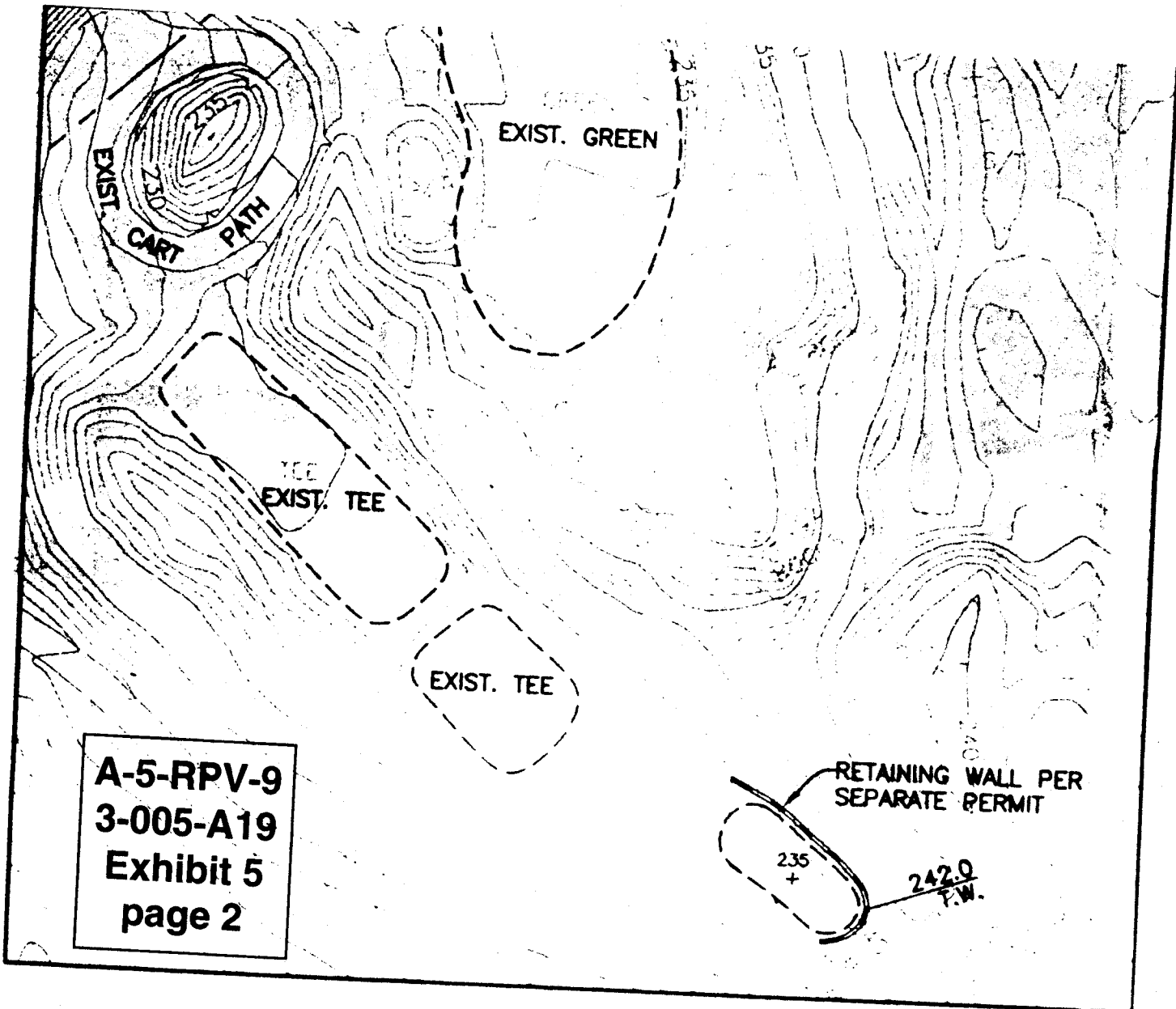
**A-5-RPV-93-005 A19**  
**Exhibit 4**  
**Hole 5 Tee**





**A-5-RPV-93-005-A19**  
**Exhibit 5 p1 hole 17**  
**water feature**

**WATER FEATURE**

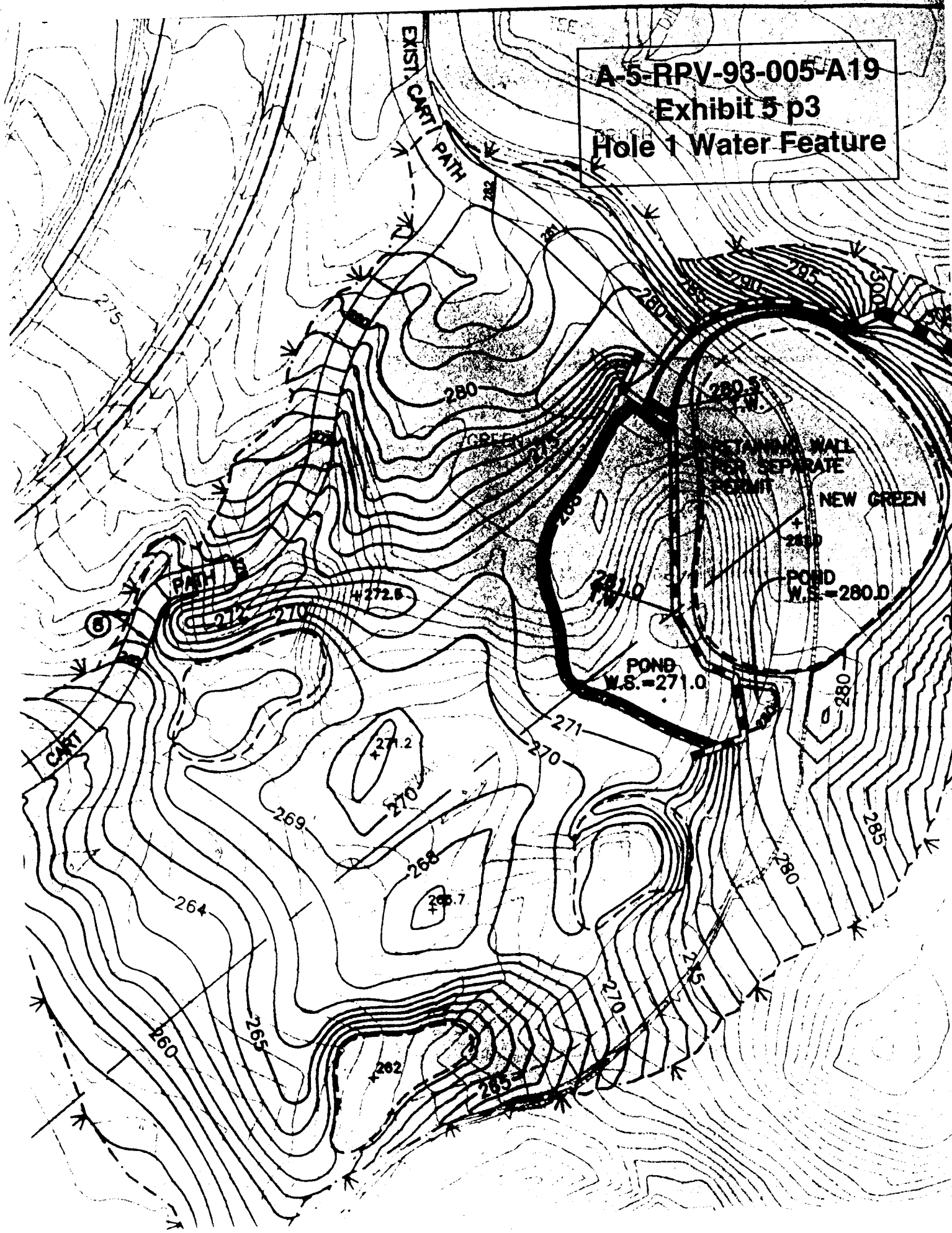


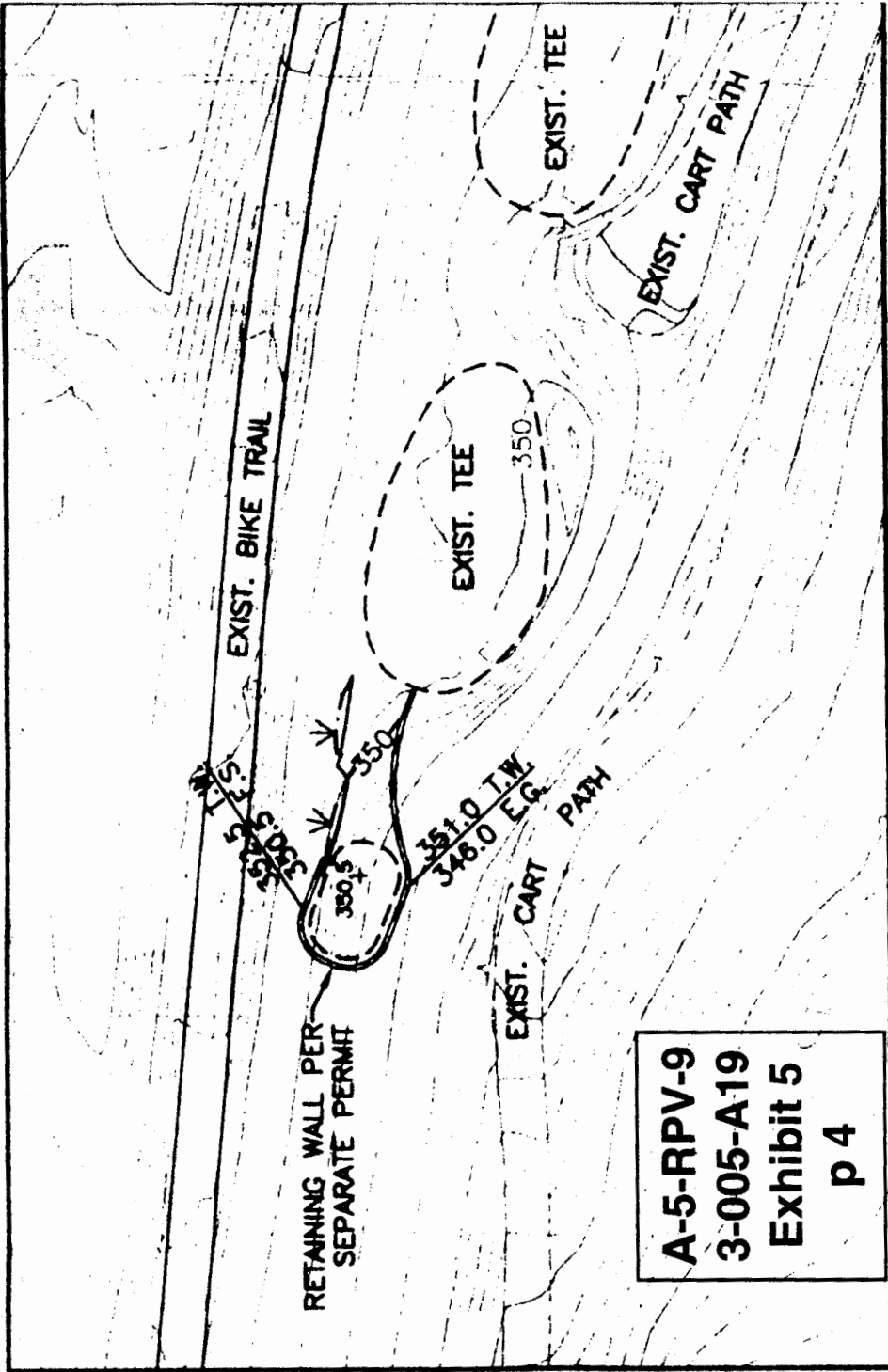
A-5-RPV-9  
3-005-A19  
Exhibit 5  
page 2

# ADDITIONAL TEE HOLE NO. 16



A-5-RPV-93-005-A19  
Exhibit 5 p3  
Hole 1 Water Feature





A-5-RPV-9  
 3-005-A19  
 Exhibit 5  
 p 4

**ADDITIONAL TEE**  
**HOI F NO. 3**

Exhibit 6

A5 RPV 93 005A19  
Resources Comments



U.S. Fish and Wildlife Service  
Carlsbad Fish and Wildlife Office  
6010 Hidden Valley Road  
Carlsbad, California 92009  
(760) 431-9440  
FAX (760) 918-0638



California Department of Fish & Game  
4949 Viewridge Avenue  
San Diego, California 92123-1662  
(858) 467-4201  
FAX (858) 467-4299

In Reply Refer To:  
FWS/CDFG-LA-769.3

RECEIVED  
SOUTH COAST REGION

SEP 19 2003

AUG -5 2003

Mike Sweesy  
Dudek & Associates, Inc.  
605 Third Street  
Encinitas, California 92024

CALIFORNIA  
COASTAL COMMISSION

A5-RPV-93-005-A19

**Re: Comments on the Proposed Modifications to the Ocean Trails Golf Course in the City of Rancho Palos Verdes**

Dear Mr. Sweesy:

The California Department of Fish and Game (Department) and the U.S. Fish and Wildlife Service (Service), the Wildlife Agencies, have reviewed the proposed modifications to the Ocean Trails Golf Course that were described in correspondence titled *Coastal Sage Scrub Acreage Analysis for the Ocean Trails Golf Course Enhancements* (CSS Acreage Analysis), dated April 29, 2003 and the revised analysis from Dudek & Associates dated June 27, 2003. These modifications include the installation of water features, reconfiguration of tees and the remediation of landslide activity, all of which will result in changes to coastal sage scrub (CSS) habitat onsite.

Mitigation for impacts to CSS was a required element of the Ocean Trails Habitat Conservation Plan (HCP), approved in July 1996. Per the HCP, 20.0 acres of CSS were to be planted and maintained within the golf course boundaries. These areas would be subject to performance standards and were anticipated to provide habitat for coastal California gnatcatcher (*Poliophtila californica californica*, gnatcatcher) and coastal cactus wren (*Campylorhynchus brunneicapillus cousei*, cactus wren).

It is our understanding that areas were planted in CSS that exceed the 20.0 acres required by the HCP in anticipation of future changes to the project. Approximately 22.43 acres were planted in 1998. A 0.56-acre area near Tee #2 along Palos Verdes Drive South was inadvertently left unplanted but shrubs from non-mitigation areas within the golf course have recently been transplanted to initiate the restoration effort in this area. Landslide activity in 2000 and the stockpiling of soil for remediation have also resulted in impacts to 1.64 acres of CSS and these areas have not been replanted to date. Currently, 20.23 acres of CSS originally planted in 1998 remain onsite.

According to the revised CSS Acreage Analysis, the proposed installation of new water features and reconfiguration of tees would impact an additional 0.63 acres of CSS. The proposed restoration and replacement of 3.06 acres of CSS (0.56 acres near Tee #2 and 2.5 acres elsewhere on

the golf course) would result in 22.66 acres of CSS within the golf course boundaries, a net increase of 2.43 acres of CSS onsite.

The Wildlife Agencies concur that the proposed modifications to the golf course layout, when completed, will not significantly reduce the function of habitat on the golf course nor reduce the value of restored areas for gnatcatcher and cactus wren. We offer the following comments on the proposed restoration:

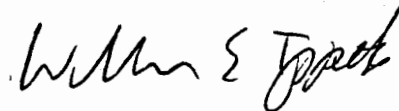
- 1) The 0.56-acre restoration area near Tee #2 should be monitored for a minimum of 12 months, or through the spring 2004 blooming period, to ensure that relocated plants have survived the translocation and are healthy. We would consider this area to be fully functional if it meets the third-year cover, survival and diversity performance standards of the HCP: 80% coverage by seeded and "native re-growth plantings" with *Artemesia californica* comprising at least 80% of the total native seeded area; 80% of the species seeded represented on the revegetated site; and 80% survival of all container stock and shrub transplants originally planted.
- 2) The restoration of 2.5 acres of proposed CSS has not been initiated to date. After project modifications and initial planting/seeding, these areas should be considered newly-planted and will be subject to the annual performance standards specified in the HCP. Restoration in these areas should not be considered as offset for future impacts to CSS until the habitat has been determined by the Wildlife Agencies to be functional, self-sustaining habitat consistent with other restored areas on the golf course.

The Wildlife Agencies appreciate the opportunity to comment on the proposed modifications. Questions concerning this letter should be directed to Warren Wong (Department) at (858) 467-4249 or Ken Corey (Service) at (760) 431-9440.

Sincerely,



Karen A. Goebel  
Assistant Field Supervisor  
U.S. Fish and Wildlife Service




William E. Tippetts  
Environmental Program Manager  
California Department of Fish and Game

cc: Pam Emerson, California Coastal Commission  
Greg Pfost, City of Rancho Palos Verdes  
Jeff Kaplinski, Ocean Trails, LLC

## CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200  
FAX (415) 904-5400

A5 RPV 93005  19  
Exhibit 7

## MEMORANDUM

FROM: John Dixon, Ph.D.  
Ecologist / Wetland Coordinator

TO: Pam Emerson

SUBJECT: Ocean Trails Golf Course Habitat

DATE: November 14, 2003

## Documents reviewed:

Dudek & Assoc. 2003. Annual monitoring report for the year 2002 for the Ocean Trails golf course & residential development, Rancho Palos Verdes, California.

Dudek & Assoc. 2002. Letter report dated 14 February 2002 to B. Dye (Ocean Trails) re: 2001 year-end report for the Ocean Trails HCP area California gnatcatcher study, City of Rancho Palos Verdes, Los Angeles County, California Permit #PRT-800922.

M. Sweesy (Dudek). 2003. Letter dated May 16, 2003 to G. Pfof (City of Rancho Palos Verdes) re: Response to Coastal Conservation Coalition letter dated May 13, 2003.

K.A. Boebel (USFWS) and W.E. Tippetts (CDFG). 2003. Letter dated August 5, 2003 to M. Sweesy (Dudek) re: Comments on the proposed modifications to the Ocean Trails golf course in the City of Rancho Palos Verdes.

The areas between the fairways at the Ocean Trails Golf Course are generally vegetated with coastal sage scrub (CSS) species (habitat areas) or a combination of coastal sage scrub species and drought tolerant ornamental trees (landscape areas). We examined each of the habitat areas proposed for modification during our site visit on November 5, 2003. The habitat areas appear healthy and have low cover of weeds due to continuing maintenance activities. Some of the habitat areas have relatively low species diversity, however there are apparently ongoing efforts to increase diversity through seeding and planting. These areas of CSS habitat tend to be narrow linear features that are somewhat isolated from large blocks of CSS by the golf course fairways. Although California gnatcatchers have been nesting successfully in restored coastal sage scrub in canyons within the golf course and in larger habitat blocks around the periphery of the golf course, they have not included golf course habitat in their breeding territories. Gnatcatchers have been occasionally sighted in a few areas of golf course habitat since 2001, but these are thought to have been dispersing juveniles (M. Sweesy, personal communication, November 5, 2003).

Given the relatively isolated and fragmented nature of the coastal sage scrub within the golf course itself and the fact that it has not been used by breeding California gnatcatchers, I do not think those habitat areas meet the definition of Environmentally Sensitive Area in Section 30107.5 of the Coastal Act. This includes those areas that have been proposed for modifications. Should any of these areas be found to provide significant support for rare species, their status would have to be reassessed.



Engineering, Planning,  
Environmental Sciences and  
Management Services

Corporate Office:  
605 Third Street  
Encinitas, California 92024

**COPY**  
760.942.5147  
Fax 760.632.0164

June 27, 2003

3359-03

Kerri Davis  
U.S. Fish & Wildlife Service  
6101 Hidden Valley Road  
Carlsbad, CA 92009

ASRPV. 93.005  
A19  
Exhibit 8

**Subject: Revised Coastal Sage Scrub Acreage Analysis for the Ocean Trails Golf Course Enhancements**

Dear Ms. Davis:

Recent site visits to the Ocean Trails project that have identified inaccuracies in the tabulation of coastal sage scrub mitigation within the golf course. This letter provides updated information that should be used to revise the impact analysis letter dated April 29, 2003 and your analysis of the proposed golf course enhancement plan.

Two areas were incorrectly mapped:

1) A triangular-shaped area located near the water feature that is proposed between Hole #12 and #17 was mapped as undisturbed coastal sage scrub mitigation (green color). We have determined through subsequent observations that the area was disturbed by landslide repair construction work. *Figure 1* has been modified to show this area as removed and to be replaced (purple color). The corrected acreage appears in the Hole #12 acreage on the attached, revised *Table 1*.

2) The second area is located in the north of hole #2 and appears as a finger of green mitigation area that tapers to the northwest. Although the area was designated to be planted as coastal sage scrub mitigation, it was not planted until recently due to construction activity associates with the low income housing and the maintenance facility construction. At the time of the golf course construction, the slope was excavated to permit the construction of these facilities. This area has been changed on *Figure 1* from green to red, indicating that the area is new coastal sage scrub, not existing undisturbed mitigation area. The adjustment for the additional new coastal sage scrub appears in the Hole #1 acreage in the revised *Table 1*.

The total coastal sage scrub installed as part of the golf course construction decreased to 21.87 acres. New coastal sage scrub (red color) will increase to 1.7 acres, removed and replaced coastal sage scrub (purple color) increases to 1.3 acres, and existing undisturbed coastal sage scrub decreases to 19.6 acres. The total coastal sage scrub mitigation area after implementation of the proposed golf course enhancements will be 22.66 acres, a net 0.79 acre increase over the original installation acreage.


**TABLE 1  
REVISED COASTAL SAGE SCRUB ACREAGE SUMMARY**

Hole NUMBER	PERMANENT REMOVAL	TEMPORARY REMOVAL & REPLACEMENT	NEW RESTORATION	NET ACREAGE
1	0.47 ac.	—	0.28 ac.	-0.19 ac.
2	—	—	<u>0.56 ac.</u>	<u>+0.56 ac.</u>
3	0.01 ac.	0.01 ac.	—	-0.01 ac.
4	0.03 ac.	0.02 ac.	—	-0.03 ac.
5	—	—	—	—
7	0.06 ac.	0.02 ac.	—	-0.06 ac.
9*	0.02 ac.	0.39 ac.	0.07 ac.	+0.05 ac.
12*	0.31 ac.	<del>0.63</del> <u>0.76 ac.</u>	0.27 ac.	-0.04 ac.
16	0.01 ac.	—	—	-0.01 ac.
17	—	—	—	—
18*	0.06 ac.	0.10 ac.	0.58 ac.	+0.52 ac.
<b>TOTAL</b>	<b>0.97 ac.</b>	<del>1.47</del> <b><u>1.30 ac.</u></b>	<del>1.2</del> <b><u>1.76 ac.</u></b>	<del>+0.23</del> <b><u>+0.79 ac.</u></b>

\* Denotes landslide-related affects on coastal sage scrub habitat inside the golf course.

DUDEK regrets any inconvenience and confusion that might result from this revised information. Please call me at (760) 942-5147, if you have any questions.

Very truly yours,  
Dudek & Associates, Inc.

  
Michael Sweesy  
Restoration Ecologist

cc: William Wong, California Department of Fish & Game  
Pam Emerson, California Coastal Commission  
Greg Pfost, City of Rancho Palos Verdes  
Jeff Kaplinski, Ocean Trails  
Ewa Hyjek, Ocean Trails

att: Figure 1

*AS-RPV 93.005 A19  
Exhibit 8 p 7*



Professional Teams for Complex Projects

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April 29, 2003

ASRPV 93-005 A19

3359-03

Kerri Davis  
U.S. Fish & Wildlife Service  
6101 Hidden Valley Road  
Carlsbad, CA 92009

Exh. b. + 9

**MAILED**  
04/29/03

**Subject: Coastal Sage Scrub Acreage Analysis for the Ocean Trails Golf Course Enhancements**

Dear Ms. Davis:

This letter describes the proposed golf course enhancements that are proposed to be implemented at Ocean Trails. Dudek & Associates, Inc. (DUDEK) has analyzed the implications of these proposed changes on coastal sage scrub habitat that is a required mitigation element of the Ocean Trails Habitat Conservation Plan (HCP). Our analysis includes all golf course areas located east of the club house. For the purpose of this analysis, it was assumed that habitat areas located on Holes #10 and #11 will remain unchanged. The addition of a Phase 2 driving range could alter the habitat coverage in this area, but is being considered under a separate proposal because the issues involved will require a higher level of scrutiny by regulatory agencies and these issues are not expected to be resolved in the near future. The current proposal is intended to allow Ocean Trails to become a fully functional golf course. Passage of the Phase 2 proposal is not contingent on the approval of these proposed golf course enhancements.

The proposed golf course enhancements include the addition of water features at Holes #1, #5, and #17. New back tees and other reconfigured golf course features associated with the water features and the landslide reconstruction project will occur at Holes #1-5, 9, 12, 16, and 18 as shown on the plans by Heritage Golf dated 1/15/03 (copies of this map was provided at the April 17, 2003 meeting with your office). A more detailed description of the proposed modifications is presented below.

**Hole #1:** Safety problems have been encountered on Hole #1. The configuration of the Hole in relation to Ocean Trails Drive causes golfers to hit their shots into automobile traffic. The proposed remedy to this situation is to realign the fairway and green eastward, away from Ocean Trails Drive (*Figure 1*).

In addition, a water feature will be installed on the back side of the green to add character to the area. The water feature will consist of an upper and lower pool located behind the new green. Water will fall approximately 25 feet from the upper pool to the lower pool. A separate pool will be located between the green and the fairway.

ASRPV 93005  
Exh. b. + 9



Ms. Kerri Davis

Re: Coastal Sage Scrub Acreage Analysis for the Ocean Trails Golf Course Enhancements

These enhancements will result in the permanent removal of 0.47-acre of coastal sage scrub restoration area. However, a new 0.28-acre area of coastal sage scrub will be established on the west side of the realigned fairway near Ocean Trails Drive (Table 1).

*Superseded*

**TABLE 1  
COASTAL SAGE SCRUB ACREAGE SUMMARY**

Hole NUMBER	PERMANENT REMOVAL	TEMPORARY REMOVAL & REPLACEMENT	NEW RESTORATION	NET ACREAGE
1	0.47 ac.	—	0.28 ac.	-0.19 ac.
2	—	—	—	—
3	0.01 ac.	0.01 ac.	—	-0.01 ac.
4	0.03 ac.	0.02 ac.	—	-0.03 ac.
5	—	—	—	—
7	0.06 ac.	0.02 ac.	—	-0.06 ac.
9*	0.02 ac.	0.39 ac.	0.07 ac.	+0.05 ac.
12*	0.31 ac.	0.63 ac.	0.27 ac.	-0.04 ac.
16	0.01 ac.	—	—	-0.01 ac.
17	—	—	—	—
18*	0.06 ac.	0.10 ac.	0.58 ac.	+0.52 ac.
<b>TOTAL</b>	<b>0.97 ac.</b>	<b>1.17 ac.</b>	<b>1.2 ac.</b>	<b>+0.23 ac.</b>

\* Denotes landslide-related affects on coastal sage scrub habitat inside the golf course.

**Hole #2:** Two new forward tees are proposed for Hole #2 and the fairway will be pulled back to accommodate this change. No coastal sage scrub will be affected by this enhancement because all work will occur within the existing fairway.

**Holes #3, #4, #5, #7, #16:** Each of these Holes will receive a new back tee. A new water feature is proposed above Hole #5 on a residential lot that is located outside the Golf Course and will not affect coastal sage scrub habitat. The new tee at Hole #5 will not affect coastal sage scrub habitat. The tees at other Holes will result in the permanent removal of a minor

*AS RPV 005A19  
Exhibit 9 P2*

Ms. Kerri Davis

Re: Coastal Sage Scrub Acreage Analysis for the Ocean Trails Golf Course Enhancements

area of coastal sage scrub as shown in *Table 1*. In addition, an additional minor acreage of coastal sage scrub vegetation will be temporarily removed and replaced as part of each tee box construction.

**Holes #9 and #12:** These Holes were used to stockpile soils that were excavated from the landslide reconstruction area. Stockpiling was necessary because of the high total volume of soil that needed to be removed and replaced in the landslide area. The result of this activity was the temporary removal of 1.02 acre of coastal sage scrub vegetation in the golf course. However, before these areas were buried under the stockpile, all native plants that could be salvaged were removed and replanted in the bluff top corridor. The reconstruction of Holes #9 and #12 will permanently remove 0.33 acre of coastal sage scrub, re-establish the 1.02 acre of coastal sage scrub that was temporarily removed, and establish 0.34 acre of new coastal sage scrub. The net effect of these changes will result in a net increase of 0.01 acre of coastal sage scrub habitat within this area of the golf course.

**Hole #18:** Hole #18 was partially destroyed by the landslide event and the remaining area was removed by the repair construction activity. These two actions temporarily removed 0.06-acre of coastal sage scrub. However, existing native plants were salvaged and replanted elsewhere within habitat mitigation areas prior to the construction activity. Plants also were salvaged from the landslide area once the area was safe to enter. The reconstruction of Holes #18 will permanently remove 0.06 acre of coastal sage scrub, re-establish the 0.1 acre of coastal sage scrub that was temporarily removed, and establish 0.58 acre of new coastal sage scrub. The net effect of these changes will result in a net increase of 0.52 acre of coastal sage scrub habitat within this area of the golf course. All of the new and re-established coastal sage scrub will abut the bluff top corridor mitigation area.

**Coastal Sage Scrub Habitat Acreage Analysis**

The Ocean Trails HCP requires the establishment of 20 acres of coastal sage scrub habitat within the golf course (HCP section 4.3.6) and as described in the approved Ocean Trails Golf Course Coastal Sage Scrub Habitat Restoration Plan (Dudek, August 19, 1998). Prior to the landslide, the built golf course contained 22.41 acres of area planted as coastal sage scrub habitat. Therefore, the project has been establishing 2.41 acres of coastal sage scrub in excess of the 20 acres of mitigation that is required by the Ocean Trails Habitat Conservation Plan (HCP).

The landslide repair temporarily reduced the total acreage of golf course coastal sage scrub habitat by 1.17 acres to 21.24 acres. The proposed golf course enhancements will further reduce the golf course CSS acreage by 0.97 acre to 20.27 acres.

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A14



Exhibit 19 p. 2

9 pages?

*Ms. Kerri Davis*

*Re: Coastal Sage Scrub Acreage Analysis for the Ocean Trails Golf Course Enhancements*

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CSS habitat will be restored in all temporary removal areas totaling 1.17 acres. New habitat restoration areas at Holes #1, #9, #12, and #18 will add 1.2 acres to the overall habitat area within the golf course. When all changes to the golf course are complete, the total acreage of coastal sage scrub in the golf course will be 22.64 acres.

California gnatcatchers have been monitored annually since the inception of golf course construction in 1997 (Dudek & Associates, Inc., 1997). Monitoring reports have been prepared to document the reproductive success of gnatcatchers in each year beginning in 1999 (Dudek & Associates, Inc., 1999, 2000, 2002a, 2002b). Each nest location that was mapped between 1998 and 2002 is shown on *Figure 1* in the context of the proposed golf course enhancements and the landslide repair project. Sporadic observations of individual gnatcatcher's have been made inside the golf course. However these individuals appear to be foraging and no nesting activity has been observed. Impacts from the landslide reconstruction were previously addressed in the amendment to the HCP. The proposed golf course enhancements are located well away from gnatcatcher activities and are not expected to result in Take of any known pair on the property.

### **Mitigation Analysis**

An excess acreage of 2.41 acres of coastal sage scrub was installed on the golf course in 1999. This excess habitat was installed to provide the operator with flexibility that is needed to operate a golf course and to make desired modifications that facilitate this function.

The habitat that was or will be removed as part of the landslide repair project and for the proposed golf course enhancements is considered to be excess habitat acreage to the 20 acres of habitat mitigation as required by the HCP. At no time will the total acreage of habitat area within the golf course be below the required 20 acres.

Given that the golf course still provides a minimum of 20 acres of coastal sage scrub habitat, the project remains in compliance with the HCP mitigation requirements and no mitigation is required for the permanent and temporary removal of coastal sage scrub on the golf course. However, the owner will voluntarily restore 2.37 acres of coastal sage scrub habitat in the golf course to generally recreate the previous habitat configuration and increase the total habitat acreage from the acreage that was present prior to the landslide.

The excess acreage (2.64 acres) identified in this report may be used to mitigate future golf course enhancements as long as the acreage of undisturbed coastal sage scrub habitat on the golf course does not fall below the 20 acres of mitigation as required by the HCP and the proposed activities do not result in Take of California gnatcatcher.

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Exhibit 9 1 4

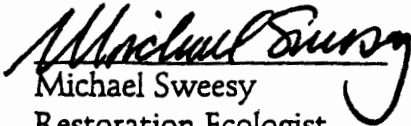
*Ms. Kerri Davis*

*Re: Coastal Sage Scrub Acreage Analysis for the Ocean Trails Golf Course Enhancements*

---

Please call me at (760) 942-5147 if you have any questions.

Very truly yours,  
Dudek & Associates, Inc.

  
Michael Sweesy  
Restoration Ecologist

cc: Warren Wong, California Department of Fish & Game  
Greg Pfost, City of Rancho Palos Verdes

att: Figure 1

## REFERENCES

- Dudek & Associates, Inc. December 8, 1997. Ocean Trails Pre-Construction Survey for the California Gnatcatcher. Unpublished letter report. 4 pp. + graphics.
- Dudek & Associates, Inc. October 19, 1999. 1999 Year-End Gnatcatcher Monitoring Report for the Ocean Trails HCP Area, City of Rancho Palos Verdes, Los Angeles, California. Unpublished letter report. 36 pp. + appendices.
- Dudek & Associates, Inc. November 21, 2000. 2000 Year-End Report for the Ocean Trails HCP Area Gnatcatcher Study, City of Rancho Palos Verdes, Los Angeles, California. Unpublished letter report. 24 pp. + appendices.
- Dudek & Associates, Inc. February 14, 2002a. 2001 Year-End Report for the Ocean Trails HCP Area Gnatcatcher Study, City of Rancho Palos Verdes, Los Angeles, California. Unpublished letter report. 23 pp. + graphics and appendices.
- Dudek & Associates, Inc. December 12, 2002b. 2002 Year-End Report for the Ocean Trails HCP Area Gnatcatcher Study, City of Rancho Palos Verdes, Los Angeles, California. Unpublished letter report. 23 pp. + graphics and appendices.
- Palos Verdes Land Holdings Company. July 1996. Ocean Trails Residential and Golf Community Coastal Sage Scrub and Sensitive Species Habitat Conservation Plan. 55 pp + graphics and appendices.



A 6 RPV 93 005 A19 A.19 Ex 9 p5

**From:** Mark Johnsson  
**Sent:** Monday, August 11, 2003 5:29 PM  
**To:** Pam Emerson  
**Cc:** Deborah Lee  
**Subject:** RE: ocean trails moving greens and ponds  
Pam--

I've reviewed the geotechnical reports and review letters submitted in support of the proposed grading plan amendment. The reports are divided into two categories--those that require changes to the previously approved landslide repair plan, and those that relate to gold course modifications outside of the landslide repair area. Both sets of reports, though, evaluate changes necessary to incorporate modifications of the proposed golf course plan. These modifications involve relatively minor amounts of grading to accommodate changes to tees, fairways, and roughs on holes 1, 2, 3, 4, 5, 7, 9, 12, 16, and 18, an increase in the area of Lake 9, and the addition of new water features to holes 1, 4, and 17. The proposed water features involve the construction of retaining walls up to 28 feet high.

Regarding the proposed changes to the landslide repair, the 17 February 2003 report by Converse concludes that they involve minimal earthwork and all new irrigated areas are either beneath the existing clay cap, or the area of the landslide repair, which contains drainage improvements that can accommodate infiltrated groundwater. The 14 March 2003 review letter by Cotton-Shires requests slope stability analyses that demonstrate that even these modest amounts of grading will not adversely affect stability. These analyses were reported on in the 14 April 2003 Converse report, and were undertaken to the standards for static analyses generally required by the Commission. They indicate that the slopes resulting from the planned grading will have static factors of safety greater than 1.5. No seismic slope stability analyses were performed. The 7 May 2003 report indicates that these analyses were deemed adequate to address Cotton-Shire's concerns, and I concur that they do demonstrate that the proposed work should not adversely affect site stability. No seismic analysis has been performed, however the relatively high factors of safety calculate suggest that the slopes will be stable under seismic loading conditions as well.

Another Converse report dated 17 February 2003 provides guidelines for accomplishing the proposed golf course changes in areas outside of the landslide repair. These guidelines should be incorporated into the project description or be required by special condition, and include the construction of a new clay cap in areas to be irrigated under which the old clay cap does not extend, the construction of drainage systems comparable to those required by the existing permit, and specifies geotechnical parameters for use by the structural engineer in the construction of the proposed retaining walls. A series of review letters by Cotton-Shires (dated 12 March 2003 and 2 May 2003) identify potential problems related to the construction of caisson-founded retaining walls in areas where oversize rock was disposed of in the artificial fill, recommends for a testing program to ensure that material stockpiled for the construction of a new clay cap is adequate to the task, and recommends ground water monitoring wells and a monitoring program. These recommendations are responded to in Converse letters dated 24 April 2003 and 8 May 2003. I concur with the Cotton-Shires review letter dated 13 May 2003 that the recommendations put forth in each of the Converse letters adequately addresses these concerns.

I feel that the amount of grading proposed and, especially, the construction of new water features and relatively high retaining walls constitutes sufficient departures from the previously approved amendment that a new amendment should be required and brought before the Commission. That said, it is my recommendation the Commission approve the proposed plans, subject to the recommendations in each of the Converse reports.

I hope that this review is helpful; please do not hesitate to ask if you have further questions.

Mark

A 5 RPU 93005 A19  
Exhibit 10

# Coastal Conservation Coalition

1 Peppertree Drive  
Rancho Palos Verdes, CA 90275

(310) 541-1914

May 13, 2003

ASRPV 93005-119  
Exhibit 11  
PI

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

Dear Mayor Stern and Members of the City Council,

We wish to commend the City of Rancho Palos Verdes and Ocean Trails for the informational presentation given at the City Council meeting April 29. By providing a public overview of the project as it progresses, potential problems can be worked out early in the process so that they do not become irreconcilable points of contention at a later date. To that end, the Coastal Conservation Coalition would like to draw your attention to some issues that should be addressed now, before plans become fixed.

The most immediate group of issues has to do with the proposed use of waterfalls and other exotic landscape elements in Tract 50667 that run counter to the City's intention of blending this golf course into the natural landscape. Although the aesthetic aspects of this are outside the scope of our letter, water features, by their very nature, pose potential threats to the adjacent coastal sage scrub ecosystem. A second group of issues is related to the proposed driving range for Tract 50666. A third group is composed of a number of other matters. Each deserves attention for its impacts on native plants and animals, but is grouped here for convenience. Finally, of course, there is the matter of CEQA. Projects need to be considered in their entirety so that impacts can be fully assessed. Although practical demands often make quick decisions based on partial plans seem more expedient, taking a piecemeal approach to approvals must be diligently resisted.

## I. Tract 50667 Changes -- Water features

The effects on habitat east of the clubhouse related to the placement of modular water features are likely to have more to do with the very presence of water than with degradation due to physical layout changes. We wonder how compatible "naturalistic" water elements are with this area that once supported a thriving coastal sage scrub community. The approved concept for this golf course was for one that would incorporate native plant communities and local natural features. We fail to understand how artificial waterfalls fit that parameter. They would seem to be inconsistent with the City's General and Coastal Specific Plans. Additionally, the rendering of possible club house changes, in which tall palms trees flank the structure, indicates that proposed uses of exotic rather than native landscape elements may be frequently encountered by the City's planning staff as this project continues to mature.

We are concerned that golf course water, whether carried on the wind or through saturated soils, be kept out of all coastal sage scrub habitat elements. This is perhaps most important with the Hole 5 water feature, where the small canyon has some valuable habitat and serves as a minor wildlife corridor. Noise generated by the water falls may also cause problems for wildlife. This would be of most concern with the waterfall situated by Hole 17, which is quite close to habitat that has frequently been used by nesting California gnatcatchers (per the recent Dudek CSS acreage analysis).

City staff has informed us that the new proposals include an enlargement of the lake at Hole 18. We would like an explanation of how the proposed change may affect wildlife. The City may also want to revisit the Cotton Shires report mentioned by Mr. Vincent at the City Council meeting, since any leakage in the clay cap would have detrimental effects reaching far beyond the habitat integrity issue.

## II. Proposed Westside Changes

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Exhibit 11  
p2

### A. Driving range - impacts to West Bluff Preserve

The changes shown for Tract 50666 west of the clubhouse are significant. The Coalition is especially concerned about the effect that the new driving range will have on the West Bluff Preserve. The Preserve is a key feature of the overall habitat-loss mitigation plan. The utmost care must be taken that the driving range does not reduce the Preserve's habitat values. We see several sources of potentially severe habitat and/or trails degradation.

The design shows no physical barrier, other than a six-foot fence, to prevent stray balls from entering the West Bluff Preserve. Many are likely to do so each day, despite prevailing winds and the use of "low impact" balls. In nearby Harbor Park, even a very high fence does not keep balls away from adjacent trails and wildlife areas. While the proposed view-shed-friendly six-foot fence would prevent balls from rolling into the Preserve, it is unlikely to be much of a deterrent to balls in the air. Any fence that protects people on the trail needs to be such that it does not make the trail an uncongenial place to be. A corollary source of habitat damage will be the unlawful entry of golfers into the habitat Preserve to collect balls.

If the driving range is to be used at night, lighting would seriously degrade habitat values unless remarkably effective shielding is installed. The effects of the night lights at Harbor Park have not been measured, but the spill into natural areas is substantial.

Another issue with respect to the driving range is the need to keep water out of the West Bluff Preserve. Any water added to the Preserve needs to be under the direct supervision of the restoration ecologists. While it is presumed that irrigation of the driving range will be closely monitored, there is a distinct possibility that water may be inadvertently introduced into the Preserve unless active precautions are taken to prevent it.

### B. Reconfiguration of habitat areas

Reconfiguring the habitat areas west of the clubhouse concerns us. Although we recognize the developer's desire to make this a "world class" course, it must be remembered that a great deal of previously existing habitat has already been lost. This loss must not be exacerbated. What is called "temporary loss" of habitat is only temporary when considered on a time scale of several years. Temporary losses should be mitigated, even if not at the same level as permanent losses. In any case, we do not want to see encroachments of any kind on the Preserve.

According to the Annual Monitoring Report for 2002, a golf course habitat transect was done around the location of the newly proposed tees for Hole 11. This implies that the site has existing habitat values. We are concerned about loss of these values and what effect such loss would have on connectivity between bluff faces and habitat in Forrestal Draw.

## III. Other concerns

### A. Public Open Space deeded to the City has not been recorded

There was a discussion with respect to lot sizes and realignment in Tract 50666 which might reopen the planning process for the tract. The same motives would seem to apply to the flawed Tract 50667, in which the public open space did not get recorded as deeded to the City. If the latter tract is reopened, we trust the City will take steps to see that the omission is remedied. Of course, we expect that the omission will be corrected in any case, but reopening would seem to simplify the matter considerably.

### B. Poor maintenance of habitat threatens rare plants

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E x 11  
P 3

We would like to bring your attention to the weedy conditions of the Ocean Trails habitat and landscaping areas. During recent visits to the Ocean Trails site, we were appalled at how badly the native landscaping and habitat areas have been maintained. Some of the maintenance practices we have noted in these areas have been inappropriate for native vegetation. For instance, the native shrubs in the strips between the golf cart path and the bike/hiking trail were sheared like hedges, with no sensitivity to their natural growth patterns.

More serious, however, is the encroachment of invasive non-native weeds into native landscaping and habitat areas. In places, native perennials planted during restoration work have been engulfed by weeds. Not only is this extremely unsightly, but the situation will worsen year by year as the weeds are allowed to set seed and proliferate. We can't help but wonder why these areas have been so badly neglected?

The situation in the East Bluff Preserve is especially shocking. On February 15, 2001, in an article written by Josh Cohen for the Palos Verdes Peninsula News, the previous owners announced the rediscovery there of a low-growing, rare annual saltbush, South Coast Saltscale (*Atriplex pacifica*). This plant is one of the sensitive species covered by the HCP. At that time, 17 individual plants could be observed from the trail. However, a casual check on May 2, 2003, revealed only 2 plants along the trail, one nearly dead, the other one overgrown by mustard (see Photo A). Large sections of the Preserve were overgrown by the invasive Garland Daisy (*Chrysanthemum coronarium*) (see Photo B). The open areas between coastal sage scrub and along the trail are now so overgrown by weeds that it is unlikely many *Atriplex pacifica* could have successfully competed. This situation is unacceptable.

### **C. Halfway Point Park**

We have concerns regarding the new tee discussed for Halfway Point Park. This tee was marked as "Withdrawn" on the map presented at the last City Council meeting. Nonetheless, Mr. Stelio elaborated at length on this tee during his presentation.

The location of the tee would violate the Settlement Agreement (paragraph 1.A). Its use would put hikers on the Sunset Trail at risk, and would impact habitat and wildlife on the bluffs and in the setback revegetation area west of Halfway Point.

During the last City Council meeting there was talk of uses for Halfway Point Park that would restrict public access to the park. We oppose any such restrictions and trust that the City will oppose such restrictions as well. Any increased restrictions on existing public use would violate the settlement agreement (paragraph 1.J).

### **D. Parking**

The issue of parking was not raised at the City Council meeting. However, the proposed substantial increase in active space within the clubhouse suggests that parking will have to be increased to meet increased demands. Such additional parking must not impact habitat. Light and noise shielding similar to that already in place for existing parking should be required.

### **E. Widening of fairways**

Although there was no mention made by Ocean Trails of widening the fairways to accommodate less-accurate golfers, the issue was raised during the public comment period at the City Council meeting. We are strongly opposed to any such suggestion. The plantings between fairways are an important element of the agreements worked out between the City, Coastal Commission, Coalition and Ocean Trails. Any design change that would lessen their value to wildlife moving through the golf course should be rejected.

## **IV. CEQA Considerations**

We feel that the proposed changes to Ocean Trails are significant enough to require a review in their entirety. While we understand Ocean Trail's urgency to reach decisions quickly on certain





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May 16, 2003

ASRPV 93005A18 3359-03  
Exh. 6. + 12  
PI

Greg Pfof  
City of Rancho Palos Verdes  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, CA 90275

**Subject: Response to Coastal Conservation Coalition Letter Dated May 13, 2003**

Dear Mr. Pfof:

Dudek & Associates, Inc. (DUDEK) has been provided with the above referenced letter that raises several issues that concern the proposed golf course modifications at Ocean Trails. At the request of Jeff Kaplinski, DUDEK offers the following responses to the issues contained in that letter.

There are some general assertions expressed by the Coastal Conservation Coalition (Coalition) that are not supported in the letter and to which we take exception. In the second paragraph, the coalition states that "water features, by their very nature, pose potential threats to the adjacent coastal sage scrub ecosystem." Water features typically are self-contained constructions that do not loose water either from splashing or leakage, if designed and installed with these issues in mind. The greatest potential alteration of the local environment would be a rise in humidity. However, even this effect would be extremely localized and would be dissipated by coastal breezes at Ocean Trails.

In the first paragraph under section I. Tract 50667 — Water Features, the Coalition notes that Ocean Trails "once supported a thriving coastal sage scrub community." Having produced the final biological maps and reports for Ocean Trails during the permit process, DUDEK does not believe this is an accurate account of the vegetation that occupied the site prior to golf course construction. Rather, the area was dominated by non-native, invasive species such as mustard (*Brassica sp.*) and sweet fennel (*Foeniculum vulgare*) along with annual, non-native grasses, star thistle (*Centaria melitensis*), and many other species. The site did support isolated patches of coastal sage scrub in various stages of degradation from this exotic invasion and a few of these were occupied by California gnatcatcher (*Polioptila californica californica*). To characterize this condition as a "thriving" community is misrepresenting the facts which are well documented in the public record.

The following responds to specific issues concerning the proposals recently advanced by the Trump organization, as these relate to the Ocean Trails mitigation areas:

Mr. Greg Pfost

Re: Response to Coastal Conservation Coalition Letter Dated May 13, 2003

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## I. Tract 50667 — Water Features

- A. DUDEK does not believe the water features will result in saturated soils with proper water feature design. This would include splash pools of a size that will contain water splash and deflector transitions at the base of falls that would break the waterfall before contacting pooled water. At holes #1 and #17, the falls are immediately adjacent of imbedded in the golf course and could not effect habitat. Although the model is deceiving and a bit inaccurate as to the placement of the water feature at hole #5, the feature is located well above and outside the small canyon that is located east of Upper La Rotonda Preserve. There appears to be no chance of any effect on the canyon from splash or wind blown spray.

In regard to wind blown spray, we believe this will be minimized by the proper placement of deflector transitions that will break the fall of water in a manner that will minimize the creation of mist. In addition, mist is not an uncommon feature of the coastline, especially in the winter and spring months. In summer and fall, ocean air flow and lower seasonal humidity will alleviate any effect of the limited mist that is expected to be generated.

- B. Regarding noise, the City of Rancho Palos Verdes draft condition #8 prohibits noise levels in excess of 65 decibels at the property lines. This condition is consist with the City's noise policy for neighborhoods. We propose that noise shall not exceed 65 dba at the edge of any habitat area associated with a water feature. This limitation is consistent with U.S. Fish & Wildlife Service policy and the definition of Take for California gnatcatcher.
- C. We are unaware of the enlargement of the Lake at hole #9/18. It is our understanding the water area of this lake was reduced. However, the freshwater marsh acreage at the lake is remaining the same. The lakes provide important biological resources for wildlife in the area, especially avian species that directly benefit from these aquatic environments. Wetlands increase insect populations and the vegetation can provide important forage areas for gnatcatchers in years of drought and during late season drought periods when resources can be extremely limited in coastal sage scrub habitat.

## II. Proposed West Side Changes

### A. Driving Range - Impacts to West Bluff Preserve

DUDEK concurs with the concerns expressed by the Coalition that the driving range should not reduce the habitat value of the West Bluff Preserve or Forrestal Canyon

Exh. b. - 12 p3  
ASRPV930050  
A19

Mr. Greg Pfof

Re: Response to Coastal Conservation Coalition Letter Dated May 13, 2003

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Preserve. This has been conveyed to the Ocean Trails golf designer and civil engineer. The design of this area is still in development and an assessment of effect can not be determined at this time. However, we believe the design will address the issues raised by the Coalition, once submitted.

Night use of the driving range has not been proposed. However, DUDEK would share the same concerns as expressed by the Coalition if night use was being considered.

With regard to water entering the preserve, it appears this is not a problem throughout the golf course where habitat and turf grasses abut or are separated only by a cart path. The proposed driving range will be separated from the West bluff Preserve by a paved path of equal width to a cart path. No detrimental affects to the habitat are anticipated from this configuration.

## **B. Reconfiguration of Habitat Areas**

The reconfiguration of habitat on the westside of the clubhouse has not been determined and it is premature to discuss these potential changes. However, if temporary impacts occur to coastal sage scrub within the golf course, we believe mitigation is not required unless the total acreage of "undisturbed" coastal sage scrub mitigation area falls below the 20 acres that is required by the Habitat Conservation Plan.

DUDEK shares the concern of the Coalition regarding the protection of habitat continuity between West Bluff Preserve and Forrestal Canyon Preserve. We are actively working with the design team to prepare a design that maintains this connection.

## **III. Other Issues**

### **A. Public Open Space deeded to the City has not been recorded**

No comment.

### **B. Poor maintenance of habitat threatens rare plants**

The owner has been fully briefed on the issue of weed control in habitat area and steps efforts are currently underway to correct this situation. DUDEK believes the remains time to address weed issues before weed seeds have ripened. Crews have been instructed to collect weed flowers and seed heads prior to pulling plants to maximize

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Exhibit 8<sup>12</sup> 4

Mr. Greg Pfof

Re: Response to Coastal Conservation Coalition Letter Dated May 13, 2003

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the capture of weed seed and to reduce seed dispersal. All materials are being bagged immediately upon removal to effectively contain this seed crop.

With regard to South coast saltscale (*Atriplex pacifica*), it is not recommended to base conclusions on "causal" observations. In fact, there were two individual plants of this species present in the East Bluff Preserve prior to habitat restoration activities in the area of the pedestrian trail. Subsequently, additional individuals appeared within the area fenced-off from pedestrian activity. This suggests that a seed bank of south coast saltscale seed is present in the soil and capable of re-establishing once favorable environmental conditions for the species' survival are present. While we do not condone the weed growth that has been allowed to develop in this area, it is premature to conclude that a lasting impact to this population has been sustained.

**C. Halfway Point Park**

No comment.

**D. Parking**

No comment.

**E. Widening of fairways**

Any changes to the golf course that would reduce the overall acreage of coastal sage scrub below the 20 acres that is required by the HCP would require an HCP amendment that would be fully scrutinized by the resource agencies. Additional mitigation would be required at ratios that would be negotiated with the agencies. We are unaware of any such proposal.

**IV. CEQA Considerations**

The criteria for establishing "piecemealing" under the California Environmental Quality Act (CEQA) is whether a project is separable and provides independent utility from the other project. In this case, the golf course improvements proposed east of the clubhouse have no dependence on changes west of the clubhouse. In other words, if the driving range was never built, it would not effect the other proposed enhancement. The implementation of one project does not presume the other, nor does approval of one project constitute *de facto* approval for the other. Therefore, it is allowable for the two projects to be considered separately under CEQA. In addition, The proposed improvements to the golf course east of the clubhouse are not



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18 April 2000

1658-09

Barbara Dye  
Ocean Trails L.P.  
1 Ocean Trails Drive  
Rancho Palos Verdes, CA

A 50PUG3005A19  
Exhibit 13 p1

**Subject: Amendment to the Biological Resources Report and Impact Analysis for  
Landslide C**

Dear Ms. Dye:

A verbal agreement has been reached with the U.S. Fish & Wildlife Service (FWS) and California Department of Fish & Game (CDFG) regarding mitigation of the landslide remediation project and relocation of restoration activities from the Switchback conservation easement. The agreement described herein will amend the Biological Resources Report and Impact Analysis for Landslide C dated 22 October 1999. This information also will be used to amend the Ocean Trails HCP (referred to hereafter as the "HCP"). This report includes 1) a precise calculation of enhancement and restoration acreage contained in the original Shoreline Park conservation easement; 2) corrected acreage for restoration and enhancement opportunities in the balance of Shoreline Park (south), 3) revised impact and mitigation acreage for the landslide remediation project, and 4) a mitigation package that has been reviewed and preliminarily approved by FWS and CDFG.

For clarity, the mitigation areas of Shoreline Park include the original 20-acre conservation easement in the northern portion of the park parcel referred to herein as "upper Shoreline Park" (see HCP Figure 14) and the southern 21 acres of the park not currently under a conservation easement herein referred to as "lower Shoreline Park". The approved mitigation plan includes the following mitigation components:

- ◆ 11 acres of coastal sage scrub (CSS) enhancement in the Switchbacks conservation easement;
- ◆ 19.5 acres of coastal sage scrub restoration and 1.63 acres of CSS enhancement in lower Shoreline Park south; appropriate habitat protection that satisfies the resource agencies will be applied to the mitigation parcel
- ◆ Partial habitat mitigation credit (.5:1) for 6 acres of CSS restoration where enhancement was required in the upper Shoreline Park (HCP Figure 14);
- ◆ Partial habitat mitigation credit (.5:1 credit) for 1.2 acres of CSS enhancement in upper shoreline park that exceeded the 20-acre conservation easement;
- ◆ Partial Credit for 3.29 acres of CSS restoration in the 5.3-acre Forrestal Canyon open space lot G; appropriate habitat protection that satisfies the resource agencies will be applied to the open space lot;
- ◆ Partial Credit for 3 acres of CSS restoration in the 4.5-acre upper La Rotonda Canyon open space lot C; appropriate habitat protection that satisfies the resource agencies will be applied to the open space lot

This report provides an updated analysis and summary of Landslide remediation habitat impacts based on grading plans dated 4 April 2000 and a discussion of the approved mitigation program including a detailed description of each mitigation area.

**REVISED LANDSLIDE REMEDIATION IMPACTS**

A revised habitat impact analysis has been completed using the most current grading plans for the landslide remediation dated 4 April 2000. The revised plans indicate new areas of habitat impacts within the non-golf setback east of the landslide. These habitat impacts occur as a result of an expanded back cut excavation that is necessary to ensure slope stability within the reconstructed landslide area.

The newly proposed impact area was planted and seeded with CSS species in early 1999. Approximately 0.5 acre of revegetated CSS will be temporarily impacted by remediation grading. This impact is in addition to the 0.56 acre CSS impact originally identified for landslide remediation. *Table 1* summarizes the revised habitat impacts that will result from implementation of the landslide winterization and remediation projects. The revised total impact of all native habitats within the landslide remediation limits is 12.95 acres as compared to the 12.45-acre habitat impact previously reported.

**Table 1. Habitat Impact and Mitigation Summary**

HCP AREA DESCRIPTION	Total Habitat Impact (Acres)	Direct Loss Mitigation Ratio	Temporal Loss Mitigation Ratio	Total Habitat Mitigation (Acres)	Onsite Habitat Mitigation (Acres)
Non-Golf Setback	0.30	1:1	1:1	0.6	
East-West Bluff Top Complex Revegetation	3.08	1:1	1:1	6.16	
Nesting Bird Preserve	2.38	1:1	1:1	4.76	
Coastal Bluff Preserve	6.13	1:1	1:1	12.26	
Habitat Outside Landslide Boundary	1.06	2:1	1:1	3.18	
Golf Course	na	na	na	na	
<b>TOTAL</b>	<b>12.95</b>			<b>26.96</b>	<b>10 acres</b>

**APPROVED HABITAT MITIGATION PROGRAM**

The City of Rancho Palos Verdes has communicated a policy that prohibits the use of temporary irrigation to establish CSS on the Switchbacks conservation easement. Type conversion from an exotic-dominated disturbed habitat to CSS without temporary irrigation is not possible within the 5-year time frame required in the Ocean Trails HCP. As a result, 10 acres of CSS restoration will be provided elsewhere to meet this HCP mitigation requirement. Ocean Trails will enhance 11 acres of existing disturbed CSS on the Switchbacks conservation easement as described in the HCP.

A total mitigation requirement of 36.96 acres has been calculated that combines mitigation acreage for the

landslide remediation with the 10-acre restoration requirement originally identified in the Switchbacks conservation easement. Approved CSS restoration and enhancement sites have been identified in lower Shoreline Park, Forrestal Canyon, and Upper La Rotonda Canyon. *Table 2* summarizes a revised mitigation program to achieve the total mitigation acreage requirement. In the agreement reached with FWS and CDFG, mitigation credit for CSS enhancement may be applied as restoration credit at a 0.5:1 ratio. The application of CSS enhancement credit for CSS restoration mitigation has been used sparingly and only where enhancement will provide a comprehensive treatment of all habitat areas in upper and lower Shoreline Park. A description of each mitigation site is provided with an explanation of the mitigation credit being applied against the total mitigation requirement.

**Table 2. Mitigation Summary**

Mitigation Sites	Restoration Requirement	CSS Enhancement	Credit Ratio	CSS Restoration	Credit Ratio	Acreage Sub-Total
	36.96 ac.					
Landslide (onsite)				10 ac.	1:1	10.0 ac.
Upper Shoreline Park		1.2 ac. <sup>1</sup>	0.5:1	6.0 ac. <sup>2</sup>	0.5:1	3.6 ac.
Lower Shoreline Park		1.64 ac. <sup>1</sup>	0.5:1	19.5 ac.	1:1	20.32 ac.
Forrestal Canyon Open Space Lot (Western extension)				1.64 ac.	1:1	1.64 ac.
Forrestal Canyon Open Space Lot (Canyon area)				1.65 ac.	0.33:1	0.55 ac.
Upper La Rotonda Open Space Lot				0.85 ac. <sup>4</sup>	0.5:1	0.85 ac.
Total Mitigation Acreage	36.96 ac.					36.96 ac.

<sup>1</sup> Enhancement acreage applied at a 0.5:1 ratio against the required restoration mitigation acreage.

<sup>2</sup> Excess restoration acreage applied at a 0.5:1 ratio against the required restoration mitigation acreage because the restoration occurred in an area that would have required enhancement.

<sup>3</sup> This restoration acreage is the sum of 1.64 acres of full credit CSS Restoration and 0.55 acre restoration credit for 1.65 acres of actual CSS restoration in upper Forrestal Canyon.

<sup>4</sup> Restoration credit reflect 0.5:1 credit for actual restoration (1.7 acres) in upper Las Rotonda Canyon.

### Switchbacks Conservation Easement

The 11 acres of CSS enhancement required by the HCP in the Switchbacks will occur as proposed at the alternative site located north (above) of Palos Verdes Drive East. No further enhancement will be required to satisfy habitat enhancement goals set by the HCP. CSS restoration will occur on Shoreline Park South to provide full mitigation of the original 10-acre CSS restoration mitigation that was to occur on the Switchbacks.

### Upper Shoreline Park Mitigation

The HCP required 10 acres of offsite coastal sage scrub (CSS) restoration and 10 acres of offsite CSS enhancement to occur in the 20-acre Shoreline Park conservation easement. Using the original vegetation

mapping as shown in Figure 7 of the HCP, DUDEK has determined that 16 acres of CSS restoration occurred where disturbed habitat (DH) was present. This resulted in 6 acres of additional CSS restoration effort where CSS enhancement was required. The resource agencies have determined that  $\frac{1}{2}$  credit for this additional restoration area may be applied against the new mitigation requirement.

CSS enhancement occurred on 5.2 acres of the conservation easement for a total treatment area of 21.2 acres (16 acres restoration + 5.2 acres enhancement). Based on this analysis there was an additional excess of 1.2 acres of CSS enhancement. The resource agencies have determined that  $\frac{1}{2}$  credit (0.6 acre) for this additional habitat enhancement area may be applied against the new mitigation requirement. Fire buffer areas and the existing sewer access road were excluded from these acreage calculations.

### Lower Shoreline Park Mitigation

The balance of Shoreline Park located south of the original HCP conservation easement will be restored and enhanced to achieve the total mitigation requirement. Based on recent field mapping, there are 19.5 acres of disturbed habitat (DH) available within the area for CSS restoration. CSS habitat enhancement is possible on 1.64 acres of Lower Shoreline Park. The resource agencies have determined that  $\frac{1}{2}$  credit (0.82 acre) for this additional enhancement area may be applied against the new mitigation requirement. This partial credit was granted to allow for a comprehensive treatment of Shoreline Park that will maximize the habitat value to coastal California gnatcatcher and ensure long term habitat stability by treating all exotic species that are accessible within the park. Fire buffer areas and the existing road sewer access road are excluded from this acreage calculation. Appropriate landuse protection of the habitat mitigation site will be provided to the satisfaction of the resource agencies. Similarly, an amendment to the HCP and the implementing agreement will be necessary to ensure the long term maintenance responsibility for this habitat is accepted by Ocean Trails.

### Forrestal Canyon Open Space Mitigation

Currently, there is no obligation to conduct CSS habitat restoration in Forrestal Canyon despite the presence of one pair of gnatcatchers. The 5.3-acre open space parcel includes the upper portion of the canyon and a linear area that extends west, adjacent to the north side of West Bluff Preserve and golf course CSS restoration areas north of hole 11 (*Figure 1*, attached).

This portion of Forrestal Canyon area was identified as one of the authorized "Takes" in the original project impact analysis. However, due to additional habitat avoidance achieved by the project during Phase II grading, one pair of gnatcatchers has persisted within the canyon open space lot. The gnatcatcher pair has been recorded using this remnant habitat patch during the 2000 breeding season. In addition to the 1.41 acres of existing CSS habitat, the canyon contains approximately 1.66 acres of disturbed habitat that, if restored, will help to support the gnatcatchers and other species using this canyon over the long term. The western extension of the open space lot contains an additional 1.64 acres of disturbed habitat that may be restored to CSS.

The resource agencies have determined that full restoration credit may be given for the 1.64-acre western extension of the open space lot and  $\frac{1}{3}$  credit (0.55 acre) for 1.66 acres CSS restoration in upper Forrestal Canyon may be applied against the new mitigation requirement. The reduced mitigation credit for restoration in upper Forrestal Canyon is in recognition of the future residential land use that will surround the canyon and may provide a source of domestic cats that could impact gnatcatchers and other wildlife species. However, there is a perceived value in this restoration effort because of linkages to West Bluff Preserve and the Coastal Bluff Preserve.



A 5 RPV 93.005A19  
Exhibit 12 p5

Appropriate land use protection of the habitat mitigation site will be provided to the satisfaction of the resource agencies. An amendment to the HCP and the implementing agreement will be necessary to ensure the long term maintenance responsibility for this habitat is accepted by Ocean Trails.

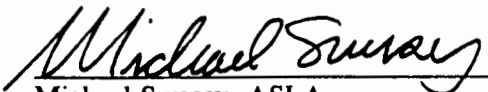
### Upper La Rotonda Open Space Mitigation

This 4.5-acre open space lot is centered over upper La Rotonda Canyon and an adjacent small drainage. The upper canyon has been used in past seasons and in 1998 there was one successful nest within the canyon prior to these additional plantings. According to the HCP vegetation map (HCP Figure 7) there were 1.7 acres of CSS habitat in the canyon at the beginning of construction. An additional 1.7 acres of CSS restoration was installed in 1998. Two gnatcatcher biologists with long term experience monitoring the Palos Verdes population believe this canyon will support a gnatcatcher territory and that the canyon is accessible to gnatcatchers due to line of sight visibility to adjacent occupied habitat north of Palos Verdes Drive South.

The resource agencies have determined that ½ credit (0.85 acre) for this additional habitat restoration area may be applied against the new mitigation requirement. Appropriate land use protection of the habitat mitigation site will be provided to the satisfaction of the resource agencies. An amendment to the HCP and the implementing agreement will be necessary to ensure the long term maintenance responsibility for this habitat is accepted by Ocean Trails.

We believe this mitigation package fully mitigates habitat impacts that will result from implementation of the landslide winterization and remediation project. The proposed mitigation is consistent with the existing mitigation requirements of the Ocean Trails HCP. Please call me at (760) 942-5147 if you have any question regarding this mitigation package.

Very truly yours,  
Dudek & Associates, Inc.



Michael Sweesy, ASLA  
Restoration Ecologist

CC: MaryBeth Woulfe, USFWS  
Bill Tippets, CDFG  
Greg Post, City of RPV  
Angelika Brinkmann-Busi

attachment: Figure 1 Regional Map  
Figure 2 Vicinity Map  
Figure 3 Landslide Onsite Conceptual Restoration Plan  
Figure 4 Shoreline Park Conceptual Restoration and Enhancement Plan  
Figure 5 Forrestal Draw Conceptual Revegetation and Enhancement Plan  
Figure 6 Upper La Rotonda Canyon Conceptual Restoration Plan

Excerpt HCP 2000

Exhibit 17  
A5 RPU 92005 A19

MITIGATION LOCATION	Actual Treatment	Mitigation Credit
Onsite Landslide C	10 acres	10 acres
Additional Credit from Upper Shoreline Park	7.2 acres	3.6 acres
Lower Shoreline Park – Switchbacks	10 acres	10 acres
Lower Shoreline Park – Landslide	11.14 acres	10.32 acres
Ocean Trails Open Space Lots	4.14 acres	3.04 acres
TOTAL	42.48 acres	36.96 acres

2. This habitat will be managed for the long-term protection of the CAGN, CAWR and sensitive plant species. To achieve these goals, the HCP includes a program of habitat preservation (including the coastal bluff area), enhancement, revegetation, brown-headed cowbird trapping, monitoring and maintenance, and long-term financial support for management. Standards of performance have been established through Revegetation Plans for each site to determine levels of success.
3. These conservation programs will be implemented by a team of specialists, experienced in habitat restoration. Designated open space areas, i.e., coastal bluff parks and conservation easements, will be dedicated for protection and management to appropriate local and/or natural resource agencies.

The specific provisions of this amendment are as follows:

- A. Blue butterfly: The Ocean Trails Project is proposing to plant the larval host plant, ocean locoweed (*Astragalus trichopodus* var. *lonchus*), grown largely from local seed in several of its revegetation areas, as follows:

East-West Bluff Corridor	500 plants
Golf Course	325 plants
Shoreline Park	Number of plants to be approved by USFWS through the revegetation plan

Planting the host plant for this species may promote the colonization of the site and potentially provide a place for the species to be introduced. A small amount of Ocean locoweed was included in the plant palette for the West Bluff Preserve but not in the East Bluff Preserve in the approved Enhancement Plans. Naturally occurring stands of the plant do exist in both areas, and the Project will plant additional ocean locoweed as part of the ongoing maintenance of the restoration areas, as appropriate.

The Project has included deerweed in the seed mix for all of the restoration areas. This plant has been observed to be a host plant for the Palos Verdes

Excer # HCP 2000  
#2

AS RPV 93 005A 19  
Exhibit 15

HCP Area Description	Total Impact (acres)	Direct Loss Mitigation Ratio	Temporal Loss Mitigation Ratio	Total Habitat Mitigation
Landslide Impacts	5.88	1:1	1:1	11.76
Investigation impacts	2.36	1:1	1:1	4.72
Repair impacts – landslide	3.65	1:1	1:1	7.3
Repair Impacts – corridor	1.06	2:1	1:1	3.18
Total impacts	12.95			26.96

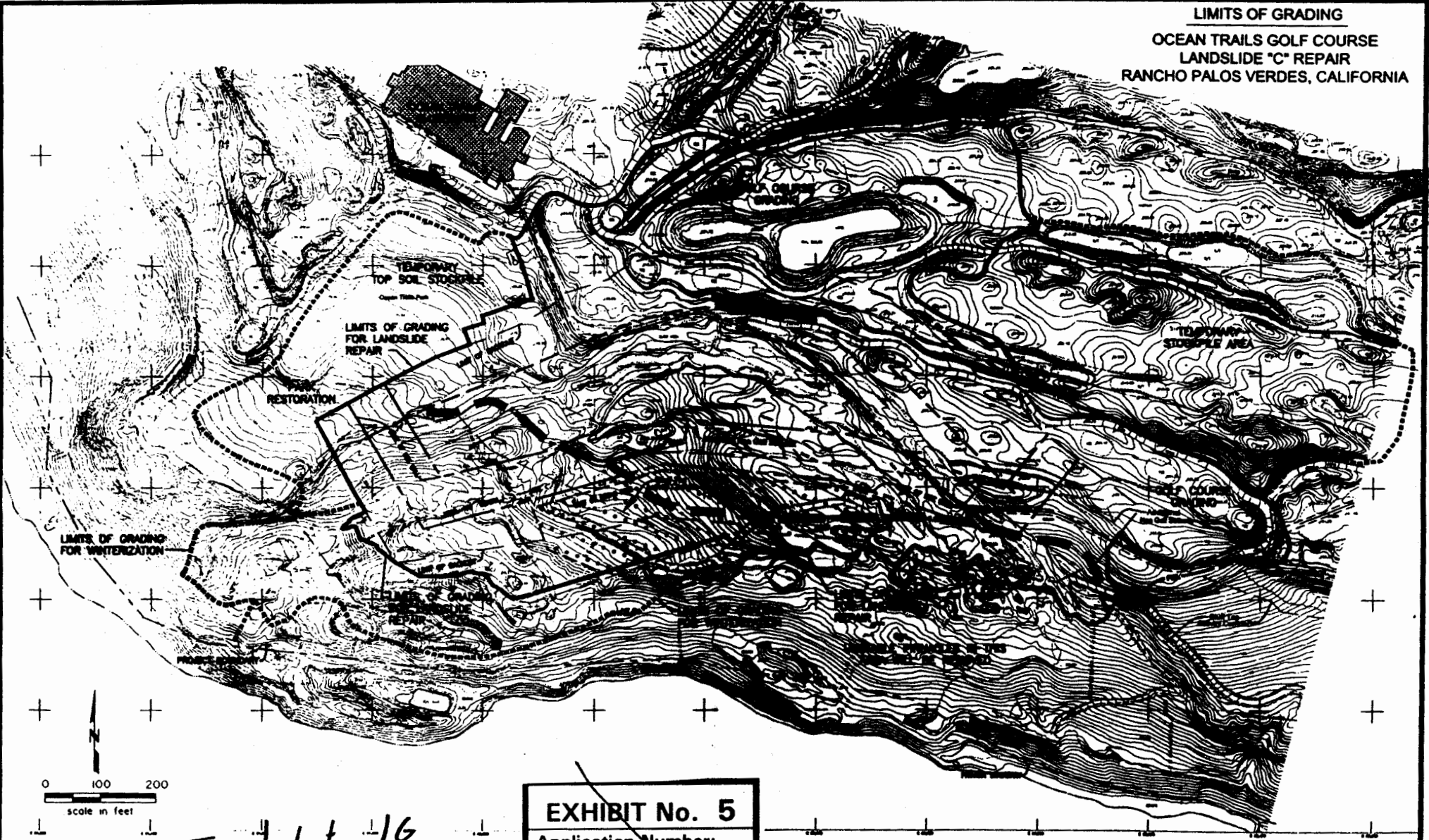
Mitigation Site	CSS Enhancement, in acres	Credit Ratio	CSS Restoration, in acres	Credit Ratio	Credit Acreage Total
Onsite Landslide			10	1:1	10.00
Upper Shoreline Park	1.2	0.5:1	6	0.5:1	3.60
Lower Shoreline Park <sup>1</sup>	1.64	0.5:1	19.5	1:1	20.32
Forrestal Open Space			1.64	1:1	1.64
Forrestal Canyon			1.65	0.33:1	0.55
U. La Rotonda			1.7	0.5:1	0.85
Total Mitigation					36.96

<sup>1</sup> It should be noted that this includes an additional 10 acres of CSS restoration to be done in Shoreline Park as a result of the relocation of the Switchbacks restoration project, as detailed below and included in this table in the Amendment to the BRR.

The mitigation areas for the landslide impacts will be monitored for success over a five-year period after initial project installation and treatments are completed. Vegetation monitoring will consist of qualitative and quantitative data collection and analysis. The results of these surveys will be recorded and included in reports submitted to the Agencies by July 1 of each year. Long-term maintenance will be provided by the project and guaranteed by the City of Rancho Palos Verdes.

- C. Location of Mitigation: The monitoring requirements for the required mitigation will be unchanged by the substitution of the Shoreline Park location for the Switchbacks.
- D. Road Repair Work: The City of Rancho Palos Verdes has agreed to mitigate the completed road repair work (Phase I) authorized by the 4(d) permit at a 3:1 ratio, resulting in a mitigation obligation of .39 acres. The mitigation will involve .10 acres of on-site mitigation and .29 acres of off-site mitigation. The City has also agreed to mitigate for the additional necessary road repair work (Phase II) at a 3:1 ratio, for a maximum possible mitigation requirement of 1.29 acres. The mitigation will involve .37 acres of on-site mitigation and .92 acres of off-site mitigation. The exact amount will be determined after the project is designed and before the work commences.

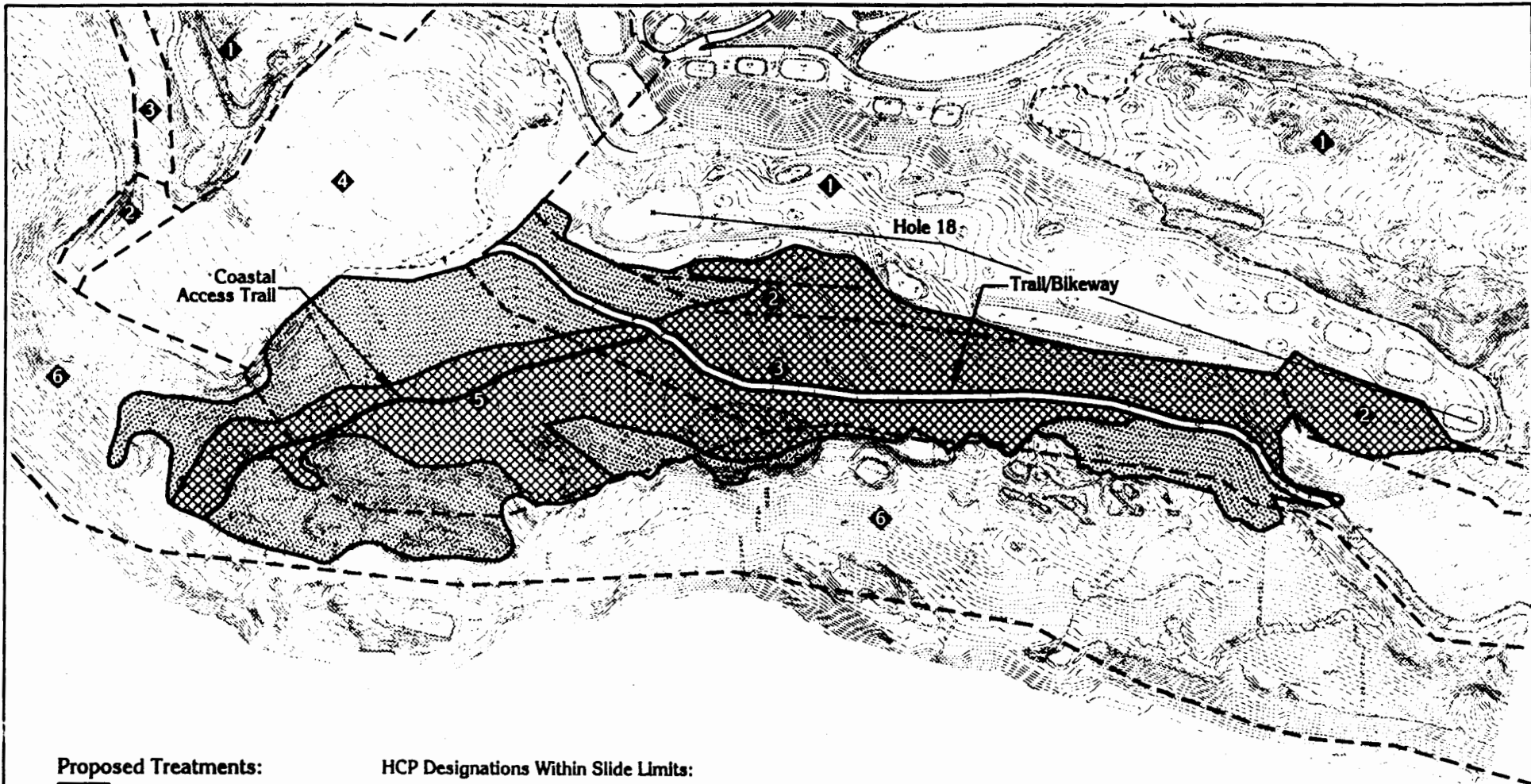
**LIMITS OF GRADING  
 OCEAN TRAILS GOLF COURSE  
 LANDSLIDE "C" REPAIR  
 RANCHO PALOS VERDES, CALIFORNIA**



*Exhibit 16*  
*A5 RPV 93005 A19*  
*Grading permitted*  
*for repair*

**EXHIBIT No. 5**  
 Application Number:  
 A-5-RPV-93-005-A15  
 Ocean Trails  
*Limits of Grading*  
 California Coastal  
 Commission







Converse Consultants  
 Date: 6/23/2000  
 Project No: 99-31-210-01



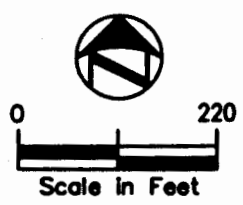
**Proposed Treatments:**

-  CSS Restoration
-  CBS Restoration

**HCP Designations Within Slide Limits:**


-  Golf Course
-  Non-golf Setback
-  Bluff Top Complex Revegetation
-  Ocean Trails Park
-  Coastal Bluff Nesting Bird Preserve
-  Coastal Bluff Preserve

The Final Habitat Restoration & Landslide Repair Plan shall include bike and foot trails per California Coastal Commission. CDP conditions.



**EXHIBIT No 25**

Application Number:  
Application Number:  
A-5-RPV-93-005-A15  
Ocean Trails  
*Restoration Plan*

 California Coastal Commission

*A5RPV 93005 A19*

*Exhibit 17*  
*Repair plan*  
**Ocean Trails Landslide Mitigation  
Landslide Onsite Conceptual Restoration Plan**

**EXHIBIT**

and birds, particularly the California Gnatcatcher and the Cactus Wren, and the preservation and enhancement of coastal sage and coastal bluff scrub habitat.

The applicants have provided a letter of intent to sign a pre-listing agreement from the State of California Department of Fish and Game. The following table shows the impacts of the proposed project on the existing habitat.

<u>Vegetation Type</u>	<u>Impacted</u>	<u>Total</u>	<u>Preserved</u>
Bluff Scrub	0.00	38.5	38.5
Sage Scrub	5.6	13.3	7.70
CSS-Disturbed	27.5	27.8	0.3
CSS/RAG	15.8	15.8	0.0
Palustrine shrub evergreen	0.3	.3	0
Palustrine Shrub Deciduous	0	.04	.04
Fennel Shrub	2.38	2.65	.27
Ruderal Grassland	134.4	146.3	11.9

The four major vegetation types total 95.4 acres, of which 46.2 acres will be preserved. The following table shows the proposed revegetation and easements areas proposed as mitigation for the loss of habitat.

<u>Mitigation Area</u>	<u>Revegetated</u>	<u>Easement</u>
West Bluff Restoration	7 acres	7 acres
East bluff	7.7 acres	7.7 acres
Former Hole # 10 (Halfway Point Gnatcatcher preserve)	7 acres	3.3 acres, plus portions of bluff top corridor
Open Space at golf course boundary	3 acres	14.4 acres bluff top corridor
Inside golf course	<u>10 acres</u>	none
<b>Total</b>	<b>27 acres</b>	

<u>Off-Site</u>		
Shoreline Park	10	20
Switchback	<u>20</u>	<u>100</u>
<b>Total</b>	<b>57</b>	<b>120</b>

*Exh. b. + 18*

*AS RPU 93 005 A19*

*CC original  
 Habitat calculation  
 AS 93-005*

## DEPARTMENT OF FISH AND GAME

330 GOLDEN SHORE, SUITE 80  
LONG BEACH, CA 90802

(310) 590-5113

Exhibit 19

A5 RPU 93 005A19

Fish Game  
letter 1993

February 23, 1993

Mr. Thomas W. Gwyn  
Chairman  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, California 94105

Mr. Peter Douglas  
Executive Director  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, California 94105

Mr. Charles Damm  
District Director  
California Coastal Commission  
245 West Broadway, Suite 380  
Long Beach, California 90802

Dear Gentlemen:

Rancho Palos Verdes Ocean Trails Project  
Proposed Habitat Enhancement Plan

The Department of Fish and Game (Department) would like to provide the Coastal Commission with comments pertaining to the February 18, 1993 Third Supplemental to the Ocean Trails Habitat Enhancement Plan (Plan) which outlines a mitigation, enhancement, and off-site compensation strategy for potential biological impacts of the above-referenced project. The project proposes to develop 83 homes and an 18-hole public golf course on a 261-acre parcel in Subregion 7 and 8 of Rancho Palos Verdes.

The Department has been especially interested in this project and has spent considerable staff time attempting to resolve issues associated with it because of the potential adverse impacts this project could have on two sensitive bird species, the California gnatcatcher (Polioptila californica californica) and the coastal cactus wren (Campylorhynchus brunneicapillus), and five sensitive plant species, three of which occur in a highly sensitive and threatened type of habitat called coastal bluff scrub. During the Plan's development, the Department met with project proponents, representatives of the City of Rancho Palos Verdes, appellants to the project, and staff

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February 23, 1993  
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Exhibit 19, 2

biologists of the U. S. Fish and Wildlife Service to focus on the potential impacts, on-site mitigation, off-site compensation lands, and enhancement of both on-site and off-site lands. Furthermore, invaluable advice has been sought from and provided by Dr. Jonathan Atwood, the recognized expert on the California gnatcatcher, and has been incorporated into the Department's consideration of mitigation, enhancement, and compensation for this project.

The Department has provided detailed recommendations to the project proponent which afford permanent protection of the highly sensitive coastal bluff scrub, phases grading to minimize erosion and impacts to habitat occupied by gnatcatchers and cactus wrens, and eliminates and/or minimizes impacts to sensitive plant species. Because these recommendations have been incorporated into the Plan, the Department is satisfied with the level of protection this Plan affords, should the project be approved.

The project proponent desired assurance that the project could proceed even if either of the two sensitive bird species are listed as threatened or endangered under the California Endangered Species Act (Act); consequently, the mitigation proposed in the Plan had to result in a net benefit and thus improve habitat for these species. In our opinion, this Plan meets this standard for species protection under the Act. The Department has signed a memorandum with the project proponent which conceptually agrees to guarantees set forth in the Plan (see enclosure). The Department requests that prior to the transmittal of the final coastal permit, the Plan be reviewed and approved by the City of Rancho Palos Verdes and Executive Director of the Commission. The guarantees in this Plan will be incorporated into a 2081 "pre-listing management agreement" that will be drafted by our legal staff.

Because of the current continuing degradation of sensitive habitat on the property due to invasive plants, uncontrollable public access, and lack of funds for ecological management, the Plan, if implemented, will provide a higher level of assurance that the sensitive bird species will persist over the long term on the Palos Verdes peninsula. The addition of a golf course in subregions 7 and 8 of the coastal land use plan provides more flexibility in minimizing biological impacts of development than the previously approved coastal plan which permitted substantially more private use and roadways. Furthermore, implementation of the project will provide an established minimum of funds toward long-term ecological management and restoration of lands that will be permanently protected for their natural resource values on the Palos Verdes peninsula.

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AS RPV 93 005-A19

Exh. b. t 1903

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Page Three

Key mitigation, compensation, and enhancement features of the Plan for direct impacts of the project to 5.6 acres of good quality sage scrub and 27.5 acres of disturbed sage scrub include:

- 28.7 acres of good quality habitat including 7.7 acres retained on site and 21 acres off site;
- 47.0 acres revegetated to high quality habitat, including 20 acres in the City of Rancho Palos Verdes "switchback" area, and 10 acres in the County's Southside Park;
- A total of 75.7 acres preserved (2:1 ratio), which represents a minimum habitat acreage and does not include significant acreage of sage scrub preservation within the golf course and which also represents a net gain in habitat quality due to the highly disturbed nature of existing habitat;
- Conservation of a large, contiguous block of open space in the switchback area with a significant potential for future restoration;
- Resolution of an existing ongoing bluff erosion problem including fenced trails along sensitive bluff habitat areas to provide controlled public access and a minimum 100-foot buffer along the bluff except in certain Department-approved locations;
- On-site preservation of most sensitive plants and mitigation at a 3:1 ratio for any impacts; and
- Guaranteed minimum funding for management of open space on the easement properties and other natural areas within the City of Rancho Palos Verdes.

You need to be aware that although not a part of this Plan, the Department is engaged in ongoing discussions with the City of Rancho Palos Verdes to provide revenues through golf course fees or any other means for identification, protection, and enhancement of areas on the peninsula that will ensure the long-term survival of the California gnatcatcher and the cactus wren along with other sensitive species and habitats.

The Department still has concerns about the placement of trails within areas adjacent to sensitive coastal bluff scrub plants and to nesting areas for California gnatcatchers and cactus wrens. These areas need to be buffered from human

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Exhibit 25

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Exhibit 19c4

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Page Four

impacts, both from the golf course and from bikers, dogs, etc. on trails that intrude these sensitive areas. We would like to meet with you and your staff to discuss trails specifically in the areas of West Bluff Nature Park, Forrestal Creek, and the easement area adjacent to Shoreline Park.

Thank you for the opportunity to comment on this Habitat Enhancement Plan. Questions, comments, and the scheduling of any future meetings regarding this project should be directed to Mr. Glenn Black, Natural Heritage Supervisor, at the letterhead address or by telephone at (310) 590-4807.

Sincerely,

*Fred Worthley*  
Fred Worthley  
Regional Manager  
Region 5

Enclosure

cc: Mr. Jeff Opdycke - USFWS  
Mr. Will Shaffroth - Resources Agency  
Mr. Paul Bussey - City of Rancho Palos Verdes  
Mr. Ken Zuckerman  
Mr. Michael McCollum  
Mr. Ed Sauls  
Mr. Michael Mohler  
Mr. Barry Jones  
Mr. Dan Silver  
Mr. Gar Goodsen  
Mr. Carl Allen  
Mr. Jess Morton  
Mr. Andrew Sargent  
Mr. John Sharkey  
Mr. William Ailor  
Ms. Angelika Brinkman-Busi

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Exhibit 25  
Page 10 of 15

The purpose of this effort, more than eighteen months prior to grading for development purposes, was to ensure a net gain of CSS and CBS prior to grading.

The original Ocean Trails project was approved in December 1992 by the City of Rancho Palos Verdes and subsequently by the California Coastal Commission in April 1993. The approved project allowed 83 single family home sites, an 18 hole public golf course and conservation areas/public amenities. Subsequent to this approval, extended discussions with the USFWS and CDFG identified a need to provide for more precise plans, detailing the impacts, mitigation measures, monitoring programs, and financial requirements necessary for this HCP. These discussions, combined with additional geotechnical analysis, generated modifications to the "approved project" that benefit the habitat areas as well as the general public. These modifications include the following:

- 1) A reduction from 83 to 75 single-family homesites;
- 2) Relocation of community clubhouse to area adjacent to Halfway Point Park (active);
- 3) Elimination of public trail segment through Mariposa Lily vegetation area;
- 4) Realignment of public trail segment to area north of West Bluff Habitat Preserve;
- 5) Relocation of wheelchair requirements on public trail in bluff, thereby eliminating major grading of bluff face;
- 6) Minor rearrangement of trails and parking;
- 7) Positioning of golf maintenance facility and low-income housing adjacent to major existing public street.

Implementation of the modified project (Figure 4) would transform the project site into a public golf course - residential community containing a total of 75 homesites, 4 low income housing units, an

18-hole public golf course, public parks and parking, public trails, and natural open space preserves (onsite and offsite). Additionally, the plan (as enhanced by this HCP) contains: measures to protect sensitive plant and wildlife species; setback, grading and storm drain measures to resolve bluff erosion problems, improves access to the coastline by provision of parking and recreational activities, including the 5.1 acre Halfway Point Park which will provide controlled coastal access; provides overlooks, picnic areas and interpretive signing; and, guarantees funding for the perpetual management and monitoring of onsite and adjacent offsite open space lands revegetated and dedicated for plant and wildlife species conservation through Owners contribution, bonds, and a special assessment district. Gross acreages for the principle land uses onsite are as follows:

• Residential Development	76.0 acres
• Fuel Modification Zones	1.0 acre
• Active Public Access & Bluff Top Buffer	22.0 acres
• Designated Preserve Areas	23.0 acres
• Bluff Face	34.5 acres
• Public Golf Course	<u>113.4 acres</u>
<b>TOTAL</b>	<b>269.9 acres</b>

Proposed Grading Program

Creation, removal, and replacement of habitat will result in a net gain of available coastal sage scrub habitat throughout the development process. Staggered grading and avoidance of birds during the breeding season in conjunction with revegetation should cause no more than two (2) pairs of coastal California gnatcatchers and no (0) cactus wrens to be lost as breeding pairs on the site.

Grading on the project site will occur in two (2) stages. Project grading will remove 22.2 acres of the total 63.2 acres of coastal sage scrub and related habitats (as described in Section 3 above). Proposed grading of coastal sage scrub will occur outside the breeding season, as determined by the monitoring biologists. Coastal California gnatcatchers and cactus wrens, if present,

Exh. bet 21  
 A5 RIV 93005A19  
 impacts -  
 1987 HCP

TABLE 4  
 ACREAGE OF PLANT COMMUNITIES  
 IMPACTED BY PROPOSED LAND USES

PLANT COMMUNITY (EXISTING)	RESIDENTIAL	FUEL MODIFICATION ZONES	PUBLIC ACCESS BUFFER	PUBLIC GOLF COURSE	TOTAL (IMPACTED)
CBS	-	-	0.6	-	0.6 acres
CSS	0.2	0.2	0.1	0.2	0.7 acres
d-CSS	6.4	1.3	3.8	4.2	15.7 acres
SCS	-	0.1	-	-	0.1 acres
Disturbed Habitat	31.9	3.0	34.9	73.0	142.8 acres
Baccharis Scrub	11.8	1.0	0.3	1.4	14.5 acres
Disturbed Riparian Scrub	-	-	0.2	-	0.2 acres
Disturbed Southern Cactus Scrub	-	-	5.1	-	5.1 acres
<b>Total</b>	<b>50.3</b>	<b>5.6</b>	<b>39.8</b>	<b>78.8</b>	<b>179.7 acres</b>

Source: Dudek & Associates, Inc. 1994

### 3.3 ASSESSMENT OF IMPACTS TO SENSITIVE PLANT SPECIES

Project implementation would result in the following direct impacts to sensitive plant species:

- Loss of three of six (50%) populations of *Astragalus trichopodus* var. *lonchus* on the project site. Three populations would remain undisturbed. Seeds have been collected onsite and this species will be planted at the revegetation area(s) in accordance with the direction of USFWS and CDFG.
- No loss of onsite population of *Atriplex pacifica*.
- Loss of two small population (approximately 1%) of *Dudleya virens*. This species is relatively common in southern coastal bluff scrub habitat all along the southern edge of the project site, and on Shoreline Park, where it will not be impacted.
- No loss of *Aphanisma blitoides*.
- No loss of onsite populations of *Calochortus catalinae*.
- No loss of onsite populations of *Calandrinia maritima*.

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

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

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

#### 4.2.2 Shoreline Park Easement

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

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

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

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

#### 4.3 COASTAL BLUFF AND OPEN SPACE PRESERVE PROGRAM

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

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

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

#### 4.3.4 East/West Corridor (Buffer area)

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

#### 4.3.5 Forrestral Draw Open Space

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

#### 4.3.6 Revegetation Area with Golf Course

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

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

#### 4.4 GRADING PROGRAM

Grading will occur in two stages as follows:

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

Stage 2 - Golf clubhouse area and western residential area.

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

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

Excerpt 2  
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Exhibit 23