

CALIFORNIA COASTAL COMMISSION

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



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ADDENDUM

W12a

July 7, 2014

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: ADDENDUM TO **ITEM W12a**, COASTAL COMMISSION PERMIT APPLICATION **A-5-RPV-93-005-A21** FOR THE COMMISSION MEETING OF **July 9, 2014**.

I. CHANGES TO STAFF REPORT

In order to ensure that the location of all trails required by the underlying permit and subsequent amendments including this amendment are accurately recorded and that easements and deed restrictions reflect the Commission's intent, staff recommends that Special Condition 3 and Special Condition 7 be revised. Revised conditions are noted with eliminated words ~~crossed out~~ and new words **bolded and underlined**. The following revised special conditions supersede staff's recommendations beginning on page 8 of the staff report and beginning on pages 11 and 27 of Appendix B.

1. REVISED SPECIAL CONDITION 3. OFFER TO DEDICATE TRAIL EASEMENTS

Prior to the issuance of Coastal Development Permit Amendment ~~A-5-RPV-93-005-A-20~~ **A-5-RPV-93-005-A 21**, the landowner shall cause to be executed and recorded 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 (of the Commission's original approval). 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 of the original approval. 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 ~~€ E (Costa De La Islas)~~ from Palos Verdes Drive South to the ~~northern~~ **northwestern** boundary of Lot ~~40~~ **24 (driving range)**, 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~~ **driving range**, 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 Forrestral 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), 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 ~~€ E (Costa De La Islas)~~ from Palos Verdes Drive South to the ~~northern~~ **northwestern** boundary of Lot ~~40~~ **24 (driving range)**, 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~~ **driving range** 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 Sunset (Torrance) trail, thence around the periphery of Ocean Trails Park along the top edge of the bluff. 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, first connecting to the Sunrise Trail and then proceeding along the bluff edge 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.

(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.4 above in the northeasterly corner of Ocean Trails Park (Halfway Point Park,) and extends north to the western end of La Rotonda Drive. In the area described by exhibit 5 of Amendment 15 of this permit as "landslide reconstruction," that is underlain by artificial fill, or the "slide block" of slide C, as also noted in Condition 29 of amendment 15, said trail shall be located only in an area certified by a licensed engineering geologist and/or structural engineer to have a localized factor of safety of 1.5 or more.

(13) Flying Golfball Trail (Sewer easement trail) Class I, eight foot pedestrian/golf cart/sewer maintenance truck trail in a twelve foot corridor located generally as shown in Exhibit A, generally along the route of landslide scarp C from Halfway Point/J road ocean-ward to the Bluff edge trail generally in the center of Lot ~~38~~ 26. (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~~ 26 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~~ 26 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 9th and 12th golf holes, and from there, to bluff top corridor trails A (11) and A (12). The entire width of the trail shall be available for foot and bicycle access. If, after June 2, 2000, trails A 11, A 12 and A 13 are restricted from public use in any manner, in addition to the requirements of Special Condition 1, the applicant shall record an offer to dedicate this trail as required in this Condition and any other trails necessary to provide access that is equivalent in time place and manner to the access along the bluff provided by these trails. Said recording shall occur no later than June 1, 2000, unless additional time is granted by the Executive Director for good cause. In no event shall the applicant interfere with public use of this trail until the Executive Director certifies that the entirety of Bluff Top Trails A (11) and (A12) have been repaired and are available to the public, and the project has provided no fewer than five beach access trails.

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

(1) Palos Verdes Drive South on-Street Bicycle Lane Class II, high-speed bicycle lane on both sides of widened Palos Verdes Drive South, along all portions of Palos Verdes Drive South located within the boundaries of the tract. (50667).

(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 1/20/97, **which may be superseded by revised Special Condition 23. Signage, Final Public Amenity Plan, subject to the approval of the Executive Director,** 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 1/20/97, **which may be superseded by revised Special Condition 23. Signage, Final Public Amenity Plan, subject to the approval of the Executive Director.** except as authorized by a future coastal development permit, and as otherwise authorized by law. No coastal development permit exemptions as defined in Section 30610 of the Coastal Act shall apply to the trails described in this Condition 3 except for repair and maintenance of utility connections as authorized in section 30610(d) of the Coastal Act as further described in Section 13253 of the California Code of Regulations.

In the event that coastal erosion, landslide or bluff collapse makes a designated trail impassable, and the trail is not able to be repaired in place in a timely manner, 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, at any time, any portion of the above-identified trails is considered hazardous, the applicant shall submit a complete permit amendment 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 in 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 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 1/20/97, **which may be superseded by revised Special Condition 23. Signage, Final Public Amenity Plan, subject to the approval of the Executive Director.** 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.

2. REVISED SPECIAL CONDITION 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~~26, 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 amend and restate the deed restriction recorded pursuant to Coastal Development Permit Amendment A-5-RPV-93-005-A15, recorded in the Recorder's Office of Los Angeles County as document number 00 1613036, recorded on October 17, 2000.** 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 ~~38-24-26~~ 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.

- 3. The following paragraph shall be inserted to follow the first paragraph of page 25 of the staff report, within the visual resources section of the findings:

The applicant argues that Government Code Section 432¹ warrants maintaining the unpermitted 70 foot flagpole at its current height and current location. The applicant's reliance on Government Code Section 432 seems to assume that this provision dictates that in order for the flag to be prominent it must fly at 70 feet and in a particular place at the golf course. There is nothing in this Government Code provision and there is no case law interpreting this provision to support a conclusion that flying a flag on a 26-foot high flag pole does not establish prominence of display at a golf tournament. Further, the applicant can establish prominence in many other ways. For example, the applicant could place American flag decals on all of its golf carts, could fly American flags on each of its markers on the greens of each hole, could place flags throughout its clubhouse, and could include the American flag image on all of its documents associated with its business. Further, even if the applicant could support its claim that Government Code section 432 applies to this case, the provision arguably only applies to prominently flying the flag during actual professional golf tournaments given the context of this provision. Based on a review of the online Professional Golfers' Association tournament schedule, there have not been any tournaments played at Trump National in Rancho Palos Verdes nor are there any scheduled for the foreseeable future. Thus, there is no requirement that the applicant fly the flag at all on the golf course, whether it is considered a prominent display or otherwise, since there are no tournaments at the golf course. For this additional reason, Government Code section 432 does not apply to this case.

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Government Code, section 432.

The Flag of the United States and the Flag of the State shall be prominently displayed during any and all games and performances of every kind which take place in a coliseum, stadium, bowl, or other open air sites, and at all race tracks where racing is being conducted.

4. The following paragraph shall be inserted to follow the third paragraph of page 26 of the staff report, within the visual resources section of the findings:

The applicant's argument that the height restrictions detailed in Rancho Palos Verdes Code Section 17.02.040 do not apply to the flagpole is faulty because the City issued a variance for the added height, implying that the flagpole is a structure as defined by that code section. Locally permitted flagpoles in residential zones of Rancho Palos Verdes have at times been limited to 12 feet in height as measured from the lowest point of grade, based on Code Section 17.02.030. In approving a variance for the subject flagpole, the City made findings, including but not limited to, that there were exceptional and extraordinary circumstances to the property and that the proposed flagpole was consistent with the City's General Plan and Coastal Specific Plan. The height and location of the proposed flagpole is not consistent with the general plan or other components of the LCP because it does not preserve and protect one of the only full vistas of the Pacific Ocean in the City. As proposed, the application does not attempt to preserve visual resources. Only as conditioned will the flagpole avoid further vertical visual intrusion into the viewshed, because it will be permitted in the same location and height as the existing clubhouse.

II. ADDITIONAL INFORMATION SUBMITTED BY APPLICANT

On July 3, 2014, the applicant submitted a letter in response to the staff report, detailing its position on the proposed flagpole. The applicant requested that a letter dated June 6, 2014, also in reference to the proposed flagpole, be included in this addendum. Both letters are included herein and the approximately 100 pages of related exhibits are available in the file at the Commission office in Long Beach.

III. PUBLIC CORRESPONDANCE

As of July 3, 2014, The Commission has received 762 letters of in favor of the application, similar in form and content to the first letter included herein, signed by Ladan Salimian. The Commission has received 14 additional letters in support of the proposed project, all included herein, which raise new points or substantially expand on the points raised in the first letter.

The Commission has received three letters and two emails in opposition of the proposed project, all included herein.

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July 3, 2014

CALIFORNIA
COASTAL COMMISSION

Hearing Date: July 9, 2014

Agenda Number: W12a

Trump National Golf Club

VIA HAND DELIVERY:

California Coastal Commission

Attn: Mr. Zach Rehm

South Coast Area Office

200 Oceangate, Suite 1000

Long Beach, CA 90802-4302

Re: Staff Report: Permit Amendment

Application No. A-5-RPV-93-005-A21; Site: One Trump National Dr., Rancho Palos Verdes

Dear Mr. Rehm:

I am writing this letter on behalf of VH Property Corp., dba Trump National Golf Club Los Angeles (the "Applicant") with regard to the Staff Report: Permit Amendment, dated June 26, 2014. We respond to the Report below. We have previously submitted an A-5-RPV-93-005-A21 letter to the California Coastal Commission dated June 6, 2014, which was not attached to the Staff Report. We request that this letter, our June 6, 2014 letter and all other letters of support received by Coastal Commission staff be distributed to all Commissioners and be made a part of the administrative record.

I. Summary

On June 26, 2014, the California Coastal Commission posted a staff report ("Staff Report") recommending the approval of Coastal Development Permit Amendment Application A-5-RPV-93-005-A21 under the condition that the flagpole be limited to 26 feet in height as measured from existing grade and would be sited no more than 30 feet from the outer wall of the existing clubhouse structure. The Staff Report sets forth the Coastal Commission's position that the existing flagpole bearing the American Flag "demonstrably affects visual resources from Palos Verdes Drive and from trails and amenities on the subject site where the public has access" and "obstructs and draws attention away from one of the most significant public vistas of the ocean that exists in the City." The Coastal Commission staff apparently believes that the current location of the American Flag is an eyesore, and should therefore be removed.

Applicant strongly disagrees with the Staff Report's unsupported contention that the flagpole flying an American Flag 70 feet into the sky serves as an impairment to the public's view of the ocean, and submits that the recommendations provided within the Staff Report violate both the U.S. Constitution and California law. As is discussed in detail below, Applicant respectfully requests that the application be approved because: (1) California law prohibits the Coastal Commission from preventing Applicant from displaying a Flag of the United States, (2) the flagpole is not a "structure" subject to the Coastal Commission's authority, and (3) removal of the flagpole violates Applicant's First Amendment rights. We reserve the right to present further information at the July 9, 2014 hearing.

JUL 3 2014

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II. Government Code Section 434.5(b)(1) Prohibits Any Governmental Agency From Preventing a Private Entity From Displaying an American Flag

A. Government Code Section 434.5 Applies to the Coastal Commission

In making its recommendation, the Staff Report incorrectly limits Government Code section 434.5, subsection (d), to “local government” restrictions that promote aesthetic considerations and concludes that because Local Coastal Programs (“LCP”) embody state policy, the statutory authority does not apply.

However, subsection (d) sets forth, “[n]o restrictions solely to promote aesthetic considerations shall be imposed pursuant to paragraph (2) of subdivision (b) *or* paragraph (2) of subdivision (c).” Gov. Code § 434.5(d). (emphasis added). Further, subsection (b) establishes:

“[n]o person, private entity, **or governmental agency** shall adopt any rule, regulation, or ordinance, or enter into any agreement or covenant, that prevents any person or private entity that would otherwise have the legal right to display a Flag of the United States on private property from exercising that right, unless it is used as, or in conjunction with, an advertising display.”

Gov. Code § 434.5(b)(1). (Emphasis added).

As repeatedly stated throughout the Staff Report, the Staff Report’s recommendation arises from merely aesthetic considerations related to the purported distraction that a 70-foot flagpole displaying a Flag of the United States creates for individuals seeking to view the coastline.

Therefore, as the Legislature intended to prohibit **any** governmental agency – whether they are a local agency or “embody state policy” – from restricting the display of an American Flag for aesthetic reasons, the Staff Report’s recommendation contradicts California law.

B. Government Code Section 434.5 Applies to Any Restriction Upon the Display of a Flag of the United States

The Staff Report claims that the statute does not prohibit “quasi-judicial approval,” but merely prohibits governmental agencies from engaging in “a legislative act.” However, as with the Staff Report’s incorrect application of subsection (d) to only local agencies, the clear text of subsection (d) in no way implies that governmental restriction based upon the aesthetic position of an American Flag are permissible, so long as the restrictions are not made in “legislative acts.”

To be clear, section 434.5 sets forth that “[n]o **restrictions** solely to promote aesthetic considerations shall be imposed.” Gov. Code § 434.5(d). (emphasis added). The statute does not limit itself to legislative actions. Rather, the statute prohibits any restrictions, including the enforcement of any state or local laws, which exist solely to promote aesthetic considerations.

California Coastal Commission
Attn: Mr. Zach Rehm
July 3, 2014
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The **only** restrictions which can be imposed regarding the display of a Flag of the United States are "reasonable restrictions as to the time, place, and manner of placement of a Flag of the United States when necessary for the preservation of the **public's health, safety, or order.**" Gov. Code § 434.5(b)(2). (Emphasis Added). The Staff Report does not and cannot set forth any reason why the flagpole and Flag affect the public health, safety, or order.

Thus, any restriction placed upon the display of the flagpole bearing a Flag of the United States is unlawful under section 434.5.

C. The Coastal Commission Lacks the Authority to Determine the Time, Place, and Manner of the Display of An American Flag

As the Staff Report points out, the Coastal Commission derives its authority from state law embodying state policy. However, if any statutory authority seemingly cannot be reconciled with another, "a particular or specific provision will take precedence over a conflicting general provision." *People v. Vessell* (1995) 36 Cal. App. 4th 285, 289. Here, the Coastal Commission generally maintains the integrity of coastal views and access; however, section 434.5 specifically limits all governmental agencies with respect to regulating the display of a Flag of the United States. Therefore, as the Legislature designed section 434.5 to limit the authority of **any** governmental agency to interfere with the lawful display of an American Flag, section 434.5 supersedes any authority granted to the Coastal Commission by the Legislature.

Further, the only limitation that the Legislature placed upon its blanket restriction against interfering with the display of an American Flag relates to the authority of "a **city, county, or city and county** [to impose] reasonable restrictions as to the time, place, and manner of placement or display of a Flag of the United States." Gov. Code § 434.5 (b)(2). As the Coastal Commission does not derive its authority from a city or a local county, section 434.5 statutorily precludes the Coastal Commission from taking any action related to the display of any American Flag.

D. Government Code Section 432 Requires That a Flag of the United States Be Prominently Displayed at Open Air Events

Government Code section 432 requires that:

"The Flag of the United States... shall be **prominently** displayed during any and all games and performances of every kind which take place in a coliseum, stadium, bowl, or other open air sites, and at all race tracks where racing is being conducted." (Emphasis added).

The Oxford dictionary defines prominent as "situated so as to catch the attention; noticeable," and "projecting from something; protuberant." In its current location, the United States Flag flies proudly above the golf course in a prominent central location. However, if the flagpole displaying the Flag were reduced to less than half of its current size, and moved from its central

California Coastal Commission
Attn: Mr. Zach Rehm
July 3, 2014
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CALIFORNIA
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location to within 30 feet of the clubhouse, its visibility would be greatly diminished in clear contradiction to the state policy reasons for enacted section 432.

Therefore, as the Staff Report's recommendation directly conflicts with the statutory requirements and state policy considerations of the California Legislature, the Applicant respectfully requests that the Commission approve the application.

III. The Flagpole Is Not a "Structure" Within the Meaning of Section 17.02.040

Citing to section 17.02.040 of the City of Rancho Palos Verdes Municipal Code, the Staff Report concludes that "it is clear that in residential zones, structures are limited to 16 feet in height, or a maximum of 26 feet in height with a variance." (Staff Report at Page 23). Although Applicant does not contend that section 17.02.040 limits certain *residential structures* to 16 feet in height, the statute cited by the Staff Report does not relate to the flagpole at issue here.

In the definitions section of 17.02.040, structure "means anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which is located on or on top of the ground on a parcel of *land utilized for residential purposes, excluding antennas, skylights, solar panels and similar structures not involving the construction of habitable area.*"

As is clear from this definition of "structure," the statute is intended to apply only to "land utilized for residential purposes." Although Applicant's flagpole is located on a parcel zoned as residential, the approved use of the land is commercial in nature (i.e. a golf course). Because the height limitations were designed to limit residential structures only, and the use here is commercial, the Staff Report's reliance on section 17.02.040 is entirely misplaced.

Even if section 17.02.040 applied here, a flagpole was not intended to fall within the definition of "structure" as contemplated by the drafters of the municipal code. As a practical matter, while flagpoles can enhance the aesthetic appearance of residential property, the flagpole itself is not a requirement for habitation. Further, as the municipal code expressly excludes other similarly-shaped thin metallic structures, such as antennas and skylights, the regulations upon which the Staff Report relies were never intended to apply to a flagpole displaying a Flag of the United States.

Therefore, while the Applicant does not dispute that section 17.02.040 of the City of Rancho Palos Verdes Municipal Code requires that residential structures be limited to 26 feet, absent a variance from the City, the City of Rancho Palos Verdes never intended for this section to apply to that flagpole. When Applicant broached this issue before the City in 2007, the City identified no issues with the purported "structure" and granted the requested variance.

California Coastal Commission
Attn: Mr. Zach Rehm
July 3, 2014
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IV. The Staff Report's Recommendation to Move and Lower the Flagpole Violates the First Amendment of the U.S. Constitution

The California Legislature prohibited any governmental agency from establishing any time, place, and manner restriction related to the display of a Flag of the United States unless such restriction (1) was created by a city or county, and (2) relates to public health, safety, and order. Gov. Code § 434.5(b)(2). The Legislature prohibits any agency from placing any restriction upon another's right to display of a Flag of the United States if the restriction merely relates to the aesthetics of the flag. Gov. Code § 434.5(d). However, separate from these express state restrictions, the United States Constitution also restricts the regulation of an individual's right to display an American Flag to only those restrictions which affect the time, place, and manner of the speech in a reasonable way. *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989).

Citing to section 30001 of the Coastal Act, the Staff Report argues that the Legislature granted the Coastal Commission the authority to work towards protecting scenic coastal views. Although the scenic coastal views are of importance to the Legislature, and the Staff Report is correct that structures are limited in height by the City absent a variance, the Staff Report incorrectly analyzes the narrow tailoring requirement as an attack on the City's authority to provide reasonable restrictions upon structures. Applicant's position is that the Coastal Commission is arbitrarily denying Applicant's request for no other reason than that a 26-foot tall flagpole would somehow be less of an obstruction than a 70-foot flagpole.

As explained in our June 6 letter, for the Coastal Commission to deny a 70-foot tall flagpole in a manner which would not violate the First Amendment of the Constitution, the Coastal Commission must provide "an explanation for [its] decision" setting forth that the State of California has a significant government interest ***in precluding 70-foot tall flagpoles flying the American Flag*** from being in the center of a golf course. *Long Beach Area Peace Network v. City of Long Beach*, 574 F.3d 1011, 1025 (9th Cir. 2008). This explanation must be based upon a compelling government interest in removing the flagpole and cannot be based upon another government agency's overly broad discretion. *Clark v. Cmty. for Creative Non-Violence*, 468 U.S. 288, 293 (1984). Applicant does not challenge the underlying laws which provide the authority for the City and Coastal Commission to prevent substantial obstructions, only the dubious application of these laws to a thin flagpole which not only provides virtually no obstruction, but enhances coastal view by proudly displaying a Flag of the United States.

In its recommendation, the Staff Report provides absolutely no evidence of the obstruction impeding others from enjoying the coastal views beyond the Staff Report's unilateral conclusion that a taller flagpole somehow causes more of an obstruction than a shorter flagpole of equal width. After seven years of proudly flying a Flag of the United States over the golf course, we are unaware of any complaints by residents about any impediment to their view. Likewise, the City itself did not consider this Flag to conflict with a substantial government interest when it initially granted the variance. For the Coastal Commission to suddenly recommend this same innocuous flagpole bearing a Flag of the United States be removed after seven years, strongly

California Coastal Commission
Attn: Mr. Zach Rehm
July 3, 2014
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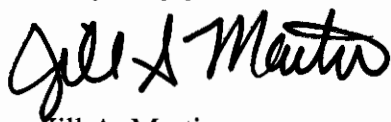
JUL 3 2014

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COASTAL COMMISSION

suggests that the recommendation is not based upon a compelling government interest, but represents a completely arbitrary imposition of overly broad governmental discretion in violation of both California and Constitutional law. *See Clark v. Cmty. for Creative Non-Violence*, 468 U.S. 288, 293 (1984).

Therefore, Applicant respectfully requests that the Coastal Commission approve the application and permit Applicant to continue to fly a Flag of the United States in the same location as it has since 2007.

Very truly yours,



Jill A. Martin
Assistant General Counsel

cc:

Commissioner Effie Turnbull-Sanders
Commissioner Dayna Bochco
Commissioner Jana Zimmer
Commissioner Wendy Mitchell
Commissioner Mary K. Shallenberger
Commissioner Mark Vargas
Commissioner Martha McClure
Commissioner Steve Kinsey
Commissioner Carole Groom
Commissioner Erik Howell
Commissioner Dr. Robert Garcia
Commissioner Gregory Cox
Commissioner John Laird
Commissioner Jennifer Lucchesi
Commissioner Brian P. Kelly
Belinda Faustinos for Commissioner Dayna Bochco
Terri Bowman for Commissioner Jana Zimmer
Steve Kram for Commissioner Wendy Mitchell
Randy Pestor for Commissioner Mary K. Shallenberger
Dr. Paul Song for Commissioner Mark Vargas
Sarah Glade Gurney for Commissioner Steve Kinsey
Maricela Morales for Commissioner Carole Groom
Jeff Duclos for Commissioner Dr. Robert Garcia
Olga Diaz for Commissioner Gregory Cox



Trump National Golf Club

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June 6, 2014

VIA OVERNIGHT DELIVERY:

Mr. Zach Rehm
California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Re: Application No. A-5-RPV-93-005-A21; Site: One Trump National Dr., Rancho Palos Verdes

Dear Mr. Rehm:

I am writing this letter on behalf of VH Property Corp. and its operation of the Trump National Golf Club (the "Applicant") in connection with the Applicant's ownership and operation of the Trump National Golf Club in the City of Rancho Palos Verdes (the "City").

Thank you for meeting with us on May 13, 2014. Per your request during the meeting that we provide additional information regarding our application for approval of the flag pole and flying of the Flag of the United States at Trump National Golf Club Los Angeles, we address your questions by topic below.

DISCUSSION

- I. Applicant's Position Regarding the Right to Fly the Flag of the United States in Its Current Location and at Its Current Height
 - A. California Government Code Section 434.5(d) Precludes the City and the Coastal Commission from Applying Restrictions on Displaying the United States Flag Solely to Promote Aesthetic Considerations

California Government Code Title 1, Division 2, Chapter 3 (a copy of which is attached as **Attachment 1**) describes the rights and obligations for the prominent display of the Flag of the United States. Specifically, Government Code section 434.5(b)(2) allows agencies to impose "reasonable restrictions" as to time, place and manner only "when necessary for the preservation of the public's health, safety, or order." There is no evidence in the record that the flagpole or flying of the Flag of the United States at Trump National Golf Club Los Angeles has any

detriment to public health, safety, or order. Indeed, the Flag of the United States is considered to be an amenity and an enhancement to the community. Moreover, Government Code section 434.5(d) provides "No restrictions solely to provide aesthetic considerations shall be imposed..." as to the time, place, and manner of placement or display of a Flag of the United States.

Government Code Section 434.5(d) and the legislature make clear that the only limitations for display of the Flag of the United States may be based on the public's health, safety, or order.

B. Trump National Golf Club's Display of the American Flag is Protected Speech Under the First Amendment of the Constitution

By displaying a 70-foot tall Flag of the United States from within its property, Trump National Golf Club selected a patriotic form of expression not only expressly permitted by the California Legislature, but also protected by the First Amendment to the Constitution. As explained by the United States Supreme Court, the government may only restrict speech if the restrictions (1) do not regulate the content of the speech, (2) are narrowly tailored to serve a significant government interest, (3) leave open ample alternative channels for communication, and (4) do not "delegate overly broad licensing discretion to a government official." *Clark v. Cmty. for Creative Non-Violence*, 468 U.S. 288, 293 (1984) (emphasis added); see also, Cal. Const. Article 1 § 2. Put another way, while the government may limit certain forms of speech, those limitations must only affect the time, place, and manner of the speech in a reasonable way. *Id.*

For the Coastal Commission to prevent Trump National Golf Club from expressing its patriotism by displaying a Flag of the United States, the Coastal Commission must provide a "substantial" reason for prohibiting the speech and provide a solution "narrowly tailored" to accomplish nothing more than the stated objective. *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989). Furthermore, the Coastal Commission cannot base its decision solely upon its own discretion. *Clark* at 293. For the Coastal Commission to restrict the display of the flag, it must provide Trump National Golf Club with "narrow, objective, and definite standards." Additionally, the Coastal Commission must provide "an explanation for [its] decision." *Long Beach Area Peace Network v. City of Long Beach*, 574 F.3d 1011, 1025 (9th Circ. 2008).

When the City of Rancho Palos Verdes found that Trump National Golf Club could display the Flag of the United States utilizing the 70 foot flag pole, it effectively established that the time, place, and manner of the flag's placement did not run afoul of any substantial public interest (See Section I. C. of this letter). The flag obviously does not affect public health or safety, nor does it create disruption to the public order. Further, as set forth above, the California Legislature expressly prohibits the Coastal Commission from basing any decision to remove a Flag of the United States on aesthetics. Gov. Code § 434.5(d). Therefore, unless the Coastal Commission can present a new, compelling reason for removal that the City failed to consider, the Coastal Commission must permit the flag to remain at its current location.

C. Pursuant to Resolution No. 2007-85, the City Approved an Amendment to Revision "BB" to Conditional Use Permit No. 163/Variance to Allow a 70 foot Flagpole at the Trump National Golf Course and Made All Required Findings

The City Council of the City of Rancho Palos Verdes approved Resolution No. 2007-85 on June 19, 2007. The City found that ancillary uses of a golf course typically include "amenities such as a flag pole."¹ Resolution 2007-85, Section 3(d). In Section 4 of Resolution 2007-85, the City made all the required findings for approval of a Variance pursuant to the City's Municipal Code based on evidence in the record. A copy of Resolution 2007-85 is attached as **Attachment 2** for your convenience. Moreover, Section 4(d) of Resolution 2007-85 states, in pertinent part: "[the project] will 1) continue to maintain and protect natural habitat resources; 2) continue to enhance visual resources by ensuring that the proposed flagpole does not significantly impair a view, and 3) not cause any impacts to existing public access to the coast."

Resolution 2007-85 Section 3.f.V. sets forth various conditions of the City's approval of the Variance for the flagpole. These conditions have and will serve to regulate the flying of the flag. The Applicant has satisfied all currently applicable conditions, and is ready, willing, and able to satisfy all of the conditions of approval that are triggered upon final approval by the Coastal Commission.

The City of Rancho Palos Verdes, under the authority of its zoning police power, has determined that the display of the Flag of the United States and the 70-foot flagpole is properly approved under the City's zoning regulations pertaining to Variances, the California Government Code and the Constitution.

D. The Coastal Commission has Previously Approved Flagpoles to Enhance Coastal Uses and to Provide Navigation Aids

The California Coastal Commission has previously approved waivers and exemptions for flagpoles as accessory structures. For example, Waiver De Minimis Number 1-02-024-W, a copy of which is attached as **Attachment 3**, approved a 70 foot flagpole to enhance an existing coastal development use in Crescent City, Del Norte County. Similar to the Trump National Golf Club, the Crescent City flagpole provides a meteorological reference point for mariners, aiding in navigational positioning and weather and sea-state prediction.

The Trump National Golf Club flagpole, like the Crescent City flagpole, is not in a location that encroaches into sensitive habitat areas or that would adversely affect coastal views to and along

¹ The flying of the American flag is a traditional symbol at the top golf courses around the country. For example, as shown in the photos attached as Exhibit A¹, the American flag is proudly flown at prominent golf courses throughout the United States. Additionally, all Trump golf courses in the United States fly the American flag with spirit and respect, at heights ranging from 70 feet to 90 feet, with the majority of flagpoles reaching 80 feet. See Exhibit B.

the coast. The flagpole at Trump National Golf Course does not result in impacts to the quality of coastal waters.

E. The EIR Findings Determine that the Flagpole Does Not Significantly Impair Views from Surrounding Properties or to the Public Right of Way

Resolution 2007-30, Addendum No. 26 to Environmental Impact Report No. 36, a copy of which is attached as **Attachment 4**, was approved by the City Council of the City of Rancho Palos Verdes, based on the City Council's determination that the Addendum was complete under the California Environmental Quality Act and State and local guidelines. The City provided public notice and conducted a proper public hearing. The City concluded based on its independent review and consideration of the information and found that the Addendum was adequate and complete.

F. No Objection Was Filed within the 15-Day Appeal Period for the Variance or the 30-Day Period under CEQA

No "interested party" or governmental agency (including the Coastal Commission) filed an appeal, protest or objection to the City's actions described in Sections II.B. and II.E. of this letter.

II. The Location and Size of the Flag is an Enhancement to the City and the Community

The flying of the American flag at Trump golf courses, including at Trump National Golf Club Los Angeles, is an important symbol of not only the patriotism of Donald J. Trump, but also serves as a constant symbol of our nation's strength and unity and instills pride and inspiration for those that see it. Unlike view impediments that exist along the California coastline, Trump National's flying of the American flag is accepted as a positive enhancement of the view with insignificant view intrusion. American flags can be seen along the coast of California, and rather than negatively impacting the view, the American flag enhances it.² The flagpole and the flying of the Flag of the United States have become a community landmark and have support of the neighborhood and Veterans' groups.

We understand from our conversation that Coastal Commission staff has questions about the location and height of the flagpole. As we explained, however, the flag is in the optimal location and at the optimal height to allow for viewing from all holes along the golf course and the public areas integrated within and about the Trump National Golf Club. In addition, its location is also ideal for attracting people to the coast and serving as a national monument for the community to enjoy. Sitting just behind the first tee box, the flag pole is just steps away from the public parking lot and park located at the center of Trump National's property. Trump National also

² See Exhibit C for photos of other American flags flying along the coast of California.

has benches in the park placed in locations ideally situated to view the flag by the public.³ Veterans, as well as other community members and stakeholders, report they are proud to have the Trump flagpole as a symbol in our community to enjoy by the ocean.

Staff expressed its opinion that it would prefer to see the flag pole located closer to the clubhouse, but a flag pole closer to the clubhouse would not eliminate many of the important aspects it and members of the public currently enjoy, such as public viewing space (i.e. the design of the clubhouse prohibits putting the flagpole in an area where the public could visit the flag due to traffic patterns for vehicles and golf carts) and ability to see the flag from all points on the golf course (this is an important function of the flag as golfers use it to guide them around the course and to gauge the wind direction). In addition, the current location and height of the flagpole is integral to serve as a navigational aid. See Section II. D. above.

We also disagree with Staff's assessment that relocating the flagpole to closer to the clubhouse might reduce or eliminate view obstruction by grouping structures closely together, as the flag pole is already located in a close enough proximity to the clubhouse so as to group any view impacts together. Indeed, relocating the flagpole would be costly and could result in a crowding effect and impede access by the public which could reduce fulfillment of the Coastal Commission's statutory goals. To illustrate this, we have attached photos taken from various vantage points along PV drive south (the photos are shown moving from the north end of the property travelling south until the flag is no longer visible).⁴ Also attached are photos from various areas of the property, as would be seen by trail walkers and golf course patrons.⁵ As shown from these photos, the flagpole location is ideal for clustering any view impairment with that which already exists due to the clubhouse, while permitting the greatest access to the public.

The Applicant and the City of Rancho Palos Verdes extensively studied the ideal location to achieve both the Applicant's, the City's and public's concerns when deciding on the location of the flagpole. There is no sound basis for requiring the Applicant to move the flag pole to an alternate location.

III. Dimensions of the American Flag

One additional question staff raised during our meeting was the dimensions of the flag. The flag that is currently flown, and for which Applicant seeks approval is 20 feet x 30 feet.

³ See Exhibit D for photos of the park benches looking up at the flag and the view of the flag from a park bench.

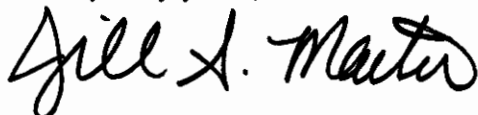
⁴ See Exhibit E.

⁵ See Exhibit F.

Mr. Zach Rehm
June 6, 2014
Page 6

We hope that this letter addresses all of your concerns with respect to the flag. If you have any additional questions or would like to discuss this issue further, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink that reads "Jill A. Martin". The signature is written in a cursive, flowing style.

Jill A. Martin
Assistant General Counsel

Enclosures

cc: Karen ZoBell

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COASTAL COMMISSION

Agenda No.: W12a

Application No.: A 5-RPV-93-005-A21

Hearing Date: July 9, 2014

Name: Ladan Salimian

In Favor of Application

June 28, 2014

California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Re: Permit No. A 5-RPV-93-005-A21
Hearing Date: July 9, 2014

Dear Commissioners:

As a patron of Trump National Golf Club Los Angeles, I write to express my support for Trump National's application for approval of its driving range and the flying of the American Flag at its current height and location.

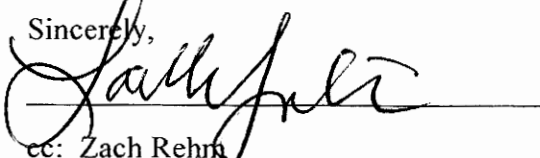
I enjoy seeing the American Flag proudly flown in Rancho Palos Verdes. It is an asset to our community that does not obstruct coastal or ocean views from our homes or any public viewing areas. In fact, I think it enhances our City and enriches our appreciation of the ocean and coast. It has truly become an icon and navigational tool in our community.

Trump National proudly displays the American Flag for the community's enjoyment and provides public trails, viewing areas, and access for the public to the American Flag. Trump National put much time and effort into finding the ideal location for the Flag to enhance Coastal access without having an impact on coastal views. The flag pole and American Flag are a glorious and majestic landmark for the community that you should not require be removed, or moved. The American Flag as flown by Trump National provides aesthetic value to our views, unlike many other things that are found in our coastal view such as cell towers and antennas. I think that the American Flag is a respectful tribute to our country that embellishes the view of the Pacific Ocean.

I also support the reconfiguration of residential lots by Trump National and addition of the driving range. The use of land as a driving range means we get beautifully manicured open space along our coast. As a world-class golf course, allowing Trump National to use its land as a driving range makes perfect sense.

Please vote to approve Trump National's application.

Sincerely,



cc: Zach Rehm

LINDA D'AMBROSI
MANAGING PARTNER
310.938.6958

D'AMBROSI & CALLEN

SANDRA CALLEN
MANAGING PARTNER
310.408.6542



REAL ESTATE CONSULTING & ACQUISITIONS FIRM

Agenda No.: W12a
Application No.: A 5-RPV-93-005-A21
Hearing Date: July 9, 2014
Name: Linda D'Ambrosi
In Favor of Application

June 25, 2014

California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Re: Permit No. A 5-RPV-93-005-A21
Hearing Date: July 9, 2014

Dear Commissioners:

As a resident of Rancho Palos Verdes and neighbor of Trump National Golf Club Los Angeles, I write to express my support for Trump National's application for approval of its driving range and the flying of the American Flag at its current height and location.

I enjoy seeing the American Flag proudly flown in Rancho Palos Verdes. It is an asset to our community that does not obstruct coastal or ocean views from our homes or any public viewing areas. In fact, I think it enhances our City and enriches our appreciation of the ocean and coast. It has truly become an icon and navigational tool in our community.

Trump National proudly displays the American Flag for the community's enjoyment and provides public trails, viewing areas, and access for the public to the American Flag. Trump National put much time and effort into finding the ideal location for the Flag to enhance Coastal access without having an impact on coastal views. The flag pole and American Flag are a glorious and majestic landmark for the community that you should not require be removed, or moved. The American Flag as flown by Trump National.

DAMBROSICALLEN.COM

LINDA@DAMBROSICALLEN.COM | SANDRA@DAMBROSICALLEN.COM

28901 SOUTH WESTERN AVENUE, SUITE 101, RANCHO PALOS VERDES, CA 90275

LIC #01404613 & LIC #01432561

provides aesthetic value to our views, unlike many other things that are found in our coastal view such as cell towers and antennas. I think that the American Flag is a respectful tribute to our country that embellishes the view of the Pacific Ocean

I also support the reconfiguration of residential lots by Trump National and addition of the driving range. The use of land as a driving range, rather than development, means we get beautifully manicured open space along our coast. As a world-class golf course, allowing Trump National to use its land as a driving range makes perfect sense.

In addition to the above I was the exclusive Realtor for Mr. Trump and sold his finished homes on Twin Harbors View Drive, Isthmus View Drive, and Emerald View Drive, along with selling a couple of lots on Emerald View Drive. The overall comment I heard was that everyone enjoyed seeing the American Flag and thought that Mr. Trump was brilliant in erecting it on his property.

Please vote to approve Trump National's application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Linda D'Ambrosi', written over the word 'Sincerely,'.

cc: Zach Rehm

BOOT CAMPAIGN

www.bootcampaign.com | f /bootcampaign | @bootcampaign

Agenda No.: W12a

Application No.: A 5-10

Hearing Date: July 9, 2014

Name: _____

In favor of Application

25 June 2014

California Coastal Commission
South Coast District Office
200 OceanGate, 10th Floor
Long Beach, CA 90802-4416

RECEIVED
South Coast Region

JUN 27 2014

Re: Permit No. A 5-RPV-93-005-A21
Hearing Date: July 9, 2014

CALIFORNIA
COASTAL COMMISSION

Boot Greetings Commissioners:

As a non-profit charity organization whose focus is on expressing gratitude, providing assistance and raising awareness of the needs our military face when they come home, we are always in support of businesses that fly the American Flag. In fact we tell people flying the flag is a responsibility and an expression of gratitude to those who serve in protection of our freedom. We at the Boot Campaign therefore express our support for Trump National's application for approval of the flying of the American Flag at its current height and location and for the driving range.

As an organization that promotes patriotism, the American Flag is a centerpiece to our freedom. We have been part of events at the Trump National Golf Club for several years and always enjoy knowing when our servicemen and women drive up they are greeted with the wave of gratitude in the display of the American Flag. Unlike other large items like cell towers and antennas the Flag embodies a long and storied history of the freedom we share.

Please vote to approve Trump National's application.

Kindest Regards,


Myra Brandenburg

Operations Director

Agenda No.: W12a
Application No.: A 5-RPV-93-005-A21
Hearing Date: July 9, 2014
Name: Capt Joshua McFarland
In Favor of Application

June 26, 2014

California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Re: Permit No. A 5-RPV-93-005-A21
Hearing Date: July 9, 2014

Dear Commissioners:

As a Captain in the United States Air Force, I am honored that Trump National Golf Club Los Angeles proudly flies the American Flag. I therefore write to express my support for Trump National's application for approval of the flying of the American Flag at its current height and location and for the driving range.

I enjoy seeing the American Flag proudly flown in Rancho Palos Verdes and am grateful of the great pride in our country that Trump National proudly displays by flying the American Flag. It is an asset to the community that does not obstruct coastal or ocean views from any public viewing areas. In fact, I think it enhances and enriches our appreciation of the ocean and coast. It has truly become an icon and navigational tool for those visiting Rancho Palos Verdes. It has also become a monument for veterans and other patriots to memorialize our national.

Trump National put much time and effort into finding the ideal location for the Flag to enhance coastal access without having an impact on coastal views. The flag pole and American Flag are a glorious and majestic landmark that you should not require be removed, or moved. The American Flag as flown by Trump National provides aesthetic value to our views, unlike many other things that are found in our coastal view such as cell towers and antennas. I think that the American Flag is a respectful tribute to our country that embellishes the view of the Pacific Ocean.

I also support the reconfiguration of residential lots by Trump National and addition of the driving range. The use of land as a driving range, rather than development, means we get beautifully manicured open space along our coast. As a world-class golf course, allowing Trump National to use its land as a driving range makes perfect sense.

Please vote to approve Trump National's application.

Sincerely,


Joshua McFarland, Capt, USAF

cc: Zach Rehm

PAYNE & FEARS

ATTORNEYS AT LAW

Agenda No.: W12a
Application No.: A 5-RPV-93-005-A21
Hearing Date: July 9, 2014
Name: Daniel L. Rasmussen

In Favor of Application

June 26, 2014

California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Re: Permit No. A 5-RPV-93-005-A21
Hearing Date: July 9, 2014

Dear Commissioners:

I enjoy both the natural beauty and manicured splendor of the Trump National Golf Course in Palos Verdes. In my experience, everything done there is top notch.

I write to express my support for its application for approval of its driving range and the flying of the American Flag at its current height and location. Trump National proudly displays the American Flag for the community's enjoyment and provides public trails, viewing areas, and access for the public to the American Flag. Trump National has found the ideal location for the Flag to enhance Coastal access without having an impact on coastal views. I believe that the American Flag is a respectful tribute to our country that embellishes the view of the Pacific Ocean.

I also support the reconfiguration of residential lots by Trump National and addition of the driving range. As a golfer, the driving range is a vital part of the golf experience. A driving range provides novice golfers (aka hackers) like me the opportunity for practice and instruction. As a world-class golf course, having a driving range is essential.

Please vote to approve Trump National's application.

Sincerely,



Daniel L. Rasmussen

cc: Zach Rehm

4849-1685-5836.1

IRVINE
4 Park Plaza
Suite 1100
Irvine, CA 92614
T 949.851.1100
F 949.851.1212

LAS VEGAS

LOS ANGELES

SALT LAKE CITY

SAN FRANCISCO



Agenda No.: W12a
Application No.: A 5-RPV-93-005-A21
Hearing Date: July 9, 2014
Name: Andrea Gaston
In Favor of Application

June 26, 2014

California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Re: Permit No. A 5-RPV-93-005-A21
Hearing Date: July 9, 2014

Dear Commissioners:

As the Head Women's Golf Coach of the #1 ranked team in the country at the University of Southern California and patron (along with the players on my team) of Trump National Golf Club Los Angeles, I write to express my support for Trump National's application for approval of its driving range and the flying of the American Flag at its current height and location.

I enjoy seeing the American Flag proudly flown in Rancho Palos Verdes. It is an asset to the community that does not obstruct coastal or ocean views from any public viewing areas. In fact, I think it enhances and enriches our appreciation of the ocean and coast. It has truly become an icon and navigational tool for those visiting Rancho Palos Verdes.

Trump National proudly displays the American Flag for the community's enjoyment and provides public trails, viewing areas, and access for the public to the American Flag. Trump National put much time and effort into finding the ideal location for the Flag to enhance Coastal access without having an impact on coastal views. The flag pole and American Flag are a glorious and majestic landmark that you should not require be removed, or moved. The American Flag as flown by Trump National provides aesthetic value to our views, unlike many other things that are found in our coastal view such as cell towers and antennas. I think that the American Flag is a respectful tribute to our country that embellishes the view of the Pacific Ocean.

I also support the reconfiguration of residential lots by Trump National and addition of the driving range. As a golfer, the driving range is a vital part of the golf experience. Without a driving range, this would negatively impact the players on my team who have had the benefit of being able to use

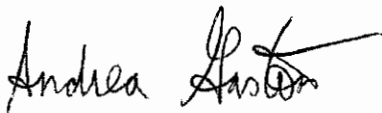
TROJAN GOLF

Page 2

the outstanding practice facilities at Trump National for many years now. As the top-ranked team in the nation along with players currently ranked in the top 10 in the World Amateur Golf rankings (WAGR), our players would be deprived of the practice and instructional opportunities that Trump National currently provides. We are extremely proud and grateful of our association with Trump National. This is a world class facility, and having a driving range is essential!

Please vote to approve Trump National's application.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrea Gaston". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Andrea Gaston
Head Women's Golf Coach
University of Southern California

cc: Zach Rehm

Agenda No.: W12a
Application No.: AS-RPV-93-008-
A 21
Hearing Date: July 9, 2014

June 26, 2014

California Coastal Commission

South Coast District Office

200 Oceangate, Tenth Floor

Long Beach, California 90802-4416

RE: Trump National Golf Course American Flag & Driving Range

Commissioners:

I moved to Rancho Palos Verdes in 1983 and believe that Trump National Golf Course and Terranea Resort are two of my city's finest assets.

The American Flag that flies from the Trump property enhances the city and has become almost iconic. It proudly flies in our community from a place that does not in any way obstruct views from homes or public viewing sites. My wife and I, as well as many other local residents and visitors, frequently walk the beautiful trails maintained by Trump, which previously was an almost inaccessible eye sore, and proudly admire Old Glory while doing so.

This great symbol of our nation is visible to departing and arriving sea going vessels, offering them a patriotic welcome, or fond farewell.

I strongly urge you to encourage more things of this nature for the benefit of all those who enjoy our spectacular coast.

I also support the Trump effort to build a driving range on this world class facility. It will provide more jobs and more enjoyment to citizens living on the Peninsula and visitors in our city. It will be a win for everyone involved.

Thank you.

C. J. Ruona

Rancho Palos Verdes, California



BOARD OF SUPERVISORS COUNTY OF LOS ANGELES

822 KENNETH HAHN HALL OF ADMINISTRATION / LOS ANGELES, CALIFORNIA 90012
Telephone (213) 974-4444 / FAX (213) 626-6941

MEMBERS OF THE BOARD

GLORIA MOLINA
MARK RIDLEY-THOMAS
ZEV YAROSLAVSKY
MICHAEL D. ANTONOVICH

June 26, 2014

DON KNABE

CHAIRMAN OF THE BOARD
SUPERVISOR, FOURTH DISTRICT

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South Coast Region

JUN 27 2014

CALIFORNIA
COASTAL COMMISSION

Mr. Steve Kinsey
Chairman
California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, California 90802-4416

Permit Number: A 5-RPV-93-005-A21

Hearing Date: July 9, 2014

Dear Chairman Kinsey:

I write to express my support for Trump National's application for approval of the flying of the American Flag at its current height and location and addition of its driving range.

As someone who has served in the military, and has the privilege of serving the community as a local elected official, I have the highest regard for our American Flag. From my understanding, the flag does not obstruct coastal or ocean views from homes or any public viewing areas. In fact, I believe the Flag is an asset to the City of Rancho Palos Verdes and provides an enriching experience to better appreciate the ocean and coast. It has truly become an icon and a significant landmark in the community.

Trump National proudly displays the American Flag for the community's enjoyment, and purposefully designed the area to provide public access to the Flag with public trails and designated viewing areas. Trump National put much time and effort into finding the ideal location for the Flag to enhance coastal access without having an impact on coastal views. I understand the need to manage and regulate severely impactful coastal viewing blight, such as cell towers and antennas. However, the Flag is a sign of patriotism and is a respectful tribute to our Country.

I strongly urge the Commission to approve Trump National's application to keep the American Flag as is, the reconfiguration of the nearby residential lots, and the addition of the driving range. As a world-class golf course, it is imperative that Trump National be allowed to include a driving range at their facility. I thank you in advance for your thoughtful consideration to this matter.

Should you have any questions please contact me at (213) 974-1042 or DKnabe@lacbos.org.

Sincerely,

DON KNABE
Chairman of the Board
Supervisor, Fourth District
County of Los Angeles

c: All California Coastal Commissioners

June 26, 2014

California Coastal Commission

South Coast District Office

200 Oceangate, Tenth Floor

Long Beach, California 90802-4416

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South Coast Region

JUN 27 2014

CALIFORNIA
COASTAL COMMISSION

RE: Trump National Golf Course American Flag & Driving Range

Commissioners:

I moved to Rancho Palos Verdes in 1983 and believe that Trump National Golf Course and Terranea Resort are two of my city's finest assets.

The American Flag that flies from the Trump property enhances the city and has become almost iconic. It proudly flies in our community from a place that does not in any way obstruct views from homes or public viewing sites. My wife and I, as well as many other local residents and visitors, frequently walk the beautiful trails maintained by Trump, which previously was an almost inaccessible eye sore, and proudly admire Old Glory while doing so.

This great symbol of our nation is visible to departing and arriving sea going vessels, offering them a patriotic welcome, or fond farewell.

I strongly urge you to encourage more things of this nature for the benefit of all those who enjoy our spectacular coast.

I also support the Trump effort to build a driving range on this world class facility. It will provide more jobs and more enjoyment to citizens living on the Peninsula and visitors in our city. It will be a win for everyone involved.

Thank you.



C. J. Ruona

Rancho Palos Verdes, California

RECEIVED
South Coast Region

JUN 30 2014

June 27, 2014

California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

CALIFORNIA
COASTAL COMMISSION

Re: Permit No. A 5-RPV-93-005-A21
Hearing Date: July 9, 2014

Dear Commissioners:

As a resident of Rancho Palos Verdes, I write to express my support for Trump National's application for approval of its driving range and the flying of the American Flag at its current height and location.

The American Flag proudly flown in Rancho Palos Verdes by Trump National is an asset to our community that does not obstruct coastal or ocean views from our homes or any public viewing areas. It has truly become an icon and navigational tool.

The American Flag as flown by Trump National provides aesthetic value to our views, unlike many other things that are found in our coastal view such as cell towers and antennas

I also support the addition of the driving range and the reduction of home sites and allowing Trump National to use its land as a driving range makes perfect sense.

Please vote to approve Trump National's application.

Sincerely,


Kenneth I. DeLong

Robert A. Nelson
6612 Channelview Court
Rancho Palos Verdes, CA 90275

Agenda (Item): W12a
Application Number: A-5-RPV-93-005-A21
Robert A. Nelson
Favor approving project description details

John Del Arroz
California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

COASTAL COMMISSION MEETING DATE:
JULY 9, 2014

RECEIVED
South Coast Region

June 27, 2014

JUN 30 2014

Ref: Permit #: A-5-RPV-93-005-A21 (One Ocean Trails Drive)
VH Property Corp. (Trump National Golf Course)

(WRITTEN AS A PRIVATE CITIZEN AND NOT AS A MEMBER OF CALIFORNIA COASTAL COMMISSION
RANCHO PALOS VERDES' PLANNING COMMISSION.)

Brief: I favor the project as described. From a commercial viewpoint, it further beautifies RPV's coastal environment. The Trump organization provides significant benefits to our community and this Hearing will only improve those. Their facility has a delightful atmosphere for entertaining, playing golf, enjoying magnificent views, walking along the ocean on trails (some of the best in the west) and being a great neighbor! What is being proposed largely formalizes what already is there or planned and I favor all items in the "Project Description."

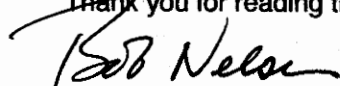
Background: Almost from day one Donald Trump's staff has run a gauntlet of opposition. Always politely listening and I'm sure, as we all do, go back to their offices, bang their head against a wall and wonder where did that person come from? For example, one person, living in a condo complex known as Ocean Trails, about 1/2 a mile from the subject flagpole said it destroyed his view, blotting out why he moved there. The next person, an engineer, brought reality, saying he stood in basically the same position, extended his arm out and found at arm's length his thumb totally obscured the 70' flag pole and our flag, therefore, his calculation was the pole and flag blocked 1/12,000th of his total view. But Trump staff had to listen to hundreds of questions prying into or suggesting how to run their operations, questions from nearby citizens, citizens who lived miles away (some not in RPV), seven Planning Commissioners, five Councilmen and spokespersons from way too many groups to name here. That was Trump staff's gauntlet – and listening to many questioners was, as a RPV citizen, at times embarrassing.

But times change. Trump staff weathered all that 'must be heard' dribble. Now opposition is down to what most call 'RPV's usual suspects' who object to 50-70% of all RPV land use decisions. Their letters try to fill your files so you'll feel they represent 100% of 42,000 RPVers. Of course, far from the truth. Contra their efforts, this project established itself in RPV, never hesitating to host another community event, to provide a prize for your group and to greet every guest as though they were Donald Trump himself! Today's efforts will 'flesh out' the project, formalizing long awaited plans to better the neighborhood, our RPV community and southern Los Angeles.

Closing comment: About our American Flag displayed at Trump.

We are a nation still at war. Every veteran driving past, every plane high overhead, every car travelling Palos Verdes Drive South, every US flag sailing by, every mother and father with a daughter or son fighting our battles (as Sandie and I did have), takes immense pride in Trump organization's patriotic display of our flag, many wishing it could be larger. A few locals have opposed our flag as displayed at Trump. That is their right just as it is mine to say what I have, in support of our 'Old Glory' at Trump and its legacy.

Thank you for reading this. Urge you to approve this item and move on!


Bob Nelson

Robert A. Nelson
6612 Channelview Court
Rancho Palos Verdes, CA 90275

Zach Rehm, Coastal Program Analyst
(for relay to Coastal Commission Members)
California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

June 29, 2014

Agenda (Item): W12a
Application Number: A-5-RPV-93-005-A21
Robert A. Nelson
Against staff condition 46; requiring flagpole
height be reduced to 26' from 70' otherwise
favor approving project description details

COASTAL COMMISSION MEETING DATE:
JULY 9, 2014

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South Coast Region

JUL 1 2014

Ref: **Permit #: A-5-RPV-93-005-A21 (One Ocean Trails Drive)**
VH Property Corp. (Trump National Golf Course)

(IN ACCORD WITH THE RULES AND REGULATIONS OF THE CITY OF RANCHO PALOS VERDES,
WRITTEN AS A PRIVATE CITIZEN AND NOT AS A MEMBER OF
OUR PLANNING COMMISSION.)

CALIFORNIA
COASTAL COMMISSION

BRIEF: DELETE CONDITON #46; LEAVE FLAGPOLE AND STAND AS IS.

Zach Rehm and Coastal Commissioners,

Following my letter yesterday (to John Del Arroz) in which I favored 'the description' of the project, I was able to download Zach's actual 121 page 'draft' staff report on W12a. Now:

I DISAGREE WITH YOUR DECISION / RECOMMENDATION TO LOWER THE FLAGPOLE FROM 70' (90' ON BASE) TO 26' AND ANY ADJUSTMENT OF IT'S BASE.

I URGE CONDITION 46 BE DELETED / REWORDED TO INSURE THE EXISTING FLAGPOLE HEIGHT AND BASE IN MAINTAINED.

Couple of reasons:

1. IT HAS BECOME ONE OF OUR TOWN'S LANDMARKS, LIKE THE POINT VINCENTE LIGHTHOUSE, JUST DOWN THE STREET.
2. THIS IS A TIME OF WAR. LOWERING THE FLAGPOLE HEIGHT, THEREBY SUBSTANTIALLY DECREASING THE SIZE OF OUR FLAG, WOULD HAVE OUR GOOD COASTAL COMMISSION, THE MAJORITY OF OUR CITY COUNCIL AND OUR RPV COMMUNITY DEVELOPMENT STAFF (aka PLANNING) FATHERING THE WRONG SIGNAL ABOUT THEIR PATRIOTISM, NOT ONLY TO OUR 42,000 RPV CITIZENS AND VOTERS, BUT ALSO TO ALL WHO DRIVE BY TRUMP EVERY DAY.

AS IS, OUR FLAG AT TRUMP HAS BEEN ADMIRER FOR YEARS. PEOPLE WILL OBVIOUSLY NOW ASK WHY IT IS SO SMALL - AND THE ANSWER WILL INCLUDE ALL THREE GROUPS ... !

AGAIN, I URGE OUR COASTAL COMMISSIONERS TO REMEMBER WE ARE A NATION AT WAR, THAT OUR TOWN INCLUDES MANY VETERANS, A COAST GUARD FACILITY, NUMEROUS CITIZENS INVOLVED IN AMERICA'S MILITARY EFFORTS AND TWO ELECTED CITY COUNCIL MEMBERS WHO HAVE SERVED ALL OF AMERICA AS OFFICERS IN OUR ARMED FORCES. ALL DESERVE OUR RESPECT AND, APPROVING OUR NATION'S FLAG AS DISPLAYED, IS PART OF THAT RESPECT. TO DO OTHERWISE IS A SLAP ACROSS THEIR FACES.

SUMMARY: TRUMP'S 'OLD GLORY' DESERVES TO BE PROUDLY DISPLAYED AS IS. AS THEY SAY ... 'MAKE IT SO.'



Details: Actual view blockage and local political impact:

VIEW BLOCKAGE:

Zach, despite what you present to our Commissioners about substantial view blockage by our American flag at Trump, I would like to repeat from my yesterday's letter regarding view blockage, since I was present when this testimony took place:

"... one person, living in a condo complex known as Ocean Trails, high above and about ½ mile from the subject flagpole, said it destroyed his view, blotting out why he moved there. The next person, an engineer, brought reality, saying he stood in basically the same position, extended his arm out and found at arm's length his thumb totally obscured the 70' flag pole and our flag, therefore, his calculation was the pole and flag blocked 1/12,000th of his total view."

Repeat, blocked one twelve thousandth of his view. Not even 1%!

As a photographer, I can assure you telephoto lenses do amazing things to the size of objects at distance.

LOCAL IMPACT:

In my opinion, most RPvers will view your action two ways:

1st That our state's Coastal Commission, our City Council majority and city staff have another Trump problem and they need to show no mercy. Even if the bottom line involves displaying OUR nation's flag in a time of war. The height question is silly since, as the condition precedent, our Council has approved structures over 70', including a amateur radio tower at city hall and other substantial communication towers way over 70'.

2nd local politics.

When this flagpole height question started, a prior Council found California law basically said you could display any size American flag you wanted.

That Council found, to penalize Trump, the work around would be to reduce the height of the flagpole. Can't fly the flag people want from a small pole! With one exception, the then Council members made that point and objective very clear!

But this is a totally different Council and your current recommendation will be very difficult for them to politically counter. Once an anti-American idea gets planted on any candidate it is difficult to recover. Most active voters would agree: our flag is our flag, 'Don't Tread On Me.'

Zach and Commissioners, just imagine, in our next CITY COUNCIL ELECTION, the LOCAL CABLE ADS featuring opponents of some current Council members running for re-election, standing in front of Trump's shortened flag pole, blaming them for not standing up for us and our larger, long-time flag, saying they obviously knew and backed your recommendation (they could have stopped it cold), ending with how unpatriotic that was in a time of war and urging a vote for replacing the majority so the newly elected can restore what we are used to. And the constant reminder of that TV spot blaming those up for re-election as the causers of the short pole and small flag, will be real – every time we drive by and see your smaller flag. Voters will clearly see the TV spot is real and not the usual 'vote for me' dribble. It's there, in their face, as they drive.

So could you help out our current City Council and Community Development Department by acquiescing and amending Condition 46 to what exists? Just a thought, your call. Could you and our Coastal Commissioners please give these comments some thought?

Bob Nelson
310-544-4632



Father of US Army Signal Corps SSG who spent 11 years in a fabulous career he can't talk about!

PS: I'm scheduled to be on jury duty during this period but I'll read emails at night.



Agenda No.: W12a
Application No.: A 5-RPV-93-005-A21
Hearing Date: July 9, 2014
Ann Sidler, Rancho Palos Verdes Resident
In Favor of Application

June 30, 2014

California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Re: Permit No. A 5-RPV-93-005-A21
Hearing Date: July 9, 2014

RECEIVED
South Coast Region

JUL 1 - 2014

CALIFORNIA
COASTAL COMMISSION

Dear Commissioners:

As a patron of Trump National Golf Club Los Angeles and a lifelong resident of the coastal area of Rancho Palos Verdes, I write to express my support for Trump National's application for approval of its driving range and the flying of the American Flag at its current height and location.

Trump is a beautiful gem along our coastline, bringing joy and a better quality of life to not only those that can afford their first-class golf, restaurants and event venues but also to those that cannot. Use of their magnificent trails, open picnic areas and trails to the tidepools and beaches below is greatly encouraged by Trump and are in fact visited by thousands of residents of the greater Los Angeles area throughout the year, many from impoverished areas including Wilmington and even South Central where the air is heavily polluted. Trump makes all feel welcome and I assure you that their majestic flag is seen as a reassuring breath of fresh air by all that are visiting, driving by, sailing by or flying over. Please do NOT touch it, require it be removed, or move it!

I also support the reconfiguration of residential lots by Trump National and addition of the driving range. The use of land as a driving range means we get beautifully manicured open space along our coast. As a world-class golf course, allowing Trump National to use its land as a driving range makes perfect sense.

Please vote to approve Trump National's application.

Sincerely,



Ann Sidler
(310) 753-8180

Cc: Zach Rehm

California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

July 2, 2014

Re: Hearing Date: July 9, 2014
Permit No. A 5 – RPV-93-005-A21

Dear Commissioners:

I am a 45 year resident of Ladera Linda and live just above the Trump National Golf Club. The Trump National Golf Club is the best thing that ever happened to our community and the City of Rancho Palos Verdes. I enjoy the amenities that Trump has to offer to the public and to our City. It is a First Class facility and I am proud to bring my family and friends there for lunch and dinner. As a matter of fact, for any guests I have from out of town, the first stop on their visit is at Trump. Every one of them is impressed with the location, the Golf Course, the views, the service, their menu selections and their commitment to excellence. They strive to please their customers and they do a terrific job of that. That shows their commitment to quality, friendliness and value.

I know that in the past, our City has had differences with Trump and most of those differences were between certain City Council members, who would rather sue than resolve those differences, and Mr. Trump, who would do the same. However, since those City Council members were termed out, the new City council members met with the Trump people and they have resolved all of their differences. They do have a very good relationship, with the City, and they now respect one another.

One of the items on your agenda is to approve the location of the flag pole that displays our American Flag. I am proud to see people display the American flag every day to show their love for our country. Trump does that each and every day, with respect. I guess your issue with the flag pole is its present location. I think the present location is perfect. It certainly does not block any ones views from their homes, any public trails or viewing areas. Everyone can still have a panoramic view of the ocean and Santa Catalina Island. It is not overpowering, it is majestic. We all should be proud of our country. Now if Trump were to put a cell phone tower or some sort of antenna in that location, that would be a completely different situation and there would be a public outcry and I would be against it.

The other item on your agenda is the approval of the Driving Range and the reconfiguration of the remaining residential lots. Any decent golf course needs a Driving Range to attract seasoned golfers, Tournaments and other golf events. Lack of a Driving Range is a big negative for a World Class Golf Course that, last year, was voted the Best Golf Course in California. Even the L.A. County Los Verdes Golf Course has a huge driving range. The Trump Driving Range provides more needed public recreation in our underserved area. This Driving Range is designed esthetically more pleasant than most golf courses that I have seen. I think that you, the Coastal Commission, as well as all of the residents in our area would rather see a beautiful Driving Range at Trump instead of an additional 14 home development.

I am expressing my support for the approval of the present flag pole location as well as the approval of the reconfiguration of the residential lots to accommodate the Driving Range. The City of Rancho Palos Verdes has already approved these same items and I urge you to do likewise. Please vote to approve Trump's application.

Sincerely;



Mickey Rodich
32318 Searaven Drive
Rancho Palos Verdes, CA90275

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South Coast Region

JUL 3 2014

CALIFORNIA
COASTAL COMMISSION



Agenda No.: W12a
Application No.: A 5-RPV-93-005-A21
Hearing Date: July 9, 2014
Name: Eileen A. Hupp
The Palos Verdes Peninsula Chamber of Commerce
In Favor of Application

June 30, 2014

California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Re: Permit No. A5-RPV-93-005-A21
Hearing Date: July 9, 2014

Dear Commissioners:

On behalf of the over 400 business members of the Palos Verdes Peninsula Chamber of Commerce, we strongly support Trump National Golf Club's application for approval of its driving range and the flying of the American Flag at its current height and location.

Trump National Golf Club is a spectacular addition to our beloved Peninsula coastline. The property is maintained to the highest standards and was developed with the utmost respect and painstaking care to preserve and indeed to enhance the natural beauty that drew so many of our residents to live and work on the Palos Verdes Peninsula.

Our community is proud to have this incredibly beautiful golf course in our midst. As a resident for almost thirty years, I can attest that the Peninsula is a very patriotic community that is proud to have our nation's flag proudly flown at Trump National. It is far too rare a sight in today's day and age and we appreciate Trump's commitment to our country and community. As with everything that the Trump organization has undertaken at this property, the flag has been carefully situated so that it does not in any way obstruct ocean or coastal views. Our residents and businesses are proud of this iconic flag and the way it enhances our coastline vista.

The Palos Verdes Peninsula Chamber of Commerce also strongly supports the reconfiguration of residential lots by Trump National and the addition of a driving range. The use of land as a driving range, rather than development, will result in more beautifully manicured open space along our coast.

Palos Verdes Peninsula Chamber of Commerce & Visitors' Center

707 Silver Spur Road, Suite 100 • Rolling Hills Estates, CA 90274

210.377.8111 • 310.377.0614 fax • Office@palosverdeschamber.com • www.palosverdeschamber.com

Raymond D Green
3200 La Rotonda Drive
RPV, CA 90275

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South Coast Region

Wednesday, June 25, 2014

JUN 27 2014

California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-5084

CALIFORNIA
COASTAL COMMISSION

Re: Public Hearing - Coastal Permit Amendment Application Public Comment/Testimony
Applicant: VH Property Corp., Attn Jill Martin
Project Location: One Ocean Trails Drive, Rancho Palos Verdes, Los Angeles County
Agenda Item: W12a *PERMIT # A-5-RPV-93-005, A21*

Honorable Commission Members:

Please accept and enter this correspondence into the permanent record with regard to the above-referenced Agenda Item for the Public Hearing on this application. My residence is located on property entirely surrounded by the Applicant's project and pre-dates this project by approximately 20 years.

Please register to submission to be opposed to this application in it's entirety based on the following grounds:

1. To the extent this application seeks "retroactive" approval of any item, granting such retroactive approval would be ultra vires and and unlawful exercise under the Coastal Commission's statutory and regulatory provisions as well as California State zoning and land use law. This Applicant, in willful and unlawful violation of both State, County and Local statutes, carried out the modifications expressly for the purposes of achieving a result that Applicant believed would have been unavailable/denied to Applicant had they followed the lawful procedures. Granting permission retroactively would simply be a gross example of how "asking forgiveness rather than permission" is a more viable method to avoid the protections intended for the benefit the effected public (ie., me).
2. This Applicant (and this Application) are a continuing exhibition of a continuing pattern of disregarding the lawful restrictions and requirements (ie., these are not honorable people) and providing retroactive approvals of these behaviors makes a mockery of the process and sends yet another clear message that it is the size of the checkbook that determines what set of rules will be applied (or not). Approving this Application would be corruption of the process in favor of an Applicant that already has demonstrated an utter disregard for the rule of law.

Raymond D Green
3200 La Rotonda Drive
RPV, CA 90275

Coast Commission - Hearing 7/9/14
Agenda Item W12a
Permit # A-5-RPV-93-005-A21
June 25, 2014
Page 2

3. Reconfiguring 26 lots into 10 lots will further exacerbate the continuing deconstruction the existing neighborhood's character by enabling the construction of 10 more "McMansions." The negative environmental and aesthetic impacts these ginormous mansions have have been documented over and over. Although the Application is unclear as to the reason(s) to reconfigure, the reality is that the specific site conditions render the original 26 lots as non-viable. THE FACTS REGARDING THE VIABILITY OF THE ORIGINAL 26 LOTS WAS PREVIOUSLY DETERMINED BASED ON VERIFIED INFORMATION SUPPLIED BY THE APPLICANT. THIS APPLICATION MAKES IT CLEAR THAT VERIFIED INFORMATION WAS SUBSTANTIALLY FALSE THUS REQUIRING THIS RECONFIGURATION. The prior landslide history of this project site and this apparently false information used for the original approvals would indicate proceeding cautiously to be appropriate. Rather than again relying on defective/false engineering information, requiring the Applicant to reinvestigate and obtain current data would be appropriate for the protection of the adjoining landowners/homeowners.

For these reasons it is respectfully requested that this Application be denied and the Applicant instead be required to submit and process these MAJOR changes to their Permit as would new applications.

Thank you for the opportunity to provide input on this important matter.

Sincerely,



Raymond D Green

TO: Mr. Zach Rehm and the other
California Coastal Commissioners
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, California 90802-4416

Mike and Louise Shipman
In opposition to any homes built on unstable land

RECEIVED
South Coast Region

JUN 30 2014

CALIFORNIA
COASTAL COMMISSION

FM: Mike and Louise Shipman
3948 Admirable Dr.
Rancho Palos Verdes, Calif. 90275-6028

RE: Item No: W12a
Permit/Application No: A-5-RPV-93-005-A21

June 26, 2014

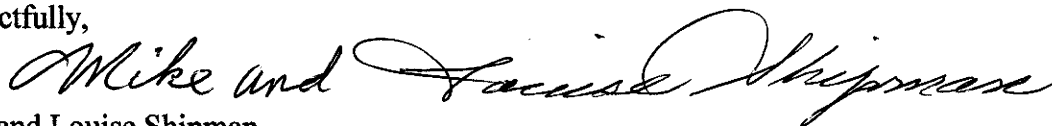
Dear Commissioner,

Thank you for taking the time to read our concerns regarding the proposed development. As you know this particular land is surrounded by several landslide areas. Some ancient, some recent (18th hole) and some still active (Portuguese Bend).

As hillside homeowners, directly behind (North of) this coastal land we are most concerned about the impact/danger of private resident's un-monitored irrigation of their landscapes. If our memory serves us well a geologist study ordered by a previous RPV City Council raised many issues that still remain unresolved. In fact, the current owner acquired this property at a 'landslide' sale price (so to speak) during the subsequent bankruptcy of the previous owner. Surely he was aware of the risks and possible limitations of this property. Should this development proceed, and should the worst happen, who would compensate us and the hundreds of other homeowners?

We take this opportunity to thank you for all that you do to protect our precious California coastline.

Respectfully,



Mike and Louise Shipman
3948 Admirable Dr.
Rancho Palos Verdes,
California, 90275-6028

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JUL 1 2014

CALIFORNIA
COASTAL COMMISSION

RG and BJ Patterson Patterson

OPPOSED

June 27, 2014

California Coastal Commission
200 Oceangate, 10th floor
Long Beach, Calif. 90802-5084
Attn: Mr. Zach Rehm

Re: Item No: W12a, Permit/Application Number: A-5-RPV-
93-005-A21

Dear Mr. Rehm:

We are residents of Seaview, a residential community in Rancho Palos Verdes, directly across Palos Verdes Dr. S. from the Trump Nation Golf course property. As such we are extremely concerned with the proposal (noted above) for certain concession from the Commission.

We have lived in this community since 1999, and during the entire time of our residency, our community especially, and Rancho Palos Verdes as a whole, has experienced continued pressure from the owners of said property (first a developer, then Trump) to infringe on our protected and precious views of the ocean.

It was our understanding (and still is) that Rancho Palos Verdes was built upon a number of tenets regarding preservation of open space and preservation of views not only for our residents, but also for the public at large. Since the advent of this property's development, there has been pressure to "enhance" the

property at the expense of those views. Through the tenures of various city councils, we residents have had varying levels of support in trying to protect our views. Some have fought encroachment of views, others have lacked the stomach (apparently) to take on Trump, and have let things such as the 70 foot flagpole go unchallenged.

The Trump Organization has a clear approach of doing what it pleases, often without asking for permission, as you will note from the flagpole debacle. Other instances include planting trees which have been forbidden by the council, tearing down the fence of an adjacent resident and refusing to adhere to height of foliage restrictions.

Our clear concern in this matter is this: our views are, by law, supposed to be protected. The Trump Organization has little to no concern for protecting views. ANY concession to Trump must be closely monitored as they have shown, time and time again, their disregard for such petty things as view covenants and city regulations. With a history of acting strictly in their own interests and facing any consequences later (if there ARE any consequences), we are certain you can understand our deep concern, even alarm.

Our home is our largest investment, and the views we are entitled to enjoy are a large part of what makes our investment what it is. We ask that you consider our point of view in your deliberations.

Sincerely,

Robert and BJ Patterson

3951 Palos Verdes Dr S, Rancho Palos Verdes

Rehm, Zach@Coastal

From: David Quadhamer <dquadhamer@yahoo.com>
Sent: Tuesday, June 03, 2014 10:59 PM
To: Rehm, Zach@Coastal
Subject: Trump National Golf Club Coastal Permit Application

Dear Mr. Rehm,

I am writing in regard to the request by Trump National Golf Club to plant New Zealand Christmas trees along the western edge of the driving range. Palos Verdes/South Bay Audubon would prefer that native plants be planted in this area. New Zealand Christmas trees are wide spreading and can grow up to 20 feet in height. Given the height restrictions, it would seem that the New Zealand Christmas trees would be a bad choice.

The golf course has done a great job maintaining coastal sage scrub habitat around the golf course. New Zealand Christmas trees have the potential of invading the bluffs. Given the effort undertaken to plant and maintain the coastal sage scrub habitat, it would seem imprudent to plant a potentially invasive species.

Thank you for your consideration.

David Quadhamer
President, Palos Verdes/South Bay Audubon

Rehm, Zach@Coastal

From: jabekahnke@cox.net
Sent: Friday, July 04, 2014 10:55 AM
To: Rehm, Zach@Coastal
Subject: FW: Council Agenda Item for 7/4/14 to write California Coastal Commission in Support of Trump Flagpole As It Exists

Mr. Rehm,

I am forwarding to you an email I wrote to the Rancho Palos Verdes City Council in response to a last minute notice for a Special City Council meeting to be held on Friday, July 4 at 10:00 A.M. The email notice was sent on Wednesday, July 2 at 6:45 P.M., 39 hours and 15 minutes in advance of the meeting to be held on Independence Day.

I write so that you would know the circumstances of any City Council action and that local residents do support the CCC Staff recommendation regarding the Trump flagpole.

Jabe Kahnke
4003 Palos Verdes Drive South
Rancho Palos Verdes, CA 90275
310-541-8113

----- Begin forwarded message -----

Subject: Council Agenda Item for 7/4/14 to write California Coastal Commission in Support of Trump Flagpole As It Exists
Date: 7/2/14 10:56:54 PM
From: jabekahnke@cox.net
To: jduhovic@hotmail.com, cc@rpv.com

Mayor Duhovic and RPV City Council,

I write as a Seaview neighbor to urge you to oppose sending a letter to the CCC from RPV in support of the Trump flagpole as it exists. I do so not because I'm offended by its presence. I in fact use it as a windsock to know when we have offshore winds. I urge you to do so because I believe the Trump organization is not to be trusted in preserving public and private views across its broad swath of the RPV coastline.

I purchased my Seaview home in 1997 after consulting with RPV acting City Manager Petru and being assured by her that the view from PV Drive South would not be impaired by the Ocean Trails development. As the project progressed, it became apparent that the view impact analysis that had been conducted was naive at best. It was clearly deceptive in presenting 1500 square foot homes on the lots in front of Seaview.

Prior to the construction of the Trump flagpole, unlawful signs began appearing on LA freeway ramps with directions to Trump's Golfcourse. The

construction of the flagpole was a cynical move by the Trump organization to create a giant signpost for the golf course. It had nothing to do with real patriotism, but was rather a craven exploitation of patriotism for commercial gain.

Please do not endorse that behavior. I do not think a Council letter will alter the decision of the CCC, but it will say something about the integrity of the RPV City Council.

Jabe Kahnke

CALIFORNIA COASTAL COMMISSION

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



W12a

Filed:	11/27/2013
180 th Day	5/26/2014
270 th Day:	8/24/2014
Staff:	Z. Rehm-LB
Staff Report:	6/26/2014
Hearing Date:	7/9/2014

STAFF REPORT: PERMIT AMENDMENT

Application Number: A-5-RPV-93-005-A21

Applicant: VH Property Corp.

Agents: Jill Martin and Karen ZoBell, The Trump Organization

Project Location: One Ocean Trails Drive, City of Rancho Palos Verdes, Los Angeles County

Amendment Description: Amend Vesting Tentative Tract Map No. 50666 to reduce the number of residential lots from 39 to 23 and add two golf course lots to accommodate a driving range and putting green; Lot Nos. 1-13 to remain unchanged, reconfigure residential Lot Nos. 14-39 into residential Lot Nos. 14-23 and golf course Lot Nos. 24-25; grading of the proposed reconfigured lots; reconfigure underground drain line connections to support proposed reconfigured lots; reconfigure trails around the perimeter of the proposed driving range; install fences/landscaping around the perimeter of the proposed driving range; and erect 70-foot high flagpole atop 12 to 20-foot high mound. The application includes a request for after-the-fact approval of the grading, a portion of the landscaping, and the flagpole.

Previously Approved Development: Re-subdivision of 261.4-acre site into two tracts (Vesting Tentative Tract Map Nos. 50667 and 50666); and creation of 75 graded lots for single-family residences, construction of four lower cost apartment units; installation of utilities and site improvements; 18-hole golf course with clubhouse and public open space, parks, and trails. Includes: A)

Coastal Access and Public Amenities Plan dated February 5, 1993 providing additional beach access trails; and 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-owned parcel adjacent to the project to the north and located outside the coastal zone and restoration of 20 of those acres to coastal sage scrub; and (3) maintenance of public access trails in the habitat areas. Subsequently amended 20 times, as indicated in Appendix B. The Commission denied one amendment (A14).

Local Approval:

City Council of the City of Rancho Palos Verdes Resolution No. 92-53, Conditional Use Permit Nos. 162 and 163, and subsequent Revisions to the Ocean Trails Project

Staff Recommendation:

Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

This permit amendment seeks approval of Amended Map No. 2 of Vesting Tentative Tract Map No. 50666 which reduces the number of residential lots from 39 to 23 and establishes golf course Lot Nos. 24 and 25 to provide a driving range and a putting green at the existing Trump National Golf Club Los Angeles in the City of Rancho Palos Verdes (**Exhibits 1-3**). The applicant proposes grading (**Exhibit 4**) and underground drain line alterations (**Exhibits 6-7**) to accommodate the reconfigured housing tract layout, as well as the removal of two previously approved cul du sacs (**Exhibit 3**). The applicant also proposes to eliminate paved streets, sidewalks, bicycle paths, and connections to other trails associated with the cul du sacs, which were previously approved and conditioned, but never constructed.

Additionally, the applicant proposes to moderately alter the design and location of the West Portal Trail, West Portal Bikeway, and Canyon Rim Trail around the perimeter of the proposed driving range and construct fencing and landscaping around the perimeter (**Exhibit 4**).

Unpermitted development has occurred on the property. The applicant has already completed the majority of the grading proposed in this permit amendment and has already erected the 70-foot high flagpole atop a 12 to 20-foot high mound adjacent to the first tee of the golf course (**Exhibits 4-5**). Additionally, the applicant has already planted some of the proposed landscaping and constructed a small retaining wall at the western border of the driving range. When the Commission evaluates permits for development that has already taken place, it must evaluate the development as if it had not taken place. The fact that the development is in place does not prejudice the Commission's evaluation. The Commission can approve the application if it finds

that the development is consistent with the applicable standards of the Local Coastal Program (LCP) and the Coastal Act. If the Commission finds that development is not consistent with the applicable standards of the LCP and the Coastal Act, the Commission can impose special conditions to bring the development into consistency with the LCP and the Coastal Act or the Commission can deny the development. If the Commission denies the unpermitted development or finds that there are other issues arising from its installation without a coastal development permit, the Commission can refer the matter to enforcement staff for appropriate action.

Staff recommends approval of Coastal Development Permit Amendment Application A-5-RPV-93-005-A21 with conditions to protect and enhance public access and recreation and visual resources. Revised Special Conditions 3 and 23 would reposition three trails to provide public access to and around the perimeter of the proposed driving range. Special Condition 46 would preserve and enhance visual resources by requiring that the proposed flagpole be limited to 26 feet in height as measured from existing grade and would require it to be sited no more than 30 feet from the outer wall of the existing clubhouse structure. Only as conditioned are the proposed development and permit amendment consistent with the City of Rancho Palos Verdes certified Local Coastal Program and the public access and public recreation policies of the Coastal Act. **The motion necessary to carry out the staff recommendation is on page seven of this report.**

Procedural Note No. 1:

The original coastal development was approved during a de novo hearing on the project, originally identified as “Ocean Trails,” after the City of Rancho Palos Verdes conditional approval of a local coastal development permit was appealed. All subsequent amendment requests have been heard by the Commission. The City of Rancho Palos Verdes LCP was adopted and certified by the Commission in 1983. The standard of review of a locally issued coastal development permit on appeal is the certified LCP, and, when the proposed development is located between the sea and the first public road paralleling the sea, the public access and public recreation policies of the Coastal Act. The subject site is located between the first public road and the sea.

Procedural Note No. 2:

The after-the-fact application for the proposed 70-foot high flagpole atop a 12 to 20-foot high mound was originally proposed as Amendment No. 22 in August 2007. Because both the subject Amendment No. 21 and Amendment No. 22 were incomplete for more than five years, staff agreed to process the amendment requests jointly in order to streamline the permitting process and allow the applicant to comply with a City condition of approval requiring that an application for the retention of the flagpole be filed with the Commission.

Procedural Note No. 3:

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

The Coastal Act and its regulations limit the applicant's ability to request changes after a permit has been approved. Section 13166 of the California Code of Regulations requires that an application for amendment shall be rejected if, in the opinion of the Executive Director, the proposed amendment would lessen the intended effect of a partially approved or conditioned permit, unless the applicant presents newly discovered material information, which he or she could not with reasonable diligence have discovered and produced before the permit was granted. This regulation applies equally to the original applicant and to any successor in interest.

Most of the proposed changes would not lessen the effect of the original permit, including: reconfigure residential Lot Nos. 14-39 into residential Lot Nos. 14-23 and golf course Lot Nos. 24-25; grading of the proposed reconfigured lots; reconfigure underground drain line connections to support proposed reconfigured lots; reconfigure trails around the perimeter of the proposed driving range; and install fences/landscaping around the perimeter of the proposed driving range.

The graded driving range and putting green surrounded by fencing and landscaping will have fewer negative effects on coastal resources and public access and public recreation than the two cul du sacs, 16 single family residences, and their associated uses which were previously approved in the same location would have had. Visual resources, water quality, and biological productivity will all be improved under the change of use. Less alteration of the natural landform for roads, drainage lines, and utilities will be required under the proposed tentative tract map than in the previously approved version.

The Commission cannot consider the proposed 70-foot high flagpole atop a 12 to 20-foot high mound as proposed by the applicant, as the need for this change to the approved permit is not a result of new information or unexpected occurrences and approval as proposed would lessen the effect of the original permit. The record for the original permit and subsequent amendments contains significant analysis of the scenic and visual impacts of the golf course and associated residential development. The project was conditioned to lessen the visual impacts to the maximum degree feasible. The approved 26-foot height of the clubhouse was based on a visual analysis and the standards of the City of Rancho Palos Verdes municipal code, a component of the certified LCP. Approving a 70-foot high flagpole which restricts sweeping, panoramic views of the ocean and coastline from public roadways and public trails would lessen the effect of the original permit.

Therefore, the Executive Director must reject the current proposal unless the change, when contemplated along with newly imposed special conditions, is consistent with the intent of the Commission's prior action. In order to enable the Commission to consider the proposed change, staff recommends a condition which the Executive Director has determined would allow for a flagpole which would not lessen the effect of the original permit. That recommended condition of approval of this amendment would limit the height of the proposed flagpole to 26 feet as measured from existing grade and would require it to be sited no more than 30 feet from the outer wall of the existing clubhouse structure.

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APPENDICES

Appendix A – Substantive File Documents¹

Appendix B – List of Approved Conditions, Including Special Conditions
Recommended in this Report

Appendix C – Previous Permit Amendments²

EXHIBITS

Exhibit 1 – Vicinity Map

Exhibit 2 – Aerial Photograph

Exhibit 3 – Proposed Lotline Reconfiguration in Tract No. 50666

Exhibit 4 – Proposed Site Plans

Exhibit 5 – Photographs of Existing Unpermitted Flagpole

Exhibit 6 – Drainage System Approved by Amendment No. 15

Exhibit 7 – Proposed Revision to Drainage System

Exhibit 8 – Proposed Method of Minor Slope Repair Above Lot 16 and “Street E”

Exhibit 9 – Geology Map Referenced in LCP

Exhibit 10 – Driving Range Fencing/Landscaping Safety Barrier Letter

Exhibit 11 – Visual Corridors Map Referenced in LCP

Exhibit 12 – Visual Analysis of Proposed Fencing and Landscaping at Westerly
Border of Proposed Driving Range Lot

¹ Available in the file at the South Coast Commission office in Long Beach

² Available in the file at the South Coast Commission office in Long Beach

I. MOTION AND RESOLUTION

Motion:

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

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

Resolution:

The Commission hereby approves the coastal development permit Amendment (A-5-RPV-93-005-A21) 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:

Appendix B, 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 No. 21. 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.

All of the Commission's adopted standard and special conditions and changes in the project description proposed by the applicant and approved during previous Commission actions continue to apply to the permit as a whole and to this amendment unless explicitly changed in this action. New conditions specifically imposed in this action on Amendment No. 21 are shown in the following section. Revised conditions are also listed, with eliminated words ~~crossed out~~ and new words **bolded and underlined**. Unless previous conditions are noted for revision, they are not being modified by the Commission's action on Amendment No. 21.

New special conditions and revised conditions imposed by this permit amendment:

NEW SPECIAL CONDITION 46. FLAGPOLE

Prior to the issuance of Coastal Development Permit Amendment A-5-RPV-93-005-A-21, the landowner shall submit a revised plan for the proposed flagpole, subject to the approval of the Executive Director. The height of the proposed flagpole shall be no greater than 26 feet as measured from existing grade and the proposed flagpole shall be sited no more than 30 feet from of the outer wall of the existing clubhouse structure.

REVISED SPECIAL CONDITION 3. OFFER TO DEDICATE TRAIL EASEMENTS

Prior to the issuance of Coastal Development Permit Amendment ~~A-5-RPV-93-005-A-20~~ **A-5-RPV-93-005-A 21**, the landowner shall cause to be executed and recorded 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 (of the Commission's original approval). 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 of the original approval. 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:

(4) West Portal Bikeway (West End Bicycle Route). Class II, bicycle lane extending along the west side of Street ~~€~~ **E (Costa De La Islas)** from Palos Verdes Drive South to the ~~northern~~ **northwestern** boundary of Lot 40 **24 (driving range)**, 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~~ **driving range**, 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), 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 ~~E~~ **E (Costa De La Islas)** from Palos Verdes Drive South to the ~~northern~~ **northwestern** boundary of Lot 40 **24 (driving range)**, 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~~ **driving range** 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.)

(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).

[Paragraphs 4-6, 9-12, and 14-38 are not to be changed]

REVISED SPECIAL CONDITION 23. SIGNAGE, FINAL PUBLIC AMENITY PLAN

Prior to issuance of ~~either~~ permit amendment A-5-RPV-93-005-A20 **or A-5-RPV-93-005-A21**, and before any new construction of the clubhouse takes place, the applicant shall prepare for the review and approval of the Executive Director final trail maps and a revised public amenity plan incorporating all features required by the Commission's Conditions. The plan shall include the overlooks, signs, railings, bridges, public decks, adequately sized public restrooms, benches, picnic tables, and other amenities proposed by the applicant and required by the Commission in this and prior actions. In the event of conflict or inconsistency between this and any other action, the Commission's Conditions shall prevail. In addition to the signs and benches described in the permit special conditions and in the Public Amenities Plan, Trails and Signage Map of 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 public patios (decks) and providing information regarding habitat restoration efforts and trail safety. 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 or valet parking from dawn to dusk (one half hour after sundown)." 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 1/20/97, and the special conditions of this permit shall be provided for the review and approval of the Executive Director.

III. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND HISTORY

In this amendment to a permit for a golf course, parks, habitat preserves, a clubhouse and 75 residential lots, the applicant seeks approval for Amended Map No. 2 of Vesting Tentative Tract Map No. 50666 which reduces the number of residential lots from 39 to 23 and establishes golf course Lot Nos. 24 and 25 to provide a driving range and a putting green at the existing Trump National Golf Club Los Angeles in the City of Rancho Palos Verdes (**Exhibits 1-3**). The applicant proposes grading and drainage line alterations to accommodate the reconfigured housing tract layout (**Exhibits 6-7**). The applicant also proposes to eliminate two previously approved cul du sacs, designated as “Road C” and “Road “D” on previous plans (**Exhibit 3**). The driving range has been constructed in the approximate area where these roads, sidewalks, paths, and 16 residential lots were previously approved and conditioned, but never constructed.

Additionally, the applicant proposes to moderately alter the design and location of the West Portal Trail, West Portal Bikeway, and Canyon Rim Trail around the perimeter of the proposed driving range and construct fencing and landscaping around the perimeter (**Exhibit 4**). Finally, the applicant seeks approval of an unpermitted 70-foot high flagpole atop a 12 to 20-foot high mound, southeast of the other proposed changes on the site (**Exhibits 4-5**).

In April 1993, co-applicants Zuckerman Building Company and Hon Investments received Coastal Development Permit A5-RPV-93-005 to re-subdivide ten lots and develop 83 residential lots, a golf course, a trail and park system, and a Habitat Enhancement Program into two tracts. The City had previously 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 1.2³, but that was appealed to the Commission. In addition to addressing geologic safety, the City and the Commission conditioned the protection of existing public access on the site and the protection of habitat. The California Department of Fish and Wildlife and the United States Fish and Wildlife Service 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 coastal sage scrub by requiring dedication and restoration of the bluff faces and of a strip adjacent to the bluff. Habitat issues are described in more detail in Section E below.

³ 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.

In response to testimony concerning a history of public use of the site, the applicants 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 applicants also proposed to develop and dedicate four on-site pedestrian routes from the frontage road, Palos Verdes Drive South, to the beach. Additionally, the applicants agreed to improve a path from the road to the beach over the adjoining undeveloped public park, Shoreline Park, and to provide public parking on the project's streets and in public parking lots. The final proposal, as approved by the Commission, included 75.5 acres of dedicated lands⁴ in addition to approximately 24,000 linear feet of trails.

In 1994, the Commission amended the project to relocate the golf clubhouse from a location in the center of the property to a location nearer to the bluff top promontory at the center of the property (Halfway Point) where the applicants originally proposed a public park and park restroom. As part of this proposal, the applicants proposed to remove the restroom they had offered to build in the park in the 1993 action and to build a public restroom, snack bar, and public viewing deck as part of the clubhouse development. In addition, the applicants requested to remove a trail that the resources agencies could not approve from the west end of that project, and substitute a trail around the outside of the park. To assure the Commission that the changes would not reduce the visibility and accessibility of the park or the linear feet of trails available to the public, the applicants offered to enlarge the park from 4.9 acres to 5.1 acres, not including the area of the relocated trail. Section B describes existing and proposed public access at the site in greater detail.

In July 1993, a coalition of several groups: the Sierra Club, the California Native Plant Society, the Coastal Conservation Coalition, Save Our Coastline 2000, and Andrew Sargent, sued the developers, the City, and the Commission. The result of the lawsuit was a 1995 settlement in which the developer agreed to improve and dedicate certain access facilities and add additional habitat (the parks, bluff edge and bluff to beach trails and habitat restoration areas)⁵. The City agreed to accept easements over trails and fee ownership of habitat areas and parks and the Commission agreed that its permit would incorporate these requirements. The applicants requested an amendment to reduce the project to 75 single-family residential lots, incorporated four lower cost apartment 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 Commission and the applicants incorporated the settlement agreement into the project description in Amendment No. 2 (A-5-RPV-93-005-A2), and the opponents agreed not to oppose the project's completion.

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 applicants recorded offers to dedicate based on mapped depictions of the areas to be dedicated, the Commission issued the permit, and grading commenced. In May 1999, the residential lots in the easterly Tract No. 50667 were recorded, but discussions concerning liability and the final location of lot boundaries

⁴ 67.1 acres of habitat preserves and parks were required to be vegetated as habitat preserves; 8.4 acres of parks were required.

⁵ "Native Plant Society, Sierra Club v. Coastal Commission." Los Angeles Superior Court, No. BC 083026

in the westerly Tract No. 50666 were ongoing and the City of Rancho Palos Verdes had not accepted the parks and trails. All trails except for the trails along Palos Verdes Drive South and within Tract No. 50666 were completed.

In 1997 and 1998, the Commission permitted changes to the boundary of proposed Ocean Trails Park, formerly Halfway Point Park, to allow a putting green and also permitted the applicant to add a basement level to the clubhouse. As a result, the park, expanded to 5.21 acres, was to occupy areas on the point and on the eastern side of the point, and connect to the public parking lot by means of a long neck extending between the clubhouse and the eastern putting green. Since a jogging trail and combined bicycle, handicapped, and golf cart trail were already routed between the clubhouse and the active area of the park, the expansion included these trails. The redesigned park also included a golf cart/handicap ramp connection to the lower level of the clubhouse on the seaward side.

In June 1999, a landslide eliminated over 17 acres, including portions of four trails, about 5.88 acres of restored habitat, and two holes of the golf course. The applicants proposed to repair the golf course, the habitat areas along the bluff top, and the trails. In July 2000, the Commission approved Amendment No. 15 (A-5-RPV-93-005-A-15), authorizing those repairs. As part of the repairs, the applicants agreed to restore the trails and habitat areas⁶ 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) to the permit.

While the repairs were underway, ownership of the project transferred to a third party. The new and current owner, VH Property Corp., proposed additional changes to the golf course and residential housing. In December 2003, the Commission approved changes in the configuration of some golf holes, relocation of golf course habitat, and new water features to the golf course. In March 2004, the Commission approved Amendment No. 20, which proposed changes to the clubhouse and park and technical changes to the landslide repair plan, as well as a new drainage outfall.

The applicant indicated at the time that it planned to construct a driving range and alter the approved residential lots on Tract No. 50666. The Executive Director determined that the development proposed in A-5-RPV-93-005-A-20 was physically separated from the development proposed in this subject Amendment No. 21, and would propose changes to different features of the project, and thus the impacts of each proposed Amendment could be analyzed independently without prejudicing the Commission's review of either proposal.

Amendment No. 20 was never issued because the applicant failed to comply with numerous prior to issuance conditions of approval, including but not limited to:

- Special Condition 41 requires the applicant to submit complete plans for the remodeled clubhouse guaranteeing its geologic safety and stability.

⁶ Ten acres will be restored on the restored bluff top and additional areas will be restored in Shoreline Park and in Forrestal Draw.

- Special Condition 42 requires the applicant to submit complete plans for the handicap access features, stairs, park seating, removal of planters, and improved signage in areas adjacent to the remodeled clubhouse including the attached decks.
- Special Condition 43 requires the applicant to submit a report from a qualified marine biologist stating that the proposed drain line A delta 3 and 4 will not discharge into tidepools or rocky intertidal habitat.
- Revised Special Condition Special Condition 23 requires the applicant to submit, *before any new construction of the clubhouse takes place*, revised trails and amenities plans incorporating all features required by the Commission's conditions.
- Special Condition 45 states that all of this was to be completed within 90 days of Commission action (the conditional approval at the March 17, 2004 hearing).

Because it has been over ten years since Amendment No. 20 was approved and because the development is physically separated from the current proposed development, the enforcement division has been notified and is working to bring the clubhouse and associated signage and the drainage outfall into permit compliance. In meetings with staff, the applicant has agreed to provide as much information as possible regarding Amendment No. 20, with the goal of obtaining that amended permit at or around the same time as the subject Permit Amendment No. 21 is issued.

Special Condition 23 currently requires the applicant to submit, prior to issuance of Permit Amendment A-5-RPV-93-005-A20, and before any new construction of the clubhouse takes place, final trail maps and a revised public amenity plan incorporating all features required by the Commission's Special Conditions. The plan shall include the overlooks, signs, railings, bridges, public decks, adequately sized public restrooms, benches, picnic tables, and other amenities proposed by the applicant and required by the Commission in this and prior actions.

While processing the subject amendment application between December 2013 and June 2014, staff has encouraged the applicant to submit an updated trails and amenities plan so that the project description accurately reflects the proposed and approved amenities plan. The applicant has agreed to provide an updated plan and staff has been working with the applicant's representative prior to the hearing on this proposed amendment. However, because the plan has not been submitted in its complete form as of the date of this staff report, Special Condition 23 has been revised to state that the plan must be submitted, subject to the approval of the Executive Director, prior to issuance of the subject permit amendment. Revised Special Condition 3 requires the property owner to record an offer to dedicate easements over the locations of the modified bicycle and pedestrian trails. Additionally, enforcement staff will encourage the applicant to comply with conditions regulating the timely construction of all required trails and

amenities. Special Condition 4 designates the timeframes when various trails and amenities must be constructed according to the plans⁷.

The subject amendment proposes grading, including repair of minor slope failure above (to the north of) proposed Lot No. 16 and Street E on Tract No. 50666. **Exhibit 8** illustrates the method proposed for the slope repair, which is standard and has been reviewed by the Commission's staff geologist, Mark Johnson, Ph.D. The grading of the building pads for the proposed reconfigured residential lots has already been constructed, as has grading of the proposed driving range. Dr. Johnson has reviewed the applicant's most recent geotechnical investigation⁸ and determined that the reconfigured housing lots all have a factor of safety greater than 1.5 without the need for geoen지니어ing of the slope. The area where the driving range has been graded and constructed is a hazardous geologic area; however open spaces, parks, and natural recreational facilities like golf courses are generally considered an appropriate use for hazard areas, unless hazards are so extreme as to preclude safe human passage.

B. PUBLIC ACCESS AND PUBLIC RECREATION

The standard of review of a locally issued coastal development permit on appeal is the certified LCP, and, when it is located between the sea and the first public road paralleling the sea, the access and public recreation policies of the Coastal Act. The Corridors Element of the certified LCP identifies the bluff corridors as access corridors. It requires a bluff edge public road on all projects in undeveloped areas, with areas seaward of the road to be dedicated for public use.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30211 of the Coastal Act states:

The Use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall

⁷ See Appendix A for a list of all approved Conditions, including Special Conditions recommended in this report

⁸ GeoKinetics. "Response to Geotechnical/Geologic Review Comments Regarding Assessment of Structural Set-Back Line for Ocean Trails Golf Club." December 6, 2007.

have priority over private residential, general industrial, or general commercial development, but not over agricultural or coastal-dependent industry.

The Corridors (Access Corridor) Element of the certified LCP states:

Continuity of pathways between major access corridors, open spaces, etc., should be provided within private developments, but designed so as to retain privacy for adjacent residences within these developments.

The Corridors (Natural Corridor) Element of the certified LCP states:

Natural Corridors should, where desirable and feasible, be utilized as pedestrian access corridors providing access to the coastal bluff area and public use areas, and should have appropriate design treatment to insure pedestrian safety as well as retention and enhancement of the natural features.

Policy No. 2 of the Urban Environment Element of the certified LCP states:

It is the policy of the City to encourage new developments adjoining public trails to design internal trails to link with the public trails.

The original applicants proposed the park and trail system in 1993 to demonstrate consistency with the public access and public recreation policies of the Coastal Act and with the policies of the City of Rancho Palo Verdes certified LCP. Since the geology and habitat resources of the site precluded a bluff edge road, the City and the Commission accepted a wide buffer of public trails and parks between the bluff edge and the golf course as an alternative to a public road. One of the parks, Ocean Trails Park, was to accommodate turf areas, a handicapped loop, a restroom and picnic areas.

In its action on the appeal in 1993, the Commission received testimony concerning historic public use of the trails and bluff edges on the site. At the public hearing on April 15, 1993, the applicants proposed increases to the park and trail system. The offers of dedication 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 approved plan includes 75.5 acres of dedicated lands⁹ in addition to approximately 24,000 linear feet of trails. The trails are located both within the dedicated parks and preserves, and on the golf course and other private land. Within the dedicated park and preserve areas, trails are designated but not dedicated separately. Other trails located on private lands have been offered for dedication as easements. The Commission agreed with the applicants that evidence of historic use was inconclusive, but found that the applicants' offers to dedicate trails and parks, as conditioned, did not interfere with existing trails, provided adequate public access, and

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

conformed with Sections 30210 and 30211 of the Coastal Act. In the settlement with third parties noted above, the applicants agreed to dedicate the 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 City agreed to accept the offers to dedicate the parks and trails. The parks and trails are listed and described in Special Conditions 1 and 3 of this permit (See Appendix A).

This proposal to reconfigure the residential lots into a driving range and putting green and to eliminate the previously approved streets, sidewalks, bicycle paths, and connections to other trails associated with the cul du sacs raises several public access issues. The project is presently obligated to provide public access from various points along Palos Verdes Drive South to other blufftop trails which connect to the beach, to Ocean Trails Park, and to other amenities. Road C and Road D would have provided a section of the connections, in conjunction with West Portal Trail, West Portal Bikeway, and Canyon Rim Trail.

Eliminating the cul du sacs and the associated streets, drain lines, and landform alteration are favorable alternatives to the current approved plans for reasons detailed in the following sections on environmental hazards, environmentally sensitive habitat, and visual resources. However, there would be adverse impacts on public access and public recreation if there was no mitigation for the lost connections to other trails and amenities. Therefore, the applicant has proposed realigning West Portal Trail, West Portal Bikeway, and Canyon Rim Trail so that they connect Palos Verdes Drive South with Street E (the northernmost cul du sac, also referred to as Costa De La Islas, which is proposed to serve re-numbered residential Lot Nos. 14-23). The trails will also permit access to the blufftop trails at the southern edge of Tract No. 50666, the bridge over Forrestal Canyon, the clubhouse, Ocean Trails Park, and the beach (**Exhibit 4**).

The applicant has proposed landscaping and fencing around the driving range, to serve as a protective barrier between the proposed realigned trails and an area where golf balls will be in play. The City approved a 1 to 6-foot high retaining wall and a berm along the western border of the driving range as part of Revision W¹⁰, both constructed by the applicant without a coastal development permit, which create a more level grade at the driving range and result in a lower elevation of the trail than the adjacent driving range. Additionally, the City approved a southerly berm up to 12 feet with landscaping adjacent to but no higher than the southerly berm in Revisions W and QQ (**Exhibit 4**). The applicant is currently seeking approval for these changes in Amendment No. 21, as well as permission to add additional landscaping and wood lattice fences up to 6 feet high, atop of the retaining walls at the northwest corner, southwest corner, and southeast corner of the driving range. The City has not explicitly approved the wood fences as called out on the plans and has denied other fencing proposals in the past. Commission staff has notified the applicant that approval for the proposed wood lattice fences may also be required from the City.

The applicant argues that the additional fencing and landscaping is necessary for public safety and that a barrier between a driving range and a public right of way is standard practice in golf course design. The City had originally sought to avoid fencing around the perimeter of the driving range, instead requiring the applicant to employ a golf professional to monitor the

¹⁰ Available in the file at the South Coast Commission office in Long Beach

driving range, and requiring that golfers could only hit golf balls at certain angles with certain clubs. That plan was never approved by the Commission, and based on public testimony and staff site visits, the applicant has not complied with the restrictions. Additionally, the City has since removed some of the restrictions and has permitted partial fencing and landscaping (although in less scope and less detail than what the applicant currently proposes). A letter dated March 24, 2012 from a golf expert retained by the City suggests that fencing around the perimeter of the range is the safest alternative to the current condition, which features limited vegetation and limited enforcement of the driving range use restrictions imposed by the City (**Exhibit 10**).

Commission staff requested that the applicant conduct an alternatives analysis for the proposed landscaping and fencing, considering both public safety (from flying golf balls) and potential impacts to visual resources above and along the public trail (see the visual resources section for more discussion). Alternatives considered included a taller fence, a solid (non-lattice) fence, a chain link fence, a fence overhanging the trail, additional landscaping, and the no project alternative. Balancing the need for safety with the importance of protecting visual resources, the applicant determined that the proposed fencing and landscaping as described herein and shown on **Exhibit 4** is the feasible alternative that will enhance public safety from the current situation, maintaining it in perpetuity. The Commission concurs and finds that the proposed lattice wood fence and landscaping of limited height is the feasible alternative that will lessen or avoid any significant impact on coastal resources and will provide maximum public access and recreation along West Portal Trail, West Portal Bikeway, and Canyon Rim Trail and to other trails and amenities on the site.

As conditioned, the Commission finds that the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development is consistent with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. NATURAL HAZARDS

The certified LCP's Natural Environment Element acknowledges the presence of active and ancient landslides and steep bluffs along the Rancho Palos Verdes coastlines. The LCP includes several policies limiting the intensity of development in steep and unstable areas, and which require intensive geologic investigations before potentially unstable land is developed. In addition to mapping areas to show relative slopes and suspected unstable areas (**Exhibit 9**), the LCP includes the following policies:

No. 1 – Allow only low intensity activities within Coastal Resource Management Districts of extreme (33% or greater) slopes (CRM 1).

No. 2 – Require any development within the Coastal Resource Management Districts of high slopes (CRM 2) and insufficient information area (CRM 5) to perform at least one, and preferably two, independent engineering studies (performed by a licensed engineer) considering the geotechnical, soils, and other stability factors (including seismic considerations) affecting the site.

No. 3 – Allow no new permanent structures within Coastal Resource Management Districts of extreme hazard (CRM 3A), and be cautious of allowing human passage. The same structural limitation applies to areas of high hazard (CRM 3B) but human passage may be more readily allowed.

No. 4 – Allow non-residential structures not requiring significant excavation or grading (i. e. recreational facilities) within Coastal Resource Management Districts of marginal stable areas (CRM 4) and insufficient information areas (CRM 5).

No. 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 hydrological factors (CRM 8).

The applicant is proposing changes to the grading plan within Tract No. 50666. The majority of the grading has already been completed and the applicant has stated that it did not utilize mechanically stabilized earth or shear pins, as was proposed and permitted in areas of Tract No. 50667 where previous landslides had occurred. As proposed and conditioned in previous permit amendments, the building pads for the residential lots will be graded as shown on the approved plans and with industry best management practices to maintain slope stability and manage construction and post-construction runoff.

Included in the revised grading plan is a repair of minor slope failure above (to the north of) proposed Lot 16 and Street E on Tract No. 50666. **Exhibit 8** illustrates the method proposed for the slope repair, which is standard and has been reviewed by the Commission's staff geologist, Mark Johnson, Ph.D. In reviewing the proposed revised tentative tract map, Dr. Johnson has also reviewed the applicant's most recent geotechnical investigation¹¹, as has a geotechnical consultant retained by the City of Rancho Palos Verdes¹², and determined that the reconfigured housing lots all have a factor of safety greater than 1.5 without the need for geoengineering of the slope. The lower bentonite layer is eroded beneath residential Lot Nos. 14-23, while the layer is intact under Lot 13 and part of Lot 12, as well as most of Lot Nos. 1-11, where it dips more gently. The area where the driving range has been graded and constructed is a hazardous geologic area; however open spaces, parks, and natural recreational facilities like golf courses are generally considered an appropriate use for hazard areas, unless hazards are so extreme as to preclude safe human passage.

The applicant is proposing a less intense land use than what is currently approved in the southwestern section of Tract No. 50666. Amendment No. 21 proposes a revised tentative tract map which will replace the majority of 16 approved residential lots with golf course Lot Nos. 24 and 25 for a driving range and putting green (**Exhibit 3**). The driving range and putting green are located in an area which the LCP classifies partly as Category 2 (marginal stability) and partly as Category 4 (suitable for building), shown broadly in **Exhibit 9**.

¹¹ GeoKinetics. "Response to Geotechnical/Geologic Review Comments Regarding Assessment of Structural Set-Back Line for Ocean Trails Golf Club." December 6, 2007.

¹² Kling Consulting Group. "Geotechnical Review of 'Evaluation of Structural Setback Line for Ocean Trails Golf Club, Rancho Palos Verdes, California'" 2011.

With regard to the consistency of changes to the grading plan with the geologic safety policies of the LCP, the Commission finds that there is evidence that the changes were the result of professional investigation and analysis by licensed professional engineers and geologists employed by both the City and the applicant, as required in the LCP. Additionally, the proposed land uses of residential tract-type housing and golf course lots are consistent with the Natural Environment policies of the certified LCP.

D. WATER QUALITY

In approving the permit on appeal, the Commission imposed Special Conditions 10 and 11 to address water runoff during and after construction. The Natural Environment Element of the City of Rancho Palos Verdes certified LCP identifies the tide pools along the Rancho Palos Verdes shoreline as an important resource and requires that development protect that resource.

Special Condition 10 addresses control of sediment and silt during construction. Special Condition 11 addresses post construction storm runoff. It establishes general conditions on the quality of the drainage, and allows two alternative storm drain systems to achieve those goals: tunneled pipe or drainage to natural canyons. The applicant hired a consultant, Dr. Alan Miller, to survey the location of its intended storm drain outfalls. Dr. Miller noted that at the tips of the promontories on the site, there was healthy rocky intertidal habitat, which he felt came under the protected status of “tide pools” noted in the special condition. After the applicant’s consultant demonstrated that drainage to canyons would have fewer impacts than those directed to tidepools and rocky intertidal habitat than the originally proposed drains, which were to be hard-drilled through the promontories, Alternative b was approved in Amendment No. 15. The two major storm drain systems now discharge through natural canyons and discharge onto wider beaches, which have more sand and other natural filters. Additionally, in approving Amendment No. 15, the Commission found that locating the drainage outfall in lower Forrestal Canyon was the least environmentally damaging feasible alternative and required habitat enhancement in other areas of the property to offset potential damage to habitat in lower Forrestal Canyon.

The applicant is not proposing changes to the water quality provisions of the permit, but the drainage system for Tract No. 50666 is proposed to be realigned to facilitate drainage of the driving range and enable connections to the reconfigured housing lots. The outfall is still proposed in lower Forrestal Canyon, approved as part of Amendment No. 15 and subject to Special Condition 11 of the permit, which states, in sub-condition d:

“No discharge from golf course or project improvements to tide pools.”

Additionally, alternative b, sub-condition c states:

“The amount of hardscape, including riprap, in Forrestal Canyon shall not exceed 2,400 square feet and the design and location of the dissipaters and riprap is consistent with the plans submitted 6/6/00¹³.”

¹³ See Exhibit 3

Exhibit 4 shows the approved and proposed drain lines and the proposed outfall (including energy dissipater, riprap, and access stairs, plus associated grading) in lower Forrestal Canyon (MTD 1742-5). The approved but not yet constructed outfall is adjacent to an approved and functional outfall (MTD 1742-4) which delivers storm water flow from more easterly areas of the property and which will enable drainage for approved and graded Lot Nos. 1-11 in tract No. 50666 once homes are constructed there. Both of these outfalls were also approved by the City in Revision W to its permit.

As conditioned by the original permit and subsequent amendments, the Commission finds that the proposed changes are consistent with the certified LCP and will have no negative effects on water quality.

E. ENVIRONMENTALLY SENSITIVE HABITAT

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 found, protected. The LCP identified areas in which more study would be needed to identify the kind of habitat and the necessary degree of protection. The area of Tract No. 50666 where the driving range, putting green, and reconfigured housing lots are proposed was not identified as environmentally sensitive habitat.

During the project's initial approval, the California Coastal Gnatcatcher (*Polioptila californica californica*), a threatened species was identified on the property. The applicant, the City, the California Department of Fish and Wildlife, and the United States Fish and Wildlife Service agreed to a Habitat Enhancement Plan (HEP) that, after approval of the project, the agencies and the City of Rancho Palos Verdes later 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). The most recent annual monitoring report¹⁴ indicates that the applicant has made substantial progress in establishing gnatcatcher habitat and revegetating areas where coastal sage scrub is required. The underlying permit, including the permit amendment addressing slide repairs is subject to numerous agreements and special conditions imposed by the Commission, the California Department of Fish and Wildlife and the United States Fish and Wildlife Service to protect environmentally sensitive habitat areas.

While a number of changes are proposed to the grading plan, the changes do not affect the consistency the tentative tract map or its environmentally sensitive habitat areas with prior special conditions and project plans. The driving range is located in an area which was already approved for grading for 16 residential lots. As an alternative to residential lots with extensive alteration of the natural landform, lighting and sound impacts, and fencing and ornamental

¹⁴ DUDEK. "Annual Year 2007 Monitoring Report: Trump National Golf Club." April 2008.

vegetation, a driving range will not have any adverse impacts on habitat or biological productivity.

In order to construct and maintain the drainage outfall in lower Forrestal Canyon, additional hardscape in areas designated as environmentally sensitive habitat will be constructed, but this was approved and the effects were mitigated against in Amendment No. 15 (see the previous section on Water Quality for more detail). The reconfigured underground drain line connections will not displace any environmentally sensitive habitat. Therefore, as previously conditioned, the Commission finds that the current changes are consistent with the certified LCP and will have no negative effects on environmentally sensitive habitat.

F. VISUAL RESOURCES

Some of the most notable coastal resources within the City of Rancho Palos Verdes are the views available from the main thoroughfare, Palos Verdes Drive. While views in some areas have been blocked by development or vegetation, most of Palos Verdes Drive offers sweeping, panoramic views of the ocean and coastline. Palos Verdes Drive is used by both residents and visitors to access and view the coastal zone, and as such the protection of these views rises to the level of statewide significance. In past Commission actions in the City, such as the Terranea golf course and resort development (A-5-RPV-02-324) and the Khosla residence (A-5-RPV-12-350), the Commission has included provisions such as restrictions on the height and location of development to ensure the protection of blue water views from Palos Verdes Drive. At the subject site, blue water views from multiple locations were preserved when the Commission limited the height of the clubhouse to 26', as measured from existing grade, consistent with the Rancho Palos Verdes Zoning Code, the Implementation Plan portion of the certified LCP.

The Corridors Element, part of the Land Use portion of the certified LCP, calls out Specific Visual Corridors "having both a horizontal and vertical dimension have been identified for vistas." Sections of Palos Verdes Drive directly adjacent to the Trump National Golf Course and driving range have been identified as Specific Visual Corridors offering full direct views of the Pacific Ocean. **Exhibit 11** is a map taken from the LCP showing these Specific Visual Corridors extending from Palos Verdes Drive directly over the subject site towards the sea. Two direct full views are called out from approximately the intersection of Palos Verdes Drive South and Ocean Trails Drive, near Vista Catalina Park. One direct full view looks south towards Catalina and the other looks west towards the former Marineland site (currently Terranea). These two full direct views represent half of all full direct views called out on the map in the LCP. Three partial views are also identified from the roadway above the subject site, out of eight in the City called out on the map. The certified LCP makes clear that the roadway and associated vista points above the subject site offer some of the most significant viewpoints in the City.

The Visual Corridors section of the certified LCP states that it shall:

Provide the City with a range of choices as to the courses of action for (1) the development of the Palos Verdes Drive visual (and access/infrastructure) corridor (landscaping, undergrounding, vista points); (2) the development of natural land areas (landscaping, etc.); and (3) the proposed development

intensity (zoning) and development controls needed to protect and enhance (overlay districts, design standards, design review) the intended corridors. The “direct/full visibility” vista, being the most valuable, should receive the highest priority for preservation protection and enhancement, with the height zones establishing zones of development restriction based on zoning.

The Urban Appearance Overlay Control District requires, in part, that:

Projects preserve, protect, and maintain significant views and vistas from major public view corridors... and refrain from blocking major vistas in such a way as to materially and irrevocably alter the quality of the view.

The General Plan identifies the same views and vistas that overlook the subject site and an explicit goal of the general plan is to preserve the views.

The City of Rancho Palos Verdes Zoning Code, the Implementation Plan portion of the certified LCP, establishes height restrictions on development, as pondered in the Land Use Plan. The subject site is zoned rs-1 (Residential Planned Development). Section 17.02.040. View Preservation and Restoration states, in part:

The residents of the city of Rancho Palos Verdes, by the adoption of this section, have made a finding that the peace, health, safety and welfare of the community will be served by the adoption of this section and by the regulations prescribed hereiNo.

A. Regulations.

- 1) Building Height. Any individual or persons desiring to build a new structure or an addition to an existing structure shall be permitted to build up to sixteen feet in height pursuant to subsection B of this section provided there is no grading, as defined in Section 17.76.040 of this title, to be performed in connection with the proposed construction, and further provided that no height variation is required, and all applicable residential development standards are or will be met. In cases where an existing structure is voluntarily demolished or is demolished as a result of an involuntary event, a height variation application will not be required to exceed sixteen feet in height, provided that the replacement structure will have the same or less square footage and building height as the existing structure and will be reconstructed within the building envelope and footprint of the pre-existing structure. Approval for proposed structures or additions to existing structures exceeding sixteen feet in height, may be sought through application for a height variation permit, which, if granted pursuant to the procedures contained herein, will permit the individual to build a structure not exceeding twenty-six*

feet in height, except as provided in subsection (B)(1)(d) of this section, or such lower height as approved by the city, measured as follows:

- a. For sloping lots which slope uphill from the street of access or in the same direction as the street of access and for which no building pad exists, the height shall be measured from the preconstruction (existing) grade at the highest point on the lot to be covered by the structure to the ridgeline or the highest point of the structure, as illustrated in Figure 1 below.*

Based on this section and a full reading of the City of Rancho Palos Verdes Zoning Code, it is clear that in residential zones, structures are limited to 16 feet in height, or a maximum of 26 feet in height with a variance. Given that the City granted a variance for a proposed flagpole on March 20, 2007¹⁵, and given that the lot slopes in the same direction as the street of access, a 26-foot high flagpole, as measured from existing grade, may be able to be found to be consistent with the LCP¹⁶.

In order to approve the proposed flagpole, the Commission must find that it is consistent with the implementing ordinance of the LCP and will not impair views protected by the certified LCP. The existing unpermitted 70-foot high flagpole atop a 12 to 20-foot high mound demonstrably affects visual resources from Palos Verdes Drive and from trails and amenities on the subject site where the public has access. Exhibit 5 demonstrates the significant public view impacts that the unpermitted flagpole has on the ocean from multiple significant viewpoints. The flagpole obstructs and draws attention away from one of the most significant public vistas of the ocean that exists in the City. From multiple vantage points, the flagpole extends beyond the horizon of the ocean.

In a letter dated June 6, 2014, the applicant alleges that California Government Code section 434.5¹⁷ authorizes it to fly the flag of the United States as proposed. The applicant also argues

¹⁵ Revision BB to Conditional Use Permit No. 163

¹⁶ However, the Commission notes that locally permitted flagpoles in residential zones of Rancho Palos Verdes have at times been limited to 12' in height as measured from the lowest point of grade, based on Code Section 17.02.030 (B) (1) (c) (i).

¹⁷ **Government Code, section 434.5.**

(a) As used in this section, the following terms have the following meaning:

- (1) "Legal right" means the freedom of use and enjoyment generally exercised by owners and occupiers of land.
- (2) "Local government agency" means a county, city, whether general law or chartered, city and county, town, municipal corporation, school district or other district, political subdivision, or any board, commission, or agency thereof, or other local agency.

(b) (1) No person, private entity, or governmental agency shall adopt any rule, regulation, or ordinance, or enter into any agreement or covenant, that prevents any person or private entity that would otherwise have the legal right to

that its right to fly the flag is protected speech under the First Amendment of the United States Constitution and any regulation over that speech must not regulate the content of the speech, be narrowly tailored to serve a significant government interest, leave open ample alternative channels of communication and not delegate overly broad licensing discretion to a government official. (*Long Beach Area Peace Network v. City of Long Beach* (2009) 574 F.3d 1011, 1023-1024.)

In addressing the first claim, the applicant misapplies the cited Government Code provision. In interpreting subsection (d) of the provision – prohibiting a local government from adopting restrictions that promote aesthetic considerations – the applicant wrongly assumes that an LCP with visual resource policies is implementing solely local law. To the contrary, LCPs “and the development permits issued by local agencies pursuant to the Coastal Act are not solely a matter of local law, but embody state policy.” (*Charles A. Pratt Construction Co., Inc. v. California Coastal Commission* (2008) 162 Cal.App.4th 1068, 1075.) “In fact, a fundamental purpose of the Coastal Act is to ensure that state policies prevail over the concerns of local government.” (*Ibid.*) Thus, LCPs implement state law, the Coastal Act, and are on equal footing with other state laws, including Government Code section 434.5, thereby negating the applicant’s position that subsection (d) applies to the present case and limits the Commission’s consideration of visual impacts of flying the American flag. Further, the applicant’s reliance on subsection (b)(1) of Government Code, section 434.5 is also misplaced because the Commission is not adopting any rule, regulation, or ordinance, or enter into any agreement or covenant, that prevents any person or private entity that would otherwise have the legal right to display a Flag of the United States on private property from exercising that right.” The applicant seems to infer by applying this subsection to the present case that the Commission is making some legislative act. However, this is a permitting action, in a quasi-judicial setting, and the Commission will not be acting in a manner contemplated under Government Code, section 434.5, subsection (b)(1). Moreover, even

display a Flag of the United States on private property from exercising that right, unless it is used as, or in conjunction with, an advertising display.

(2) Nothing in this subdivision shall be construed to prevent a city, county, or city and county from imposing reasonable restrictions as to the time, place, and manner of placement or display of a Flag of the United States when necessary for the preservation of the public’s health, safety, or order.

(c) (1) A local government agency may not adopt any policy or regulation that prohibits or restricts an employee of that agency from displaying a Flag of the United States, or a pin of that flag, on his or her person, in his or her workplace, or on a local government agency vehicle operated by that employee.

(2) Nothing in this subdivision shall be construed to prevent a local government agency from imposing reasonable restrictions as to the time, place, and manner of placement or display of a Flag of the United States when necessary for the preservation of the order or discipline of the workplace.

(d) No restrictions solely to promote aesthetic considerations shall be imposed pursuant to paragraph (2) of subdivision (b) or paragraph (2) of subdivision (c).

if the Commission's action could be construed to be included within the scope of subsection (b)(1), the Commission's action would not in any way prevent the applicant from displaying the Flag of the United States on its property. Therefore, the applicant has not substantiated its claim that the Commission's action will violate its rights under Government Code, section 434.5.

The Commission's action on this permit application will also not violate the applicant's First Amendment rights. While not directly addressed in the applicant's letter, the first question in a claim that a government action violates a person's First Amendment rights is whether or not the form of speech is one that is protected under the First Amendment. The US Supreme Court has found that flying a flag is a form of speech that could be protected under the First Amendment. (See *Stromberg v. California* (1931) 283 U.S. 359, 369.) Since flying a flag could be considered a form of speech afforded protection under the First Amendment, any regulation of that form of "speech" must meet the four factors, noted above, to withstand constitutional scrutiny. In this case, the Commission's action satisfies each of the four factors and would not infringe upon the applicant's First Amendment rights.

First, the Commission does not intend to prohibit the applicant from expressing its patriotism by flying the flag of the United States under this permit action. Thus, the Commission's action would not regulate the content of the speech – the flying of the American flag. Second, the regulation is narrowly tailored to serve a significant government interest, being the protection of significant visual resources along the coast. "[T]he requirement of narrow tailoring is satisfied so long as the ... regulation promotes a substantial government interest that would be achieved less effectively absent the regulation." (*Ward v. Rock Against Racism* (1989) 491 U.S. 781, 799.) Section 30001 of the Coastal Act captures the significant government interest in protecting visual resources along the coast, which provides the following, in relevant part:

The Legislature hereby finds and declares:

...

- (b) That the **permanent protection** of the state's natural and **scenic resources** is of **paramount concern to present and future residents of the state and the nation**.

”””

(emphasis added)

The California Supreme Court also acknowledged the Coastal Act's role in furthering important state interests, citing the above provision as one of the important state interests to be furthered. (*Pacific Palisades Bowl Mobile Estates, LLC v. City of Los Angeles* (2012) 55 Cal.4th 783, 793.) The restriction is narrowly tailored in addressing the significant government interest because it promotes permanent protection of scenic resources that would be achieved less effectively without the regulation. If the heights of development is left unregulated, there would invariably be the effect of leaving property owners to build to heights of their own personal desire without consideration of the paramount concern of protecting scenic resources of coastal views for the public. Undoubtedly, the result would be unfettered construction of structures up to heights that would effectively wall off views of the coast. Thus, the regulation is narrowly tailored because it protects a significant government interest which wouldn't be protected without the regulation.

Therefore, by implementing height restrictions consistent with the LCP and imposing conditions which ensures that the proposed flagpole does not rise above 26 feet in height, the Commission's action would be done in furtherance of the cited government interest to permanently protect the views of the ocean from public vantage points that all present and future residents of the state and nation can enjoy when visiting the area.

Third, the Commission's action would leave open ample alternative channels of communication to the applicant to express its patriotism. Notably, the primary alternative channel in this instance is to fly the flag at a height consistent with the LCP, at 26 feet instead of 70 feet. The applicant has not claimed, nor can staff identify any statute or case that supports a claim, that flying an American flag *at a certain height* is protected by the First Amendment. Other alternative channels exist, as well. For example, the applicant could place American flag decals on all of its golf carts, could fly American flags on each of its hole markers on the greens of each hole, could place flags throughout its clubhouse and include the American flag image on all of its documents associated with its business. Thus, it's evident that the Commission's action would leave open ample channels of communication to the applicant to express its patriotism. Finally, the fourth factor is inapplicable because that factor is reserved for cases when an individual government official acts on a matter involving restriction of speech. Here, the Commission is acting as a government body, thereby precluding the claim that an individual official is acting on a speech restriction under authority delegated to him or her. Therefore, given the foregoing, the Commission's action would not violate the applicant's First Amendment rights.

The applicant's reliance on a waiver issued by the Commission in 2002 for a flagpole in the Crescent City Harbor is distinguishable from the present case and does not warrant consideration in the present case. There, the Commission issued a waiver for the flagpole that was used at a harbor as a navigational aid for people entering the harbor. Here, the flagpole is a permanent structure, supported by a concrete foundation, purposefully constructed atop a graded mound which significantly altered the natural landform. The applicant seeks to characterize the flagpole as a navigational aid, similar to other navigational aids approved by the Commission. However, the subject site sits atop a bluff fronted by a rocky beach, miles away from any area where marine vessels would dock. Additionally, the flagpole does not feature a light or sound beacon. Finally, other navigational aids are located up and down the peninsula and no maritime organization or government body has endorsed the proposed flagpole as a navigational aid. In addition, the waiver cited by the applicant was issued using Chapter 3 of the Coastal Act for the standard of review relative to view impacts which didn't have a similar height restriction that applies to this case. Here, the standard is the LCP in reviewing the view impacts. The LCP has a maximum height restriction for all structures, regardless of the purpose of the structure. The Commission, thus, must apply the LCP's standards for height of structures because their primary purpose for certification was to protect visual resources along the coast. The applicant also argues that Community views the existing unpermitted flagpole as an asset which enhances views. This argument is not supported by reality or by public testimony at any hearing thus far.

Because the proposed flagpole does not comply with the zoning code and is inconsistent with the public view protection policies of the certified LCP, the Commission cannot approve it as proposed. However, in consideration of the applicant's desire to display its patriotism by flying the flag of the United States of America, the Commission can approve a flagpole which will have

significantly less effect on visual resources. The Commission also seeks to be consistent with other golf courses that often feature flagpoles and to permit the applicant to identify the general location of the clubhouse. Based on staff site visits and public testimony at prior Commission and City hearings, there is a feasible alternative to the proposed 70-foot high flagpole atop a 12 to 20-foot high mound, which significantly reduces negative impacts to visual resources. That alternative is a 26-foot high flagpole adjacent to the existing clubhouse, which will serve the same purpose as the proposed flagpole, but will have significantly fewer impacts to visual resources.

Limiting the height of the proposed flagpole to 26 feet and requiring it to be sited within 30 feet of the existing clubhouse is consistent with the certified LCP and past Commission actions up and down the State because it clusters structures which have view impacts together. Because the clubhouse has already been approved and constructed, it already has an effect on visual resources, and permitting a similarly high flagpole adjacent to it (as opposed to the current unpermitted flagpole which is approximately three times as high as the clubhouse and 150 feet away) will not further impact visual resources. Special Condition 46 provides the language for approving the revised flagpole.

A second potential visual impact which must be analyzed is the proposed revised grading plan for the driving range and associated fencing and landscaping. City and Commission staff have requested on multiple occasions that the applicant provide a visual analysis of the proposed re-graded driving range lot, the unpermitted 8 to 9-foot high New Zealand Christmas Trees (*metrosideros excels*) atop the westerly berm, the 12-foot high New Zealand Christmas Trees proposed adjacent to but no higher than the southerly berm, and the 6' high lattice wood fencing proposed atop 1 to 6-foot high retaining walls at the northwest corner, southwest corner, and southeast corner of the driving range. Over the past 10 years, the applicant has provided three such analyses – the most recent is **Exhibit 12**.

The analysis shows that the proposed landscaping will have no new impact on public views from Palos Verdes Drive South. The southerly berm of the driving range has been graded 5 to 15 feet higher than the development approved as part of the original permit and subsequent amendments. However, the previously approved development includes 16-foot high houses on top of graded pads, located just north of the area where the southerly berm currently creates a view horizon. The applicant's view analysis shows that public views from Palos Verdes Drive would be impacted by the houses, while those views are less obstructed by the increased elevation of the southerly berm. The houses atop graded pads would also be permitted their own landscaping, which could impact visual resources. Additionally, two cul du sacs would be necessary to serve the 16 houses approved in the area currently occupied by the proposed driving range and putting green. These streets would be served by utilities and lighting, which would create view impacts. Comparing the re-graded driving range, landscaping, and fencing as an alternative to the current entitled development, the visual impacts are lessened.

Because the site slopes downward from the road, the proposed fencing and landscaping at the westerly berm will not impede any portion of the horizon which is not already impeded by the approved houses between the road the proposed driving range. Indirect views facing south from the West Portal Trail and West Portal Bikeway are currently blocked by the proposed New

Zealand Christmas Trees atop the westerly berm. The proposed lattice wood fencing atop a 1 to 6-foot high retaining wall at the westerly berm will partially block these same views on either side of the landscaping. The landscaping and fencing will also have an impact on some private views from the residences in the adjacent Portuguese Bend neighborhood. However, when compared to the alternative of 16-foot high homes on top of graded pads and associated other residential features, the current proposal will not negatively affect visual resources.

Therefore, the Commission finds that only as conditioned are the proposed changes are consistent with the certified LCP and will have no negative effects on visual resources.

G. UNPERMITTED DEVELOPMENT

Development has occurred on the project site in non-compliance with previously approved plans and the required conditions of the previously issued coastal development permit approved by the Commission. The applicant has included the request for after-the-fact approval of the changes to grading in Tract No. 50666, as well as some landscaping, and the erection of a 70-foot high flagpole atop a 12 to 20-foot high mound. The applicant is also in non-compliance with numerous prior to issuance conditions of Amendment No. 20 and has already completed some of the development proposed by that amendment even though the permit has not been issued.

In addition, the applicant has not complied with conditions of the permit related to signage and landscaping. The applicant must submit an updated trails and amenities plan, subject to the approval of the Executive Director, as required by Special Condition 23 modified by Amendment No. 20 and this subject amendment. The applicant must also comply with all landscaping and habitat conditions of the original permit and subsequent amendments. Finally, Special Condition 46 addresses the matter of the unpermitted flagpole and provides a remedy for the applicant to bring the flagpole into compliance with the subject Coastal Development Permit A5-RPV-93-005. The Commission's enforcement division will evaluate further actions, as appropriate, to address all of these matters.

Although construction has taken place prior to submission of this permit amendment application, consideration of the application by the Commission has been based solely upon the policies of the certified LCP and the public access and recreation policies of the Coastal Act. Approval of this amendment 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 development permit.

H. 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.

The City of Rancho Palos Verde is the lead agency on this project for CEQA purposes. In March 2007, the City approved an addendum to an EIR, effectively approving the project.

Notwithstanding any local decision regarding a lead agency's determination under CEQA, the Commission must also make findings that the project is consistent with CEQA as it relates to its certified regulatory program. In doing so, the Commission evaluated the following issues to ensure compliance with its obligation under CEQA. The Commission considered the alternative of denying the proposed changes to the grading plan. However, denying the proposed grading plan would not maintain the conditions on the ground; it would simply revert the approved development back to the grading permitted in the previous entitlement for 16 houses in the same location. The land where the driving range is now proposed was deemed a hazard area by multiple geology investigations. In order to construct houses on the previously approved lots, extensive engineering of the slope would have been required to meet the required 1.5 factor of safety. Altering the slope of the land to create two lots with the slope required for a standard driving range and putting green did not require significantly more alteration of the natural landform than what was previously approved and will lessen the visual and habitat impacts compared to the development that was previously approved.

The Commission also considered alternatives to the proposed fencing and landscaping around the perimeter of the driving range. The applicant originally proposed a 6' high chain link fence around the perimeter, which would have had a negative effect on public views and the natural environment. The current proposal of a 6-foot high lattice wood fence atop a varying height berm in three locations, landscaping up to 9-feet high atop the westerly berm, and landscaping up to 12-feet high but no higher than the southerly berm will have less visual and habitat impacts than the residential houses previously approved in approximately the same location would have had.

With respect to the reconfigured West Portal Trail, West Portal Bikeway, and Canyon Rim Trail, the alternative to reconfigured legal descriptions would have been to require the applicant to construct the trail through the proposed driving range, where Street C and Street D were previously proposed. That would not serve the public or the applicant in any way or lessen any adverse impacts on public access. As currently proposed, the total length of both trails remains approximately the same and connects the last public road to the same amenities envisioned by the original approved trail design.

Because the proposed 70-foot flagpole atop a 12 to 20-foot high mound was determined to have significant adverse effects to direct coastal views from public roadways and public trails, the Commission analyzed other alternatives which would lessen the negative impacts. Denying the flagpole was considered, but this could be interpreted as denying the applicant the opportunity to express its patriotism by flying the flag of the United States of America and it would be inconsistent with other golf courses which often feature flagpoles. The Commission determined that there is a feasible alternative which significantly reduces negative impacts to the environment and also preserves the applicant's proposed amenity. That alternative is a 26-foot high flagpole adjacent to the existing clubhouse, which will serve the same purpose as the proposed flagpole, but will have significantly fewer impacts on the environment.

Therefore, the Commission finds that only as conditioned is the project the least environmentally damaging feasible alternative and only as conditioned can it be found consistent with the requirements of the Coastal Act to conform to CEQA.

Appendix A – Substantive File Documents

1. City of Rancho Palos Verdes certified Local Coastal Program (1983)
2. City Council of the City of Rancho Palos Verdes Ocean Trails Project File History, Especially Resolution No. 92-53, Conditional Use Permit Nos. 162 and 163, and subsequent Revisions
3. GeoKinetics. “Response to Geotechnical/Geologic Review Comments Regarding Assessment of Structural Set-Back Line for Ocean Trails Golf Club.” December 6, 2007.
4. Kling Consulting Group. “Geotechnical Review of ‘Evaluation of Structural Setback Line for Ocean Trails Golf Club, Rancho Palos Verdes, California’” 2011.
5. DUDEK. “Annual Year 2007 Monitoring Report: Trump National Golf Club.” April 2008.
6. Coastal Development Permit Application File A-5-RPV-02-324 (Terranea)
7. Coastal Development Permit Application File A-5-RPV-12-350 (Khosla)

Appendix B – Standard and Special Conditions

Currently approved A-5-RPV-93-005 as amended-through A-5-RPV-93-005-A21

The following is adopted as part of the Commission's resolution:

Appendix B, below, 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 Amendment No. 21. 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.

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 Exhibits I,

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, and Exhibit 9 of amendment A11. 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 paths, 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 hydrangers, 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 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 for had repair of dedicated trails authorized by the Executive Director, and repair 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:

Lot E, West Bluff Preserve, no less than 7 acres, generally as indicated on Exhibits 2, 3 and 4 except that no portion of Lot E shall be closer than 100 feet from any subdivided lot.	7.0 acres
Lot F, Halfway Point Preserve	3.3 acres
Lot G, the Bluff Face and Beach	24.4 acres

- (2) Lot I Golf course Bluff Edge Habitat Setback within VTTM Tract 50666, described as a strip of land no less than 50 feet in width immediately adjacent to the edge of the bluff, southwesterly of the golf course, including the west side of Halfway Point, no less than 1.2 acres
- (3) The entirety of the following lots within Vesting Tentative Tract Map 50667, excluding any trails 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 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 firebreak.
- (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 firebreak

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 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 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, and the trail is notable to be repaired in place in a timely manner, 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, after 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 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 August 28, 1997 and in the Public Amenities Plan Trails and Signage Map of 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-A 21, the landowner shall cause to be executed and recorded 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 (of the Commission's original approval.) 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 of the original approval. 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 E (Costa De La Islas) from Palos Verdes Drive South to the northwestern boundary of Lot 24 (driving range), 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 driving range, 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), 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 E (Costa De La Islas) from Palos Verdes Drive South to the northwestern boundary of Lot 40 24 (driving range), 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 driving range 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, 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 Sunset (Torrance) trail, thence around the periphery of Ocean Trails Park along the top edge of the bluff. 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, first connecting to the Sunrise Trail and then proceeding along the bluff edge 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.

(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.4 above in the northeasterly corner of Ocean Trails Park (Halfway Point Park,) and extends north to the western end of La Rotonda Drive. In the area described by exhibit 5 of Amendment 15 of this permit as "landslide reconstruction," that is underlain by artificial fill, or the "slide block" of slide C, as also noted in Condition 29 of amendment 15, said trail shall be located only in an area certified by a licensed engineering geologist and/or structural engineer to have a localized factor of safety of 1.5 or more.

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

(14) West Bluff Trail (trail 4 (four)) Being a two foot wide soft-footed pedestrian trail extending from the West End jogging and handicapped access trail described in item 3.A (5), above, and 3.A (15) the bluff edge nature trail in the West Bluff Preserve. Said trail shall connect the West End jogging trail to the 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 9th and 12th golf holes, and from there, to bluff top corridor trails A (11) and A (12). The entire width of the trail shall be available for foot and bicycle access. If, after June 2, 2000, trails A 11, A 12 and A 13 are restricted from public use in any manner, in addition to the requirements of Special Condition 1, the applicant shall record an offer to dedicate this trail as required in this Condition and any other trails necessary to provide access that is equivalent in time place and manner to the access along the bluff provided by these trails. Said recording shall occur no later than June 1, 2000, unless additional time is granted by the Executive Director for good cause. In no event shall the applicant interfere with public use of this trail until the Executive Director certifies that the entirety of Bluff Top Trails A (11) and (A12) have been repaired and are available to the public, and the project has provided no fewer than five beach access trails.

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

(1) Palos Verdes Drive South on-Street Bicycle Lane Class II, high-speed bicycle lane on both sides of widened Palos Verdes Drive South, along all portions of Palos Verdes Drive South located within the boundaries of the tract. (50667).

(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 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 1/20/97, except as authorized by a future coastal development permit, and as otherwise authorized by law. No coastal development permit exemptions as defined in Section 30610 of the Coastal Act shall apply to the trails described in this Condition 3 except for repair and maintenance of utility connections as authorized in section 30610(d) of the Coastal Act as further described in Section 13253 of the California Code of Regulations.

In the event that coastal erosion, landslide or bluff collapse makes a designated trail impassable, and the trail is not able to be repaired in place in a timely manner, 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, at any time, any portion of the above-identified trails is considered hazardous, the applicant shall submit a complete permit amendment 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 in 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 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 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 – 1/20/97 and/or Exhibits 26 and 27 of Amendment A6 except that the locations and the development standards of trails shall be as established by Condition 3 of this permit. Pursuant to this requirement, the applicant shall provide detailed plans of these improvements prior to commencement of construction of the golf clubhouse. The plans shall be accompanied by a schedule of completion for the review and approval of the Executive Director in consultation with any accepting agency. Before construction commences on any park or trail, the applicant shall report any proposed changes to the approved plans to the Executive Director. Any changes that the Executive Director determines to be substantial, including those which unreasonably interrupt or degrade views of the ocean, the bluffs or the beach from public areas or unduly restrict passive recreational use of dedicated areas shall require an amendment to this permit.

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

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

- a) All trails in Tract 50667 and Shoreline Park except for the three trails paralleling Palos Verdes Drive South;
- b) 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);
- c) The beach access trails identified as 3.B (5) Prickly Pear Trail and 3.A (6) Sunset Trail;
- d) 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;

- e) Bluff top portions of three West bluff trails; 3.A (5) at overlook, 3.A (14) A (15), connecting to 3.A (16);
- f) Temporary Trail A (19), and
- g) 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 this 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 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 1/20/97 as modified by the Conditions of this permit. If there are any discrepancies between the trail plan and the requirements of the adopted Conditions, the requirements of the Conditions shall control. Said plan shall include (a) designated parking, (b) interpretive signs,

(c) fencing of habitat and construction areas, (d) erosion control and footpath control plantings (such as cactus adjacent to sensitive areas), (e) steps, where necessary.

5. FENCES, SAFETY NETS AND BOUNDARIES.

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

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

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

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

(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.

(4) Post and cable barrier, 42 inches in height or less

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 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.
 - b) The coastal sage scrub installed in the 1.14 acre and 0.66 acre newly identified areas shall conform to the standards indicated in subsection 8D5 above for off-site habitat prior to opening of the 18-hole golf course for play. The golf course

areas shall be maintained in accordance with the requirements of the coastal development permit.

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 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 tide pools 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:

1. 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.
2. 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.

3. 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;
4. 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.
5. 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.

6. 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.
7. 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.
8. 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.
9. 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 re-circulate 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 and 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 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. Prior to issuance of Coastal Development Permit Amendment A-5-RPV-93-005-A20, 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 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 CLUBHOUSE AND OCEAN TRAILS PARK.

Prior to issuance of Coastal Development Permit Amendment A-5-RPV-93-005-A20, and before any construction of the golf course clubhouse, the landowners shall execute and record an amendment to the existing, recorded deed restriction that was recorded pursuant to the previous version of this condition, in a form and content acceptable to the Executive Director, so that the effective deed restriction, as revised, provides that the approved visitor-serving golf course facilities including the clubhouse, shall conform to the following requirements:

- A. **PUBLIC FACILITY.** The clubhouse, golf course, treatment spa and restaurants will remain as commercial visitor-serving facilities open to the general public and 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, restaurants or other clubhouse facilities 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/PUBLIC FACILITIES. 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 and main level patios (decks) 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 areas 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 (one half hour after sunset). No fee or validation shall be required for use of these facilities.

F. PUBLIC USE. The rest rooms, and the lower and main level patio (deck) areas 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 these facilities shall not be locked during daylight hours. The restaurant shall not control seating on the patios (decks) and table service shall be prohibited on the patios (decks) in the designated area shown on Exhibit A of Amendment 20.

G. PARK MANAGEMENT. The management of the public parks remains the purview of the City and park facilities shall not be reserved or leased except as provided in Special Condition 1 of this permit and allowing for weddings/private parties in the upper portion of Ocean Trails Park as shown on Exhibit B of Amendment 20. Gazebos and picnic tables in the park shall not be reserved in advance of the day of use or reserved through the clubhouse.

H. SIGNS. The parking lots, restrooms lower and main level patio (deck) areas 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) and on the patios (decks.)

I. 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.

J. VALET SERVICE. The applicant shall impose no fee or purchase requirement for the use of the valet parking service, and this provision shall be clearly posted at the entrance of the 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 permittee shall undertake development authorized in Amendment 20 and operation of all facilities subject to this permit in accordance with the approved final plans and special conditions. 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.

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 restriction shall be described in the revised document 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.

21. LIGHTING AND SOUND.

Prior to issuance of the Coastal Development Permit amendment A-5-RPV-93-005-A20, the applicants shall submit lighting and sound studies and revised plans for the review and approval of the Executive Director to protect the bluff face and restoration areas from light and noise generated by the project. The applicant shall prepare a professional analysis of the impacts on the bluff face and restoration areas of the expanded clubhouse and banquet facility and of the conversion of the third floor to a restaurant. The plan shall, at a minimum, include a wall or landscaped berm at the west and southerly end of the clubhouse parking lot, so that automobile and security lights do not shine onto the golf course or ravine areas.

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 soundproofed, 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. DELETED.

23. SIGNAGE, FINAL PUBLIC AMENITY PLAN.

Prior to issuance of either permit amendment A-5-RPV-93-005-A20 or A-5-RPV-93-005-A21, and before any new construction of the clubhouse takes place, the applicant shall prepare for the review and approval of the Executive Director final trail maps, and a revised public amenity plan incorporating all features required by the Commission's Conditions. The plan shall include the overlooks, signs, railings, bridges, public decks, adequately sized public restrooms, benches, picnic tables, and other amenities proposed by the applicant and required by the Commission in this and prior actions. In the event of conflict or inconsistency between this and any other action, the Commission's Conditions shall prevail. In addition to the signs and benches described in the permit special conditions and in the Public Amenities Plan, Trails and Signage Map of 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 public patios (decks) and providing information regarding habitat restoration efforts and trail safety. 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 or valet parking from dawn to dusk (one half hour after sundown)." 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 1/20/97, and the special conditions of this permit shall be provided for the review and approval of the Executive Director.

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.ⁱ

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 A12. 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 A15, 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 A-5-93-005-A18, 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 trees.

- 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 stability 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. Within 60 (sixty) days of the completion of the golf course, the applicant shall provide for the review and approval of the Executive Director accurate digitized aerial photogrammetry showing the final acreage (size) and condition of all land disturbed by grading, stockpiling and golf course enhancement and /or the approved recorded tract map of Tract 50667 and the approved preliminary tract map of Tract 50666 showing all parks, trails and habitat areas offered by the applicant and/or required by this permit. Trails through parks will be shown in their approximate location.) 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. Within 60 (sixty) days of the Executive Director's review and approval of these plans, the applicant shall implement them, unless the Executive Director grants a written extension of time for good cause, and/or 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 NEW 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 described in Special Condition 3, and must be resolved by redesign, closure or relocation of new tees (added by Amendment 19) if injuries to trail users are attributed to the distance or design of the golf course 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, relocating the new tee at Hole 9 so that the new tee and its supporting fill slopes and retaining walls are entirely located outside the wetland mitigation area identified in Exhibit 2, and relocating the pad for the new tee at Hole 9 so that it is located 12 feet from trail 3A.12. The applicant shall also acknowledge in writing that both the new tee in Hole 5 and the revised tee in Hole 9 approved in amendment 19 be 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. DELETED**41. GEOLOGIC REVIEW OF CLUBHOUSE EXPANSION**

Prior to issuance of coastal development permit Amendment A-5-RPV-93-005-A20 and before any demolition of the clubhouse or construction of changes to the clubhouse may begin, the applicant shall provide for the review and approval of the Executive Director complete plans, including updated foundation plans and updated reports on the geologic safety of the clubhouse extensions in support of those plans. Such plans and reports shall be accompanied by any applicable reviews by the City of Rancho Palos Verdes Department of Building and Safety and its consultants, and evidence that the City has accepted these plans and reports and found them consistent with conditions imposed on Addenda No. 15 and 16 to Environmental Impact Report No. 36 and for Revisions "T" and "U", Conditional Use Permit No. 163 regarding geologic safety and stability of the structure. If such plans and reports require or include any change to the existing foundations of the clubhouse, the Executive Director shall determine whether or not the changes require an amendment to the permit or whether Amendment 20 may be released.

42. REVISED PLANS FOR CLUBHOUSE EXPANSION.

A. Prior to issuance of coastal development permit Amendment A-5-RPV-93-005-A20 or any construction on the golf course club house, the applicant shall provide revised plans for the review and approval of the Executive Director that show:

- 1) Improved handicapped access from the park to the lower level and from the lower level deck to the elevator connecting to the main level deck, including, at a minimum:
 - (a) Visible, handicapped accessible door not less than 36 inches in width on the lower level public deck
 - (b) Directional signage on door or exterior wall;
 - (c) Hallway leading directly to elevator from this lower level deck door;
- 2) Stairs from park trails to the park deck (on the lower level) at west end of deck as shown on Park Plans and on rendering (Exhibit 4 of Amendment 20);
- 3) Provide park seating, interpretive materials and water fountains on the lower level public park deck;
- 4) No planters may extend into park;
- 5) Signage. The applicant shall provide signage plans that show:
 - (a) Signage on the lower level deck shall state clearly that the deck is part of a publicly owned park;
 - (b) Signage on the main level deck stating clearly that no purchase is required for seating; that there will be no table service in the

- designated area shown on Exhibit A of this amendment; and that seating on the deck is not controlled by the restaurant;
- (c) Signage at the restaurant entries stating clearly that seating is not reserved for golfers and is available to the general public.
- (d) Signage for the public park restroom on the lower level both above the entrance and along the grounds.

43. NEW DRAIN (LINE “A” DELTA 3 AND 4).

A. Prior to issuance of permit amendment A-5-RPV-93-005-A20 or the construction of any improvements authorized in that amendment, the applicant shall provide a written report by a qualified marine biologist as outlined in Special Condition 11, for the review and approval of the Executive Director that demonstrates that Line A depicted on Delta 3 and Delta 4 and proposed in Amendment 20 (A-5-RPV-93-005-A20) will not discharge into tide pools or rocky intertidal habitat and will otherwise comply with the requirements of Special Condition 11.

B. If the Executive Director determines that the reports do not support the present location of the outfall, the Executive Director will inform the applicant of this determination, and within 30 days of the determination, the applicant shall provide a written agreement and revised plans, also for the review and approval of the Executive Director, that show a) a location for the outfall that conforms with Special Condition 11, b) plans and a timetable for relocating the outfall as specified in a).

C. Pending review and approval of the final placement of Line A, Lake 9 shall not be allowed to discharge into Line A.

44. CONFORMANCE WITH APPROVED PLANS

The permittee shall undertake development authorized in Amendment 20 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 or phases of construction shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

45. CONDITION COMPLIANCE

Within ninety (90) days of Commission action on this permit amendment application (A-5-RPV-93-005-A20), or within such additional time as the Executive Director may grant for good cause, the applicants shall satisfy all requirements specified in the conditions hereto that the applicants are required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

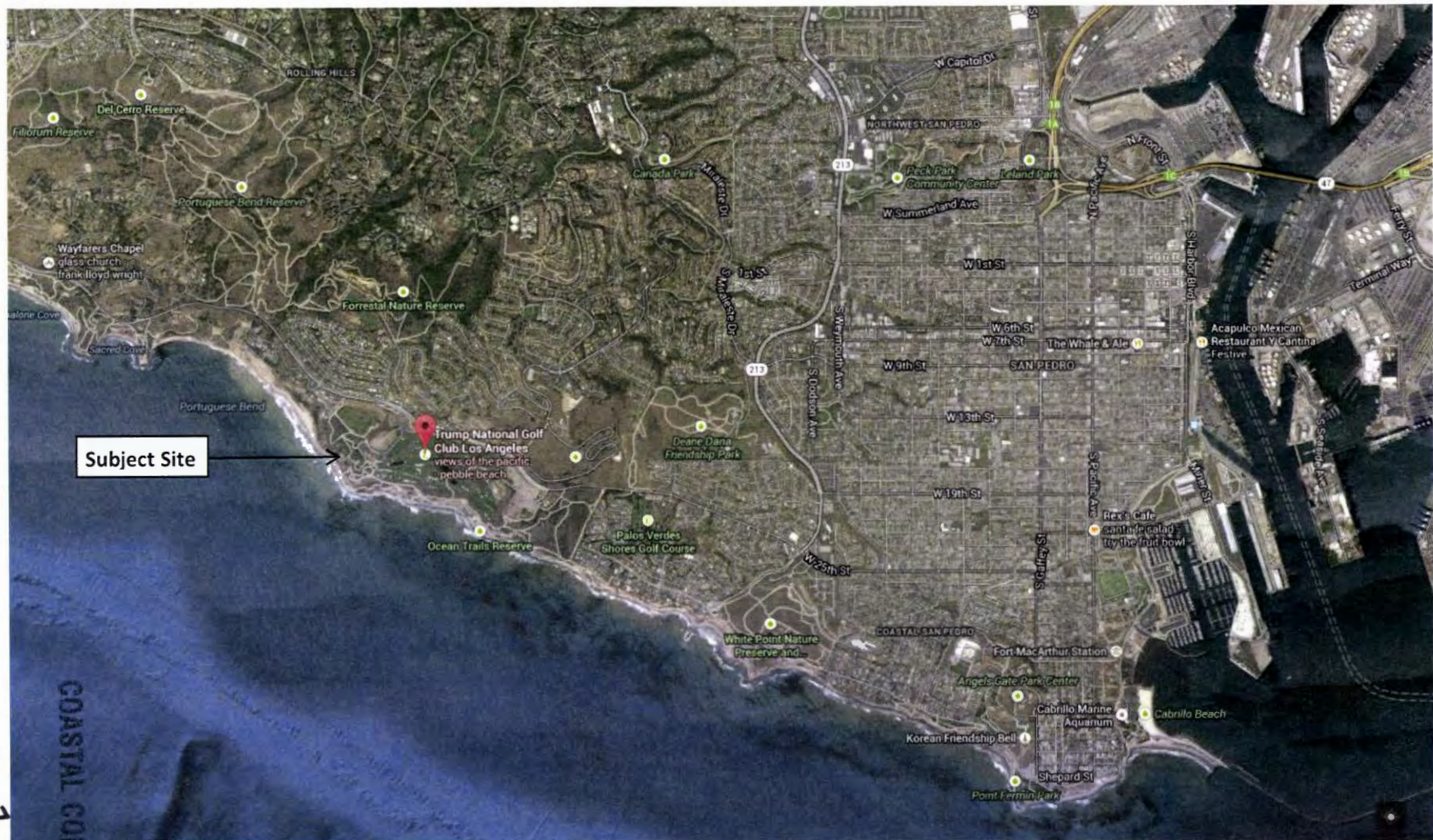
46. FLAGPOLE

Prior to the issuance of Coastal Development Permit Amendment A-5-RPV-93-005-A-21, the landowner shall submit a revised plan for the proposed flagpole, subject to the approval of the Executive Director. The height of the proposed flagpole shall be no greater than 26 feet as measured from existing grade and the proposed flagpole shall be sited no more than 30 feet from of the outer wall of the existing clubhouse structure.

EXHIBITS

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Aerial Photograph
- Exhibit 3 – Proposed Lotline Reconfiguration in Tract No. 50666
- Exhibit 4 – Proposed Site Plans
- Exhibit 5 – Photographs of Existing Unpermitted Flagpole
- Exhibit 6 – Drainage System Approved by Amendment No. 15
- Exhibit 7 – Proposed Revision to Drainage System
- Exhibit 8 – Proposed Method of Minor Slope Repair Above Lot 16 and “Street E”
- Exhibit 9 – Geology Map Referenced in LCP
- Exhibit 10 – Driving Range Fencing/Landscaping Safety Barrier Letter
- Exhibit 11 – Visual Corridors Map Referenced in LCP
- Exhibit 12 – Visual Analysis of Proposed Fencing and Landscaping at Westerly
Border of Proposed Driving Range Lot

One Ocean Trails Drive, Rancho Palos Verdes, Los Angeles County





COASTAL COMMISSION

EXHIBIT # 2

PAGE ___ OF ___

SCALE: 1"=200'

EXHIBIT # 3
PAGE OF

COASTAL COMMISSION

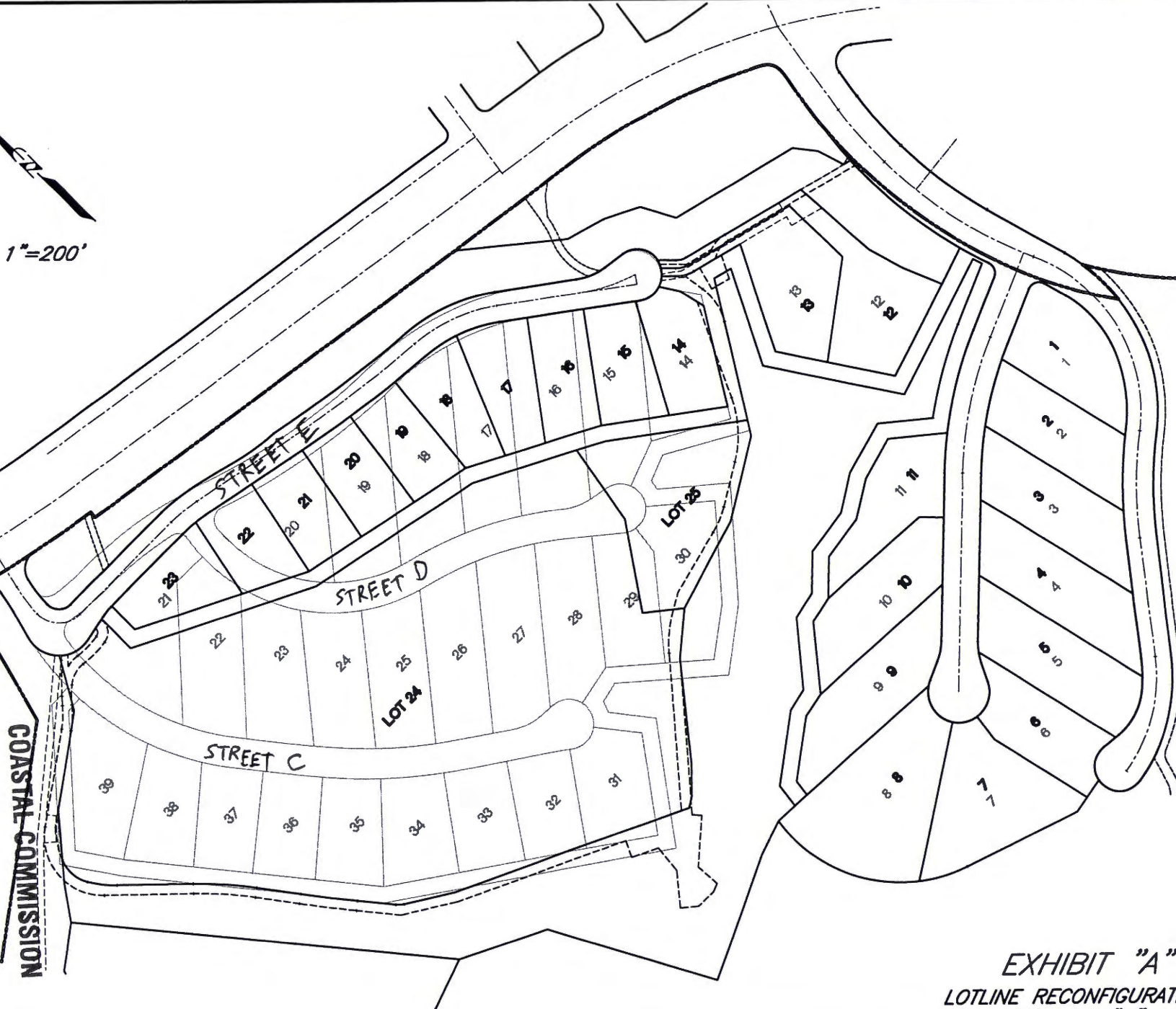


EXHIBIT "A"
LOTLINE RECONFIGURATION
REVISION "W"

View from west end of PV Drive



COASTAL COMMISSION

EXHIBIT # 5
PAGE 1 OF 5

View from PV Drive and Ocean Trails Intersection



COASTAL COMMISSION

EXHIBIT # 5
PAGE 2 OF 5

View from Sunset Point Park



COASTAL COMMISSION

EXHIBIT # 5
PAGE 3 OF 5

View from east end of PV Drive



COASTAL COMMISSION

EXHIBIT # 5

PAGE 4 OF 5

Flagpole height: 70 ft. + 20 ft. elevation of mound = 90 ft.

Flag dimensions: 30 ft. x 20 ft. = 600 sq. ft.



COASTAL COMMISSION

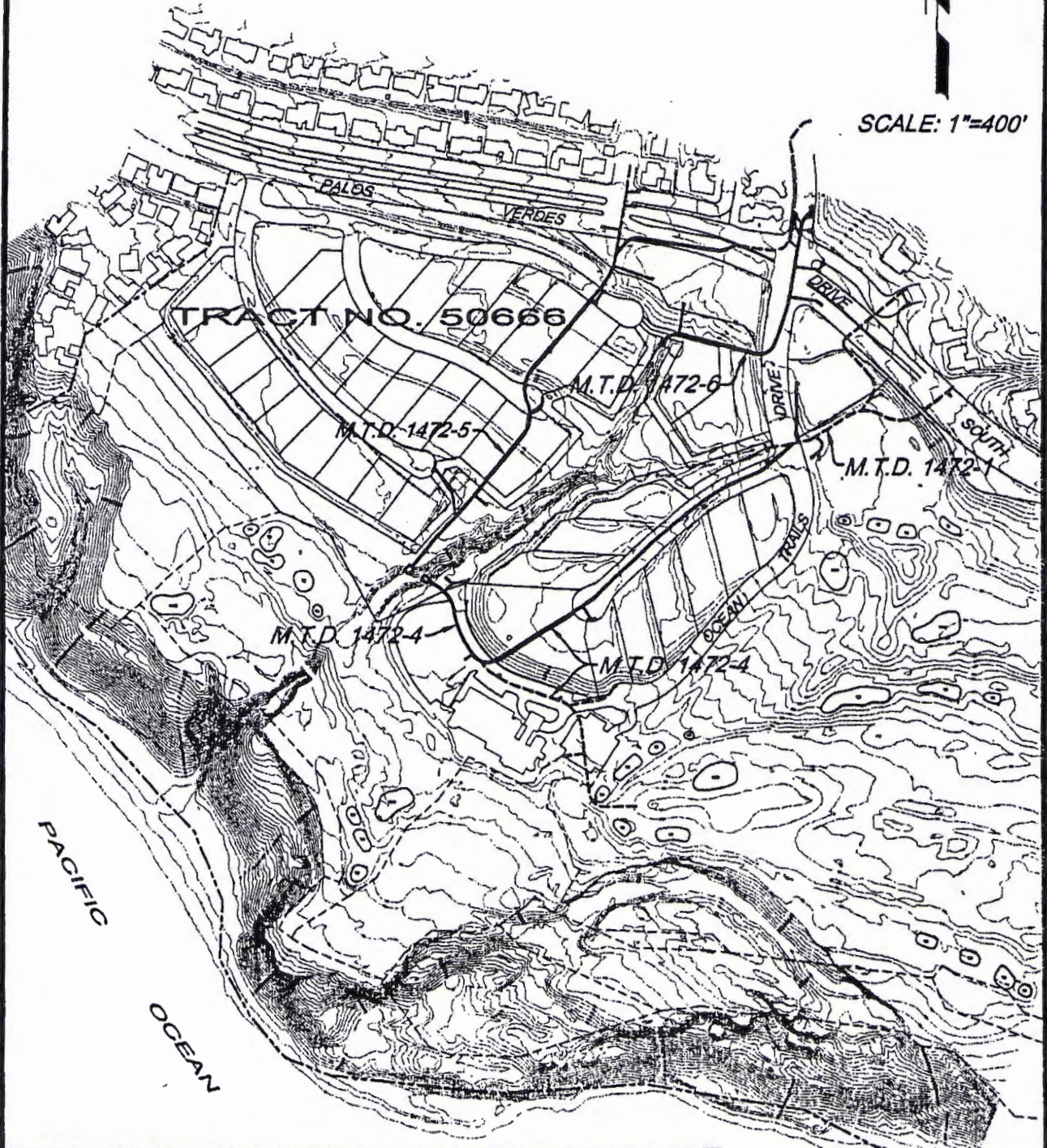
EXHIBIT # 5
PAGE 5 OF 5



----- EXISTING STORM DRAIN
——— PROPOSED STORM DRAIN



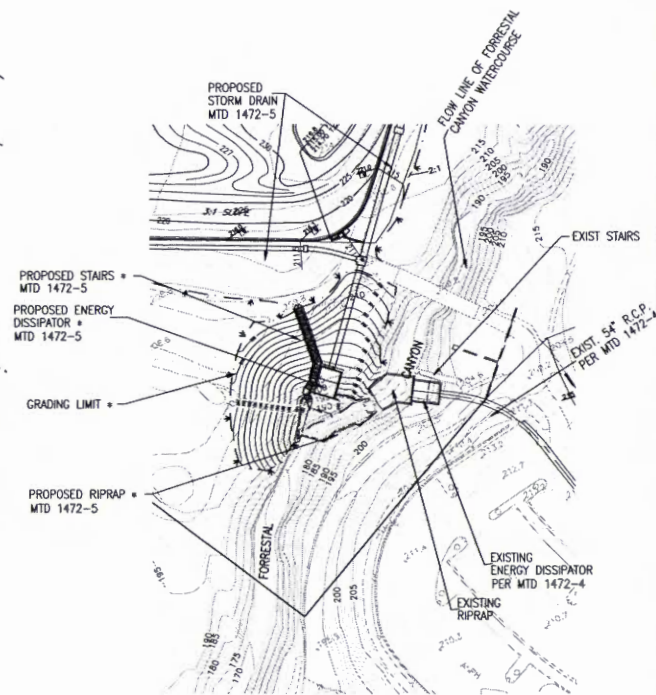
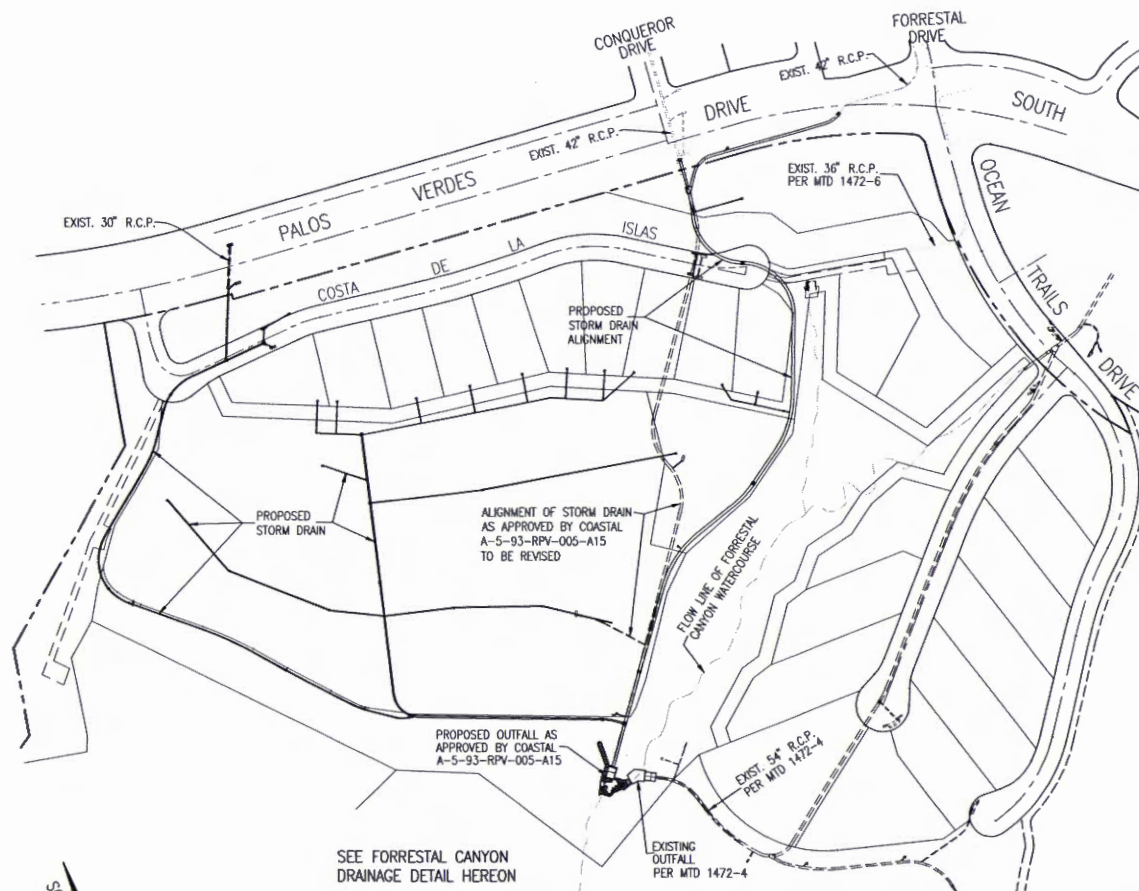
SCALE: 1"=400'



ESCO ENGINEERING SERVICE CORPORATION-CV
CONSULTANTS IN CIVIL ENGINEERING, LAND PLANNING & SURVEYING
8841 AIRPORT BOULEVARD, SUITE 714
LOS ANGELES, CALIFORNIA 90045
TEL (310) 348-8030 FAX (310) 218-8983
7800-180
W.O.

**FORRESTAL CANYON
DRAINAGE SYSTEM**
6/6/00

NOTE:
FORRESTAL CANYON OUTFALL TO REMAIN AS APPROVED BY
COASTAL PER REVISION A-5-93-RPV-005-A15. PORTION OF
THE UPSTREAM STORM DRAIN PIPE IS TO BE REALIGNED AS
SHOWN



* AS APPROVED BY COASTAL PER A-5-93-RPV-005-A15

FORRESTAL CANYON DRAINAGE

COASTAL COMMISSION

EXHIBIT # 7
PAGE OF

EXHIBIT "BB"
PROPOSED FORRESTAL CANYON
DRAINAGE SYSTEM - REVISION "W"

Exhibit 4

Proposed Site Plans (on the following two pages)

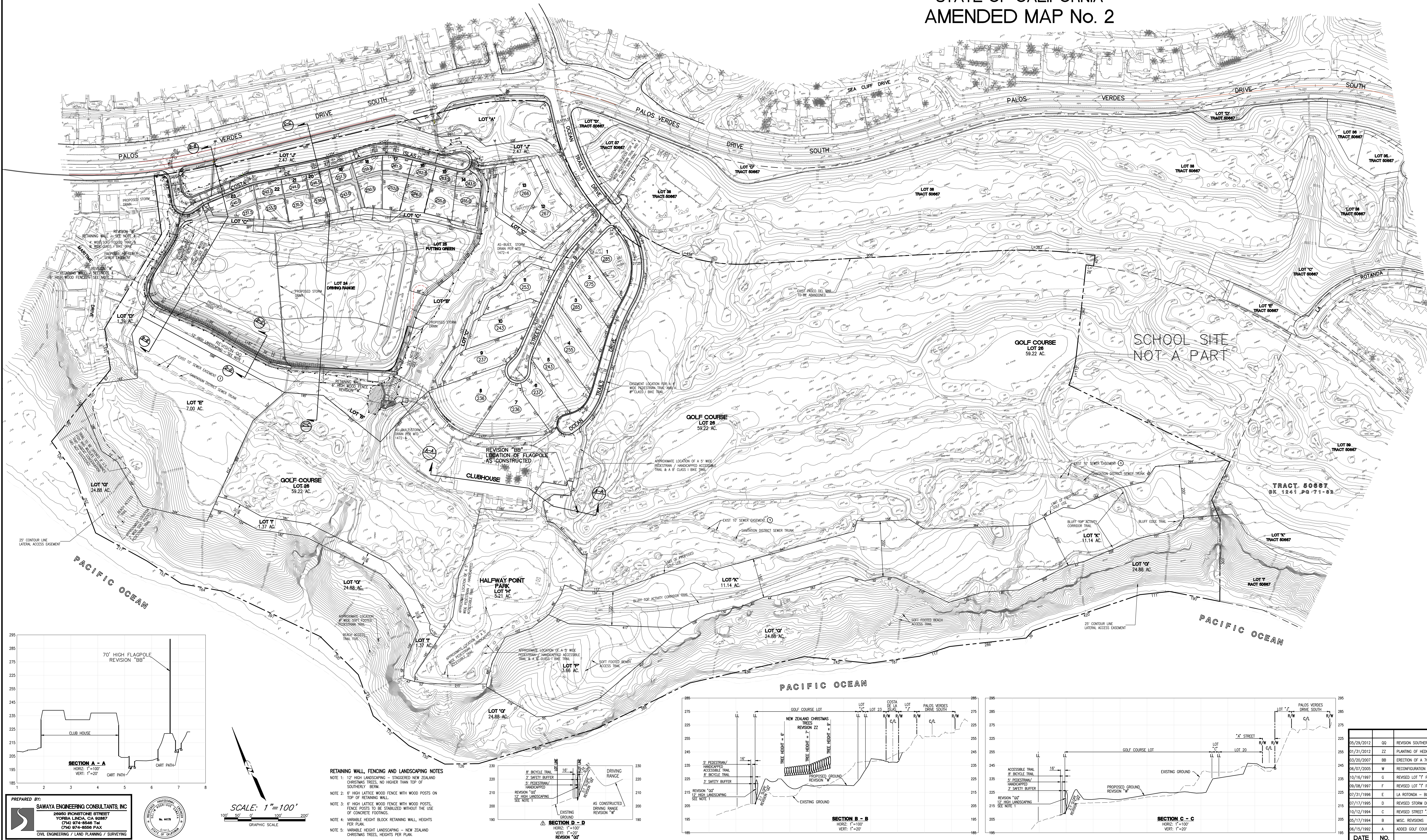


California Coastal
Commission

VESTING TENTATIVE TRACT 50666

CITY OF RANCHO PALOS VERDES, COUNTY OF LOS ANGELES

STATE OF CALIFORNIA
AMENDED MAP No. 2

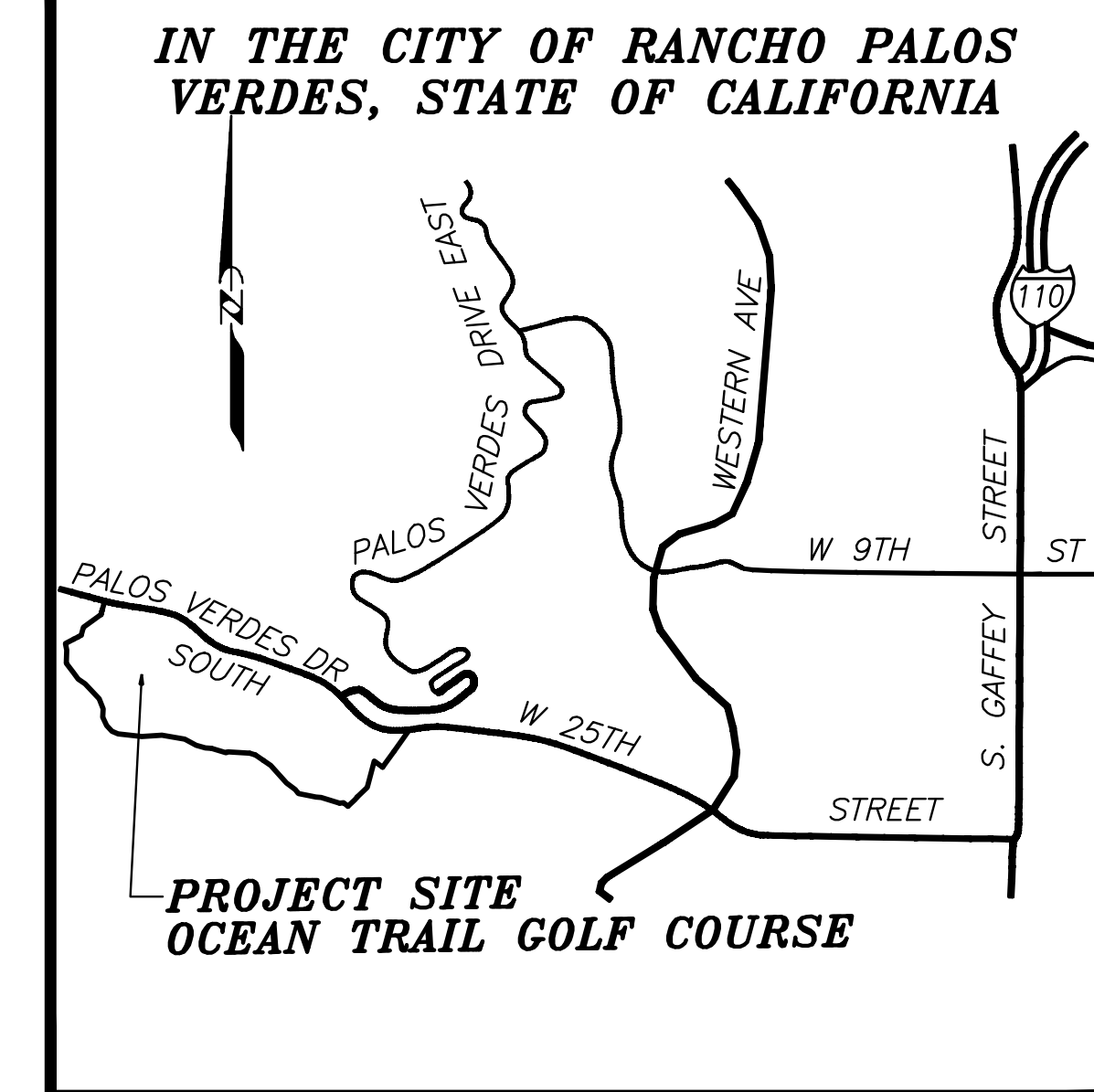


LAND USE SUMMARY		
LOT	LAND USE	ACREAGE
1 TO 23	RESIDENTIAL	11.88
24 TO 26	GOLF COURSE	70.76
	STREETS	3.31
	SUBTOTAL	85.95
A	OPEN SPACE	1.50
B		5.78
C		1.69
D		1.39
E		7.00
F		3.66
G		24.86
H		5.21
I		1.57
J		2.47
K		11.14
	SUBTOTAL	66.07

NOTE: LOT "K" AND LOT "I" HAVE BEEN DESIGNATED TO THE CITY OF RANCHO PALOS VERDES

- CONSTRUCTION NOTES**
- CONSTRUCT AC / AB PAVING WITH PRIME COAT AND SEAL COAT.
 - CONSTRUCT CURB AND GUTTER PER RANCHO PALOS VERDES STANDARDS.
 - CONSTRUCT P.A.C. SIDEWALK PER RANCHO PALOS VERDES STANDARDS.
 - CONSTRUCT 8" AT CURB PER L.A. COUNTY ROAD DEPARTMENT STANDARD 28-01.

- AMENDMENTS TO VESTING TENTATIVE TRACT 50666 SEEKING APPROVAL FROM THE CALIFORNIA COASTAL COMMISSION:
- REVISION "V" AS APPROVED BY THE CITY OF RANCHO PALOS VERDES TO ALLOW THE RECONFIGURATION OF LOTS 14 TO 38 AS SHOWN, TO ACCOMMODATE A GOLF DRIVING RANGE AT THE TRUMP NATIONAL GOLF CLUB WHICH RESULTED IN THE REDUCTION OF 16 RESIDENTIAL LOTS. REVISION "W" IS CONSTRUCTED AS SHOWN ON SHEET 2 OF 3.
 - REVISION "ZZ" AS APPROVED BY THE CITY OF RANCHO PALOS VERDES TO ALLOW THE PLANTING OF A VARYING HEIGHT (6'-0" TO 9'-0" TALL) HEDGE COMPOSED OF THE NEW ZEALAND CHRISTMAS TREE SPECIES AT THE WESTERN END OF THE DRIVING RANGE - REVISION "ZZ" IS CONSTRUCTED AS SHOWN ON SHEET 3 OF 3.
 - REVISION "BB" AS APPROVED BY THE CITY OF RANCHO PALOS VERDES TO ALLOW THE ERECTION OF A 70' TALL FLAG POLE NEAR THE BACK TEE OF GOLF HOLE #1 FOR THE PURPOSE OF FLYING THE FLAG OF THE UNITED STATES OF AMERICA. REVISION "BB" IS CONSTRUCTED AS SHOWN HEREON.
 - REVISION "QQ" AS APPROVED BY THE CITY OF RANCHO PALOS VERDES TO ALLOW A REVISION TO REVISION "W" OF THE DRIVING RANGE LOCATED AT THE TRUMP NATIONAL GOLF COURSE (SEE SHEET 3 OF 3).



VICINITY MAP
THOMAS GUIDE P.853, F-6
NOT TO SCALE

- GENERAL INFORMATION**
- EXISTING LAND USE: VACANT.
 - EXISTING ZONING: RESIDENTIAL PLANNED DEVELOPMENT (RS-1/PPD).
 - PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL, PUBLIC RECREATIONAL/GOLF.
 - PROPOSED ZONING: RESIDENTIAL PLANNED DEVELOPMENT (RS-1/PPD).
 - WATER SERVICE WILL BE PROVIDED BY CALIFORNIA WATER SERVICE COMPANY (100% PURCHASE OF WATER).
 - STORM DRAIN SYSTEM WILL BE CONSTRUCTED IN ACCORDANCE WITH COUNTY OF LOS ANGELES FLOOD CONTROL DISTRICT STANDARD 100-1 (100%).
 - SEWER SERVICE WILL BE PROVIDED BY COUNTY OF LOS ANGELES SANITATION DISTRICT NO. 5. ELECTRIC - SOUTHERN CALIFORNIA GAS COMPANY.
 - ALL UTILITIES WILL BE PROVIDED AS FOLLOWS:
 - 6" SOUTHERN CALIFORNIA GAS COMPANY.
 - ELECTRIC - SOUTHERN CALIFORNIA Edison.
 - TELEPHONE - TELICOM.
 - CABLE TELEVISION - COX CABLE COMPANY.
 - ALL STREETS ARE PUBLIC AND SHALL BE CONSTRUCTED PER COUNTY OF LOS ANGELES ROAD DEPARTMENT STANDARDS.
 - THE SUBMITTER SHALL RESERVE THE RIGHT TO FILE MULTIPLE FINAL MAPS FOR VESTING TENTATIVE TRACT MAP.
 - THE SUBMITTER DOES NOT INTEND TO SET BOUNDARY MONUMENTS AT THE VESTING TENTATIVE TRACT MAP SCALE.
 - THE VESTING STATUS COVERED UPON THE TENTATIVE TRACT MAP EXTEND TO THE SITE PLAN AND CONVEYANCE. THE POINT MAP BEING PROCESSED CONCURRENTLY.
 - ALL SLOPES SHALL BE CONSTRUCTED AT A RATIO OF 2:1 UNLESS OTHERWISE INDICATED.

EASEMENT

- ① INDICATES THE CENTERLINE OF A 10.00 FOOT WIDE EASEMENT TO THE COUNTY OF LOS ANGELES FOR SANITARY SEWERS PER BOOK 54129, PAGE 322 AND BOOK 57189 PAGE 241, BOTH OF OFFICIAL RECORDS.

BENCH MARK

- CH9688 ELEVATION 230.97 (1980)
LEAK AND SPRING 100' FOOT EAST OF CURB RETURN, NO. OF CURB SERVICE ROAD SOUTHEAST CORNER OF PALOS VERDES DRIVE SOUTH AND SCHOONER DRIVE 54 FEET SOUTH AND 25 FEET EAST OF CONTIGUOUS INTERSECTION.

LEGAL DESCRIPTION

- BEING A PORTION OF LOTS 100, 101 AND 102 OF L.A.C.A. MAP NO. 51 RECORDED IN BOOK 1, PAGE 1 OF ASSESSORS MAPS IN THE OFFICE OF THE REGISTRAR-RECORDER OF THE COUNTY OF LOS ANGELES, CALIFORNIA.

LEGEND

- PROPOSED STREET GRADE SHOWN THUS:
PROPOSED STORM DRAIN SYSTEM SHOWN THUS:
PROPOSED STREET ELEVATION SHOWN THUS:
PROPOSED P.A.C. ELEVATION SHOWN THUS:
LOT NUMBERS SHOWN THUS:
EXISTING STORM DRAIN SYSTEM SHOWN THUS:
EXISTING SEWER SYSTEM SHOWN THUS:

ENGINEER

- FORMER ROBERT BEN WILLIAM FROST & ASSOCIATES, 14725 ALTON PARKWAY, IRVINE, CA 92618 TEL: (714) 475-3505
PREVIOUS ENGINEERING SERVICE CORPORATION-CV 8841 AIRPORT BOULEVARD, SUITE 114, LOS ANGELES, CALIFORNIA 90045 TEL: (310) 248-8000 FAX: (310) 248-8000
CURRENT SAWAYA ENGINEERING CONSULTANTS, 28500 IRONSTONE, YORBA LINDA, CA 92887, TEL: (657) 715 2320

OWNER/DEVELOPER

- FORMER ZUCKERMAN FAMILY ENTITIES, 707 SILVER SPRING ROAD, SUITE 201 ROLLING HILLS ESTATES, CA 90274 TEL: (310) 260-2200
CURRENT V H PROPERTY CORP / TRUMP ORGANIZATION, ONE OCEAN TRAILS DRIVE, RANCHO PALOS VERDES, CALIFORNIA 90275 TEL: (310) 340-4501 (CURRENT OWNER)

STATEMENT OF OWNERSHIP

- I, KENNETH A. ZUCKERMAN, AS A REPRESENTATIVE OF ZUCKERMAN FAMILY ENTITIES, DO HEREBY DEPOSE AND STATE THAT ZUCKERMAN FAMILY ENTITIES ARE THE OWNERS OF THE PROPERTY COMPRISING THIS TENTATIVE TRACT MAP AND THAT WE HAVE CONSENTED TO THE SUBMISSION OF SAID MAP.

VESTING TENTATIVE TRACT MAP NO. 50666

AMENDED MAP NO. 2

- LOTS 51 TO 53 54, RESIDENTIAL, 3 GOLF COURSE, 11 OPEN SPACE
GROSS ACREAGE: 154.1
CONTOUR INTERVAL: 2 FEET
SCALE: 1" = 100'

APRA DATE: AUGUST 12, 2009

AMENDED: OCTOBER 20, 1995

AMENDED: JUNE 7, 2005

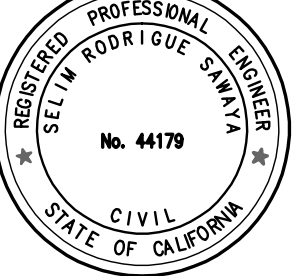
INCORPORATION BY REFERENCE

- CONCURRENT APPROVALS REFLECT THE PLANS, STANDARDS AND POLICIES WHICH WERE IN EFFECT AT THE TIME OF THIS SUBDIVISION APPROVAL. IT IS INTENDED THAT THE DEVELOPMENT AUTHORIZED BY THIS VESTING TENTATIVE TRACT MAP BE CARRIED OUT IN CONFORMANCE WITH CONCURRENT DISCRETIONARY APPROVALS UNLESS AMENDED BY THE DEVELOPER OR PUBLIC AGENCY FOR HEALTH OR SAFETY CONSIDERATIONS.

CALIFORNIA COASTAL COMMISSION
TRUMP NATIONAL GOLF CLUB
RECONFIGURATION OF APPROVED
TRACT 50666 - DRIVING RANGE/LOT LAYOUT
IN THE CITY OF RANCHO PALOS VERDES

SHEET 1 OF 3 SHTS

PREPARED BY:
SAWAYA ENGINEERING CONSULTANTS, INC.
28500 IRONSTONE STREET
YORBA LINDA, CA 92887
TEL: (657) 475-3505
FAX: (657) 475-3506
CIVIL ENGINEERING / LAND PLANNING / SURVEYING



SCALE: 1"=100'
GRAPHIC SCALE

RETAINING WALL, FENCING AND LANDSCAPING NOTES

NOTE 1: 12" HIGH LANDSCAPING - STAGGERED NEW ZEALAND CHRISTMAS TREES, NO HIGHER THAN TOP OF SOUTHERLY BEAM.

NOTE 2: 6" HIGH LATTICE WOOD FENCE WITH WOOD POSTS ON TOP OF RETAINING WALL.

NOTE 3: 6" HIGH LATTICE WOOD FENCE WITH WOOD POSTS. FENCE POSTS TO BE STAGGERED WITHOUT THE USE OF CONCRETE FOOTINGS.

NOTE 4: VARIABLE HEIGHT BLOCK RETAINING WALL, HEIGHTS PER PLAN.

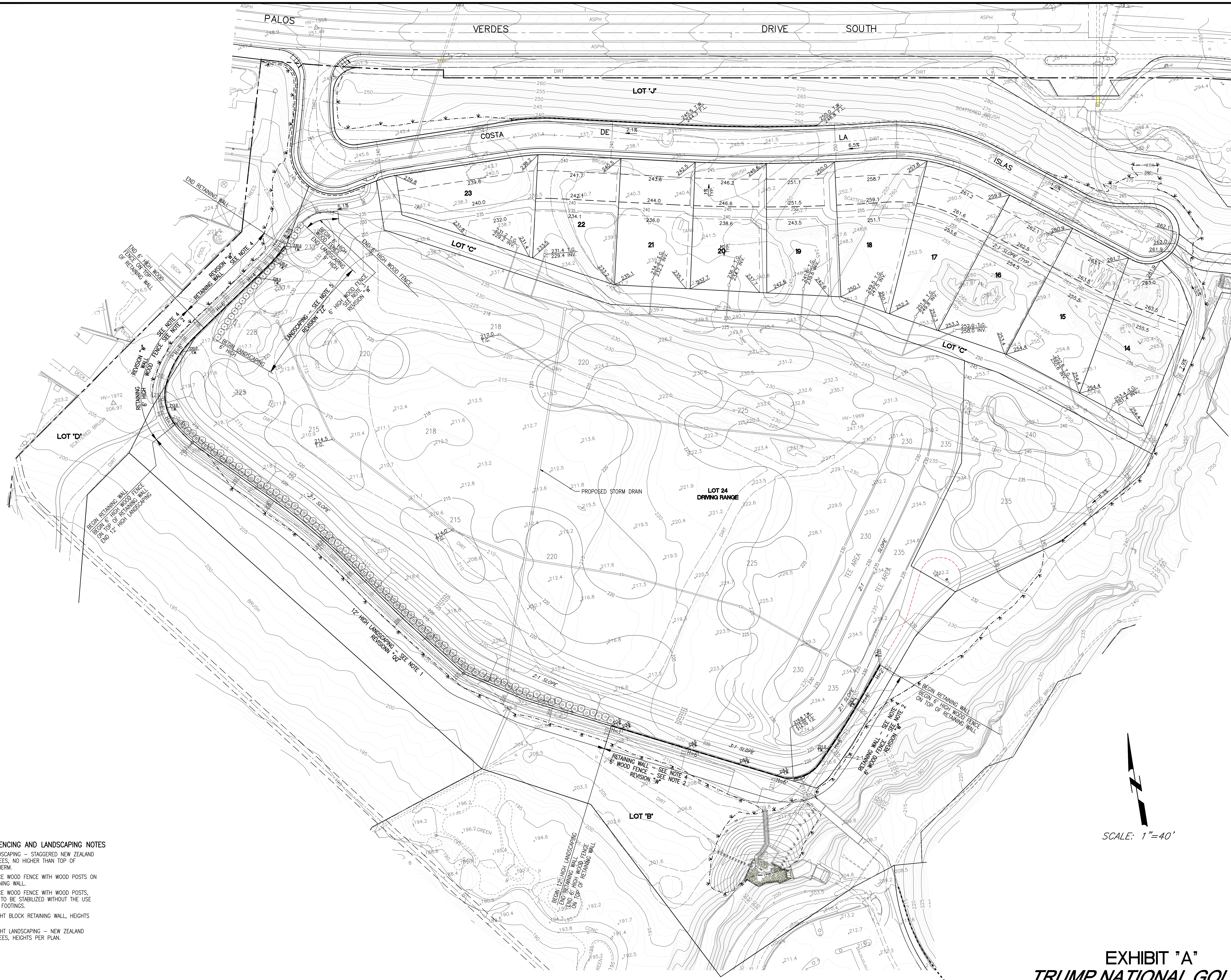
NOTE 5: VARIABLE HEIGHT LANDSCAPING - NEW ZEALAND CHRISTMAS TREES, HEIGHTS PER PLAN.

SECTION D - D
HORIZ. 1"=100'
VERT. 1"=20'
REVISION "QQ"

SECTION B - B
HORIZ. 1"=100'
VERT. 1"=20'

SECTION C - C
HORIZ. 1"=100'
VERT. 1"=20'

DATE	NO.	REVISIONS	BY
05/29/2012	00	REVISION SOUTHERLY SLOPE OF THE DRIVING RANGE FROM 3:1 TO 2:1	SAWAYA ENR
01/31/2012	ZZ	PLANTING OF HEDGE AT THE WESTERN END OF THE DRIVING RANGE AS SHOWN	SAWAYA ENR
03/20/2007	BB	ERECTION OF A 70' TALL FLAG POLE NEAR THE BACK TEE OF GOLF HOLE #1 AS SHOWN	ESCO-CV
06/07/2005	W	RECONFIGURATION OF LOTS 14 TO 38, TO ACCOMMODATE A GOLF DRIVING RANGE AS SHOWN	ESCO-CV
10/16/1997	C	REVISED LOT "Y" PER CCC	ESCO-CV
09/08/1997	F	REVISED LOT "Y" PER CCC	ESCO-CV
07/31/1996	E	LA ROTONDA - BLUFF TOP TRAIL ALIGNMENT	ESCO-CV
07/17/1995	D	REVISED STORM DRAIN LINES AND LOCATIONS, WSC, REVISIONS, ADDED TRAILS	RF
10/12/1994	B	REVISED STREET "K"	RF
06/15/1992	A	MISC. REVISIONS	RF
06/15/1992	A	ADDED GOLF COURSE CLUBHOUSE FACILITIES LOT 42	RF



RETAINING WALL, FENCING AND LANDSCAPING NOTES

NOTE 1: 12' HIGH LANDSCAPING - STAGGERED NEW ZEALAND CHRISTMAS TREES, NO HIGHER THAN TOP OF SOUTHERLY BERM.

NOTE 2: 6' HIGH LATTICE WOOD FENCE WITH WOOD POSTS ON TOP OF RETAINING WALL.

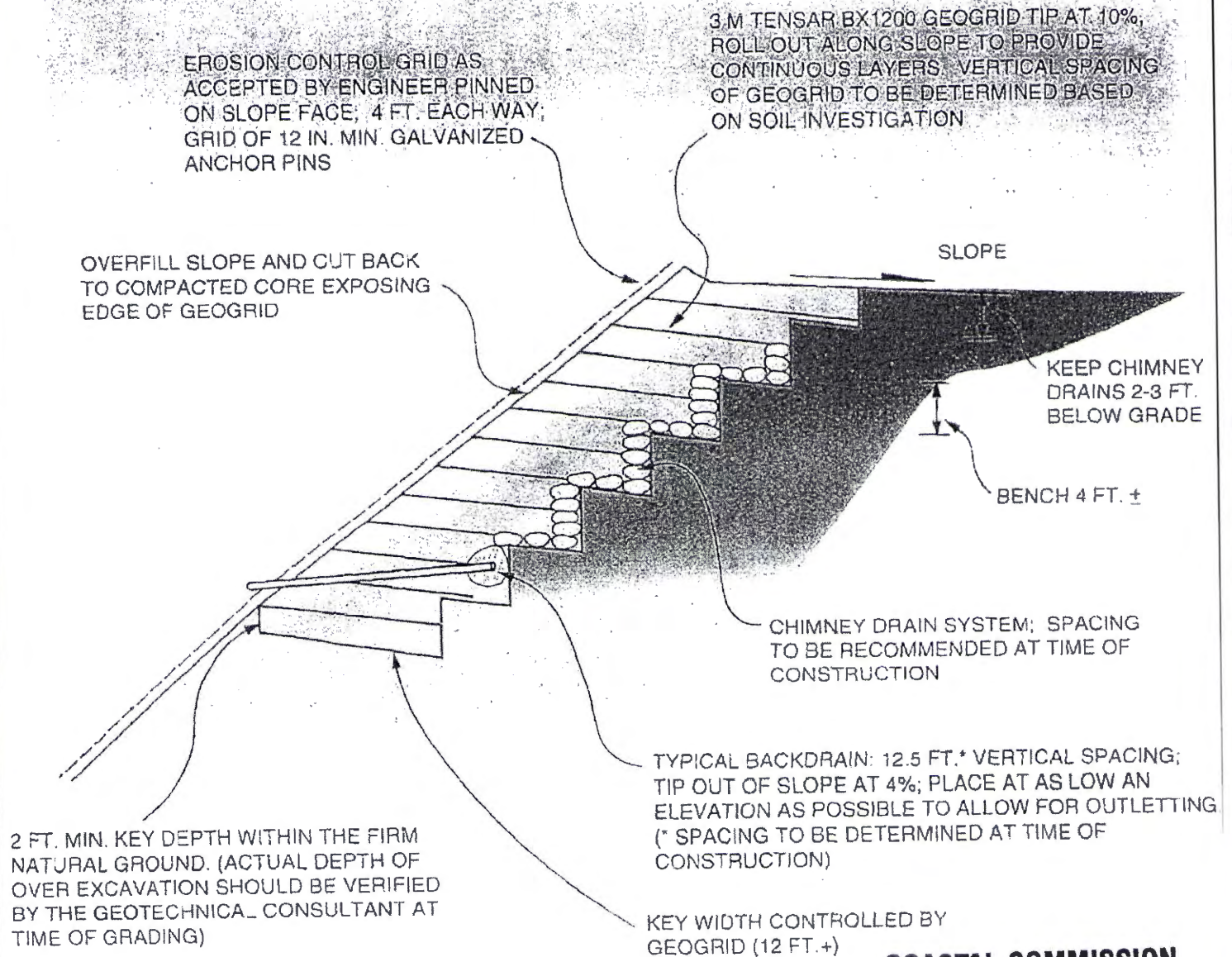
NOTE 3: 6' HIGH LATTICE WOOD FENCE WITH WOOD POSTS, FENCE POSTS TO BE STABILIZED WITHOUT THE USE OF CONCRETE FOOTINGS.

NOTE 4: VARIABLE HEIGHT BLOCK RETAINING WALL, HEIGHTS PER PLAN.

NOTE 5: VARIABLE HEIGHT LANDSCAPING - NEW ZEALAND CHRISTMAS TREES, HEIGHTS PER PLAN.

EXHIBIT "A"
TRUMP NATIONAL GOLF CLUB
RETAINING WALL, FENCING
AND LANDSCAPING EXHIBIT
TRACT NO. 50666

SLOPE REPAIR



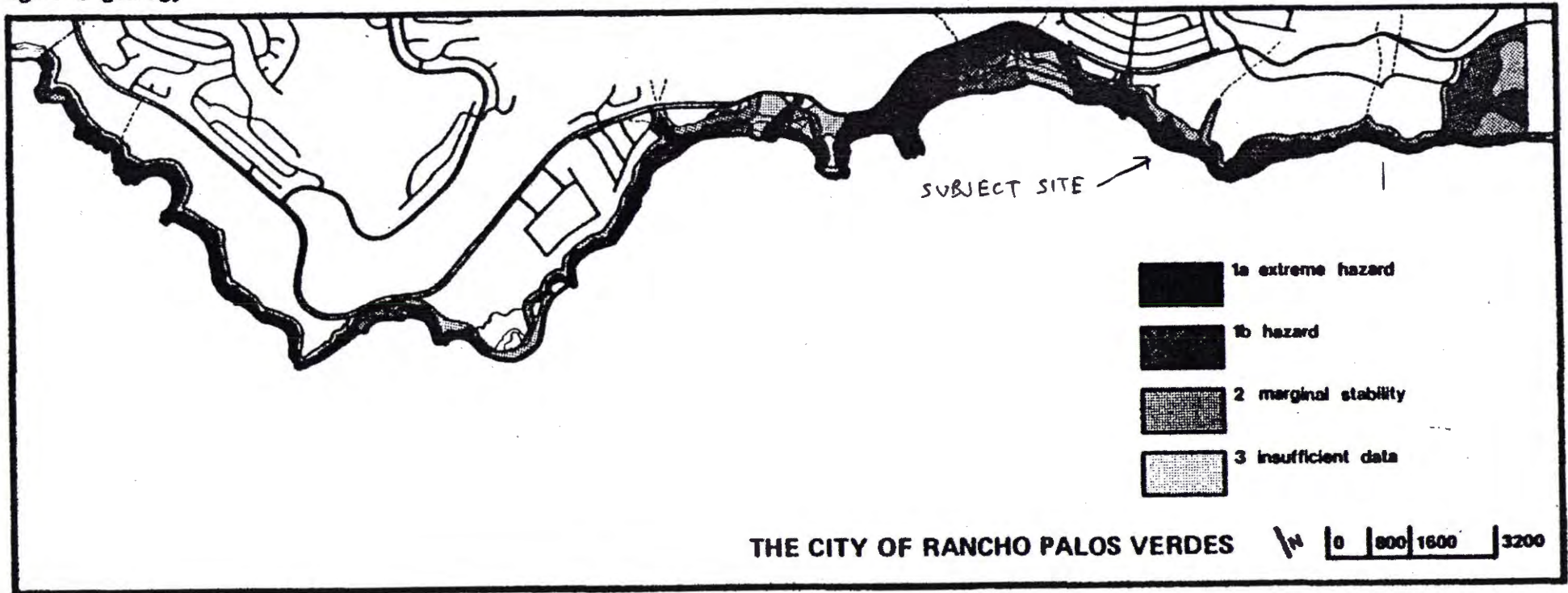
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EXHIBIT # 8
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FOR ILLUSTRATION ONLY
NOT FOR ACTUAL CONSTRUCTION

EXHIBIT "C"
TYPICAL REPAIR WITH GEOGRID
FOR TRACT 50666 – REVISION "W"

figure 5 geology



COASTAL COMMISSION

N-21

EXHIBIT # 9

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March 24, 2012

Mr. Gregory Pfost
Deputy Planning Director
City of Rancho Palos Verdes, CA
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275

Dear Mr. Pfost:

This letter is in response to your request for our continued evaluation of the driving range project at Trump International Golf Club Los Angeles. On October 6, 2008, The Trump Organization requested that the requirement of a 6' high decorative fence along the western boundary be installed as a "future mitigation" measure "only" if it is determined at the time that this fence is needed due to balls leaving the driving range.

A second request was made to eliminate conditions that restrict the direction that golfers hit, the restriction of using certain clubs based upon the "Golf Shot Plan" and all signage that goes with the Golf Shot Plan, the oversight of a golf professional to monitor all tees during operating hours and the requirement of a golf professional to prohibit longer shots from the western end of the range when lessons are being given on the eastern end.

The reasoning behind this request is that more than 75,000 rounds and more than 9,600 dedicated driving range customers have used the facility without incident (to their knowledge) since the range opened. They also state that there have not been any complaints filed due to errant golf balls or balls being hit out of the driving range area.

In April of 2009, I personally visited the area in question as I was in town for other reasons. I wanted to go by and review the conditions along the pedestrian path to the South and West of the range in case we were asked to make additional comments in the future. During that visit, I counted approximately fifteen (15) golf balls lying on or near the pedestrian path on the South side of the range (mainly in the vicinity of a distance between 160 and 240 yards off the main range tee). I did not notice any balls on or around the path along the Western end of the range. Lastly, in the approximate hour that I was there, I did not notice any pedestrians walking the paths.

Based upon a one hour personal sampling, it may be likely that there have not been any complaints or conflicts because the pedestrian "traffic" on these paths is "lite". In combination with only an occasional range ball leaving the range on the South side means that the chance of conflict between pedestrian and golf ball is very slight, but by no means impossible.

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PAGE 1 OF 3

Kipp Schulties Golf Design, Inc.
123 Andros Harbour Place
Jupiter, Florida 33458
561-626-7812
www.ksgd.net

1-53

We are not surprised by the request to modify the restrictions of this range area. The Trump Organization has a reputation for excellence within the golf and hospitality business and a restricted or "marginal" range experience does not mesh with that standard. However, in our opinion, achieving excellence at the expense of public safety should not be deemed acceptable.

The length and width of the range at Trump International Los Angeles is appropriate for the vast majority of golfers. But, from a potential liability aspect, having a pedestrian right of way literally framing the outside edge of the range on two sides, there is no way to assure that there will not be a conflict at some point in the future without some form of protection.

The proposed retaining wall on the South side is a costly structure that, frankly, does not accomplish much. So we agree that constructing this wall is not all that critical. However, to assure safety, there should be some form of protection for pedestrians on the South side between the corner where the path turns in a southeasterly direction at the western end and extending that protection back toward the main range tee until the path gets close to the point where the 36" storm drain runs underneath (about 130 yards off the left end of the main tee) – see attachment.

One suggestion might be similar to a fence commonly found behind home plate at a baseball field. Specifically, there is vertical fence that rises a certain height and then turns outward toward home plate at an angle that would be something close to 30 degrees. The fence may continue out straight until it ends or bend and extend across the top of the pedestrian path to a point that is far enough across the path that shots from the range tee have no realistic chance to fall directly on any part of the path. A conceptual sketch of what this may look like is attached as a reference. Please note: This attachment is not to be deemed any kind of official design as it is only conceptual.

On the western end of the range, we still suggest that some protection be placed. If not a fence with mesh, then a very dense hedge row at least eight (8) feet tall with the pedestrian path immediately on the West side of the hedge. The density of the hedge as a replacement for the fencing must be such that it will knock down any ball that is hit into it. In addition, this hedge should be placed immediately next and parallel to the pedestrian path.

If all of the fencing per the original plan from 2005 and 2008 is installed or if some form of a modified version such as that suggested within this letter is installed, then the City can be assured that they have taken all "reasonable" measures to insure the safety of pedestrians on the path as it relates to conflicts with errant golf balls.

COASTAL COMMISSION

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This does not mean that we feel there is no threat of golf balls being hit out of the range area. In fact, we saw golf balls lying around the pedestrian paths during our visit to the site – at a time when club restrictions, monitoring users of the range and signage were supposedly being governed and promoted by the Trump Organization per the restrictions put forth by the City. Installing the appropriate measures will protect those using the paths from the range IF the City agrees to lift the restrictions. However, until such protective measures are installed to the satisfaction of the City, it would be in the City's best interest to keep the restrictions as defined in tact.

As an alternative, if the Trump Organization wishes to eliminate these measures of protection or defer them until such time there is a conflict, then I suggest that the City make them sign a waiver such that any pedestrians that may be injured by errant golf balls while using the pedestrian trails around the driving range be the sole responsibility of Trump International Golf Club.

Please feel free to call me if there are any questions (561-626-7812).

Sincerely



Kipp Schulties
President

Kipp Schulties Golf Design, Inc.

COASTAL COMMISSION

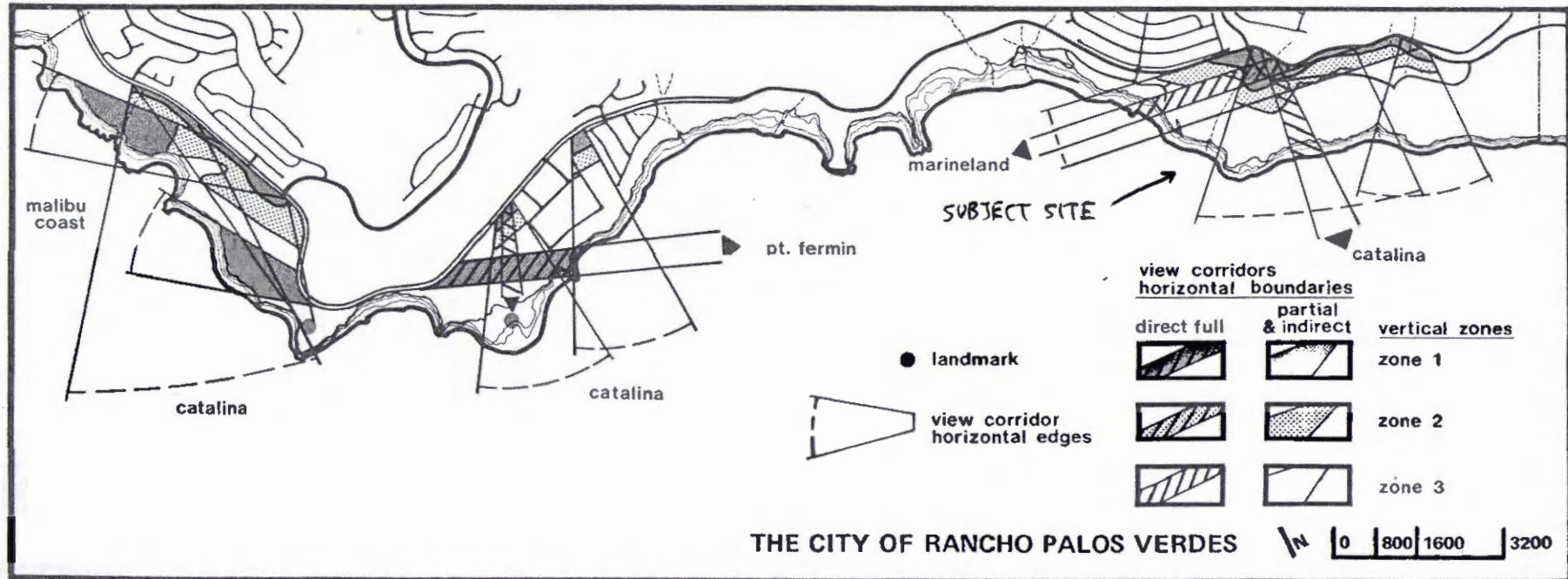
EXHIBIT # 10
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EXHIBIT # 11

PAGE OF

figure 26 visual corridors





View from Palos Verdes
Dr. S. - Point #1

Note: no view impact



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EXHIBIT # 12
PAGE 1 OF 8



View from Palos Verdes Dr. S.
Point # 3

Note: Minimal / insignificant view impact



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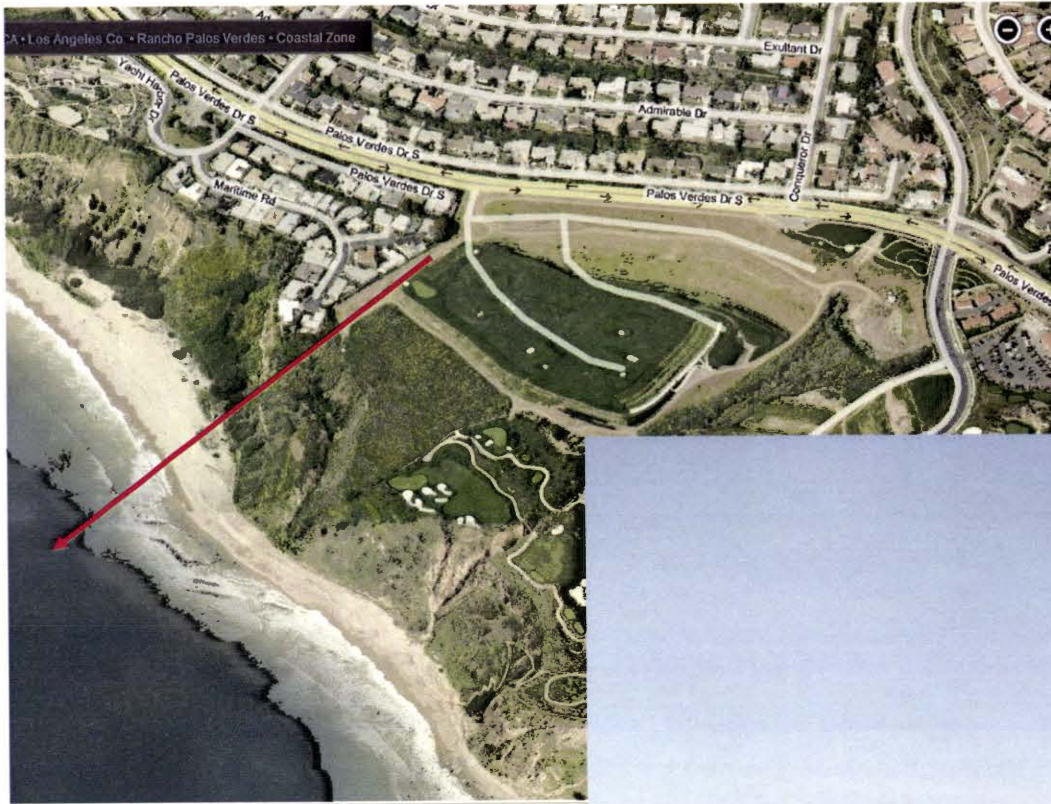
EXHIBIT # 12
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View from upper part of public trail



EXHIBIT # 12
PAGE 4 OF 8



View from middle of Public trail



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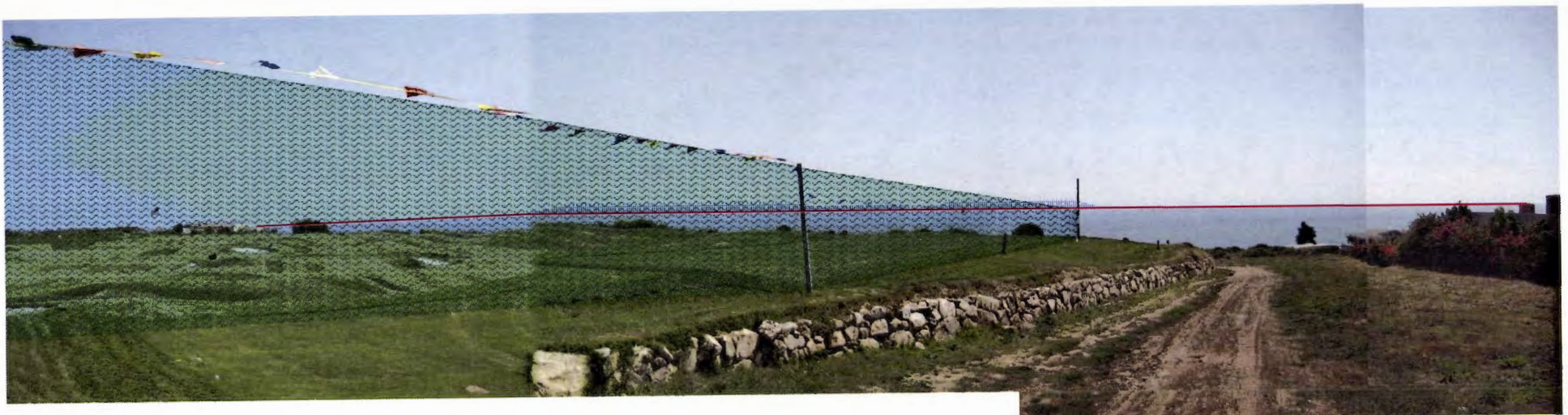
EXHIBIT # 12
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View from middle of public trail

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View from lower portion of public trail

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