

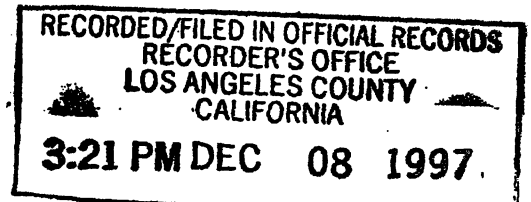
# EXHIBIT "A"

97 1929840

RECORDING REQUEST BY

WHEN RECORDED MAIL TO

NAME *city clerk*  
MAILING ADDRESS *30940 Hawthorne*  
CITY, STATE *Rancho Palos-*  
ZIP CODE *Venice, Ca 90275*



FEE \$ *685* F

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

TITLE(S)

D.A. FEE Code 20 \$ *2.00*

*Development Agreement*

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RECORDING REQUESTED BY, AND  
WHEN RECORDED, MAIL TO:

CITY CLERK  
CITY OF RANCHO PALOS VERDES  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, CA 90275-5391

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(Space Above for Recorder's Use)

DEVELOPMENT AGREEMENT  
(Pursuant to Government Code  
Sections 65864 - 65869.5)

This DEVELOPMENT AGREEMENT ("Agreement") is entered into on 11-20- 1997, between the entities listed on the signature pages hereto under the heading "ZUCKERMAN ENTITIES", and PALOS VERDES LAND HOLDINGS COMPANY, L.P., a California limited partnership (hereinafter referred to collectively as "Developer"), and the CITY OF RANCHO PALOS VERDES, a municipal corporation organized and existing under the laws of the State of California ("City"). Developer and City are sometimes collectively referred to herein as the "parties."

R E C I T A L S:

This Agreement is predicated upon the following facts:

A. These Recitals refer to and utilize certain capitalized terms which are defined in this Agreement. The parties intend to refer to those definitions in conjunction with the use thereof in these Recitals.

B. Government Code Sections 65864 - 65869.5 ("Development Agreement Law") authorize City to enter into binding development agreements with persons having a legal or equitable interest in real property or the development of such property, all for the purpose of strengthening the public planning process, encouraging private participation and comprehensive planning and reducing the economic costs of such development.

C. Pursuant to Government Code Section 65865, City has adopted rules and regulations establishing procedures and requirements for consideration of development agreements.

D. Developer owns, either in fee or by leasehold, and is the proposed developer of the Property as described on Exhibit "A", except for those portions thereof previously dedicated to governmental agencies for street purposes, parks or open space.

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E. Developer anticipates developing a golf course and residential planned development in Subregions 7 and 8 of the City commonly known as the Ocean Trails Project (hereinafter referred to as "Project") requiring substantial investment in public facilities and substantial investment in on-site and off-site improvements in order to make the Project feasible, much of which is to be maintained by City after the development of the Project has been completed.

F. Developer has applied for, and City has approved, vesting tentative tract maps, parcel maps, conditional use permits and other approvals related to the Project, which have been amended on several occasions, in order to protect the interests of its residents and the quality of the community and the environment (collectively referred to as the "Approvals"). The latest revisions to the Project were approved by the City Council of City on September 3, 1996, and by the Planning Commission on September 9, 1997. In addition, on April 15, 1993, the California Coastal Commission approved Coastal Permit No. 103 for the Project, which likewise has been amended on January 12, 1995, September 27, 1995, February 1, 1996, July 11, 1996, and October 7, 1997, to reflect the modifications to the Project.

G. As part of the approval process, City has undertaken, pursuant to the California Environmental Quality Act ("CEQA"), the required analysis of the environmental effects which would be caused by the Project. In that regard, on June 2, 1992, the City Council of City adopted Resolution No. 92-53, which certified Environmental Impact Report No. 36 and imposed a series of mitigation measures in connection with the development of the Project to eliminate or mitigate, to the extent feasible, any potentially adverse impacts caused by the Project and made the required environmental findings. On December 7, 1992, the City Council of City adopted Resolution No. 92-115, which approved an Addendum to the Environmental Impact Report prepared for revisions to the Project, in accordance with the provisions of CEQA. On October 5, 1993, the City Council of City adopted Resolution No. 93-89, which approved a second Addendum to the Environmental Impact Report prepared for additional revisions to the Project, in accordance with the provisions of CEQA. On September 6, 1994, the City Council of City adopted Resolution No. 94-71, which approved a third Addendum to the Environmental Impact Report prepared for additional revisions to the Project, in accordance with the provisions of CEQA. On March 11, 1996, the City Council of City adopted Resolution No. 96-15, which approved a fourth Addendum to the Environmental Impact Report prepared for additional revisions to the Project, in accordance with the provisions of CEQA. On September 3, 1996, the City Council of City adopted Resolution No. 96-72, which approved a fifth Addendum to the Environmental Impact Report prepared for additional revisions to the Project, in accordance with the provisions of CEQA. On October 23, 1997, the City Council of

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City adopted Resolution No. 97-92, which approved a sixth Addendum to the Environmental Impact Report to revise the project description to include the preparation of this Development Agreement, in accordance with the provisions of CEQA.

H. Due to the potential cost to City of maintaining the habitat conservation areas and other public improvements which will be dedicated to City after construction of the Project is completed and the inability of City to rely on traditional methods for obtaining financing to maintain these improvements, such as taxes and assessment districts, and the uncertainty concerning the validity of the City's golf tax, because of the adoption of Propositions 62 and 218, and due to the potential cost of developing the Project and the Developer's desire to purchase from City an easement on a portion of City's property, commonly referred to as the Switchbacks, and to use a portion of certain property recently conveyed to City by the County of Los Angeles, to revegetate said areas for use as habitat for endangered or threatened species, City and Developer wish to enter into a development agreement relating to the Project. Accordingly, proceedings have been undertaken in accordance with City's rules and regulations.

I. The Planning Commission and the City Council have found that this Agreement is consistent with the City's General Plan, Coastal Specific Plan, Development Code and the Approvals, as most recently amended.

J. On November 5, 1997, the City Council of City adopted Ordinance No. 328, approving this Agreement with Developer.

K. City has found and determined that the execution of this Agreement is in the best interest of the public health, safety and general welfare of City and its residents and that adopting this Agreement constitutes an appropriate exercise of its police power.

The parties agree as follows:

1. Definitions.

1.1. "Agreement" is this Development Agreement.

"Agreement Date" is the date this Agreement is executed by City.

1.2. "City" is the City of Rancho Palos Verdes, California.

1.3. "Developer" is each of the entities listed on the signature pages hereto under the heading "ZUCKERMAN ENTITIES", Palos Verdes Land Holdings Company, L.P., a California



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limited partnership, and their successors in interest to all or any part of the Property.

1.4. "Development Plan" is all of those ordinances, resolutions, codes, rules, regulations, Approvals and official policies of City governing the development and use of the Property as of the Agreement Date, including, without limitation, the permitted uses of the Property, the density or intensity of use, the maximum height and size of proposed buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the Property, and all of those permits and Approvals which are referenced on Exhibit "B," which have been issued or granted by City and the California Coastal Commission in connection with the Project, allowing the development of seventy-five single family residential dwelling units and four (4) affordable housing units on the Property and requiring four (4) additional affordable units off-site. To the extent any of the foregoing are further amended by City from time to time with the consent of Developer, the appropriate component of the Development Plan shall be deemed to be automatically amended. Notwithstanding the immediately preceding sentence, if this Agreement is required by law to be amended in order for the "Development Plan" to include such amendments, "Development Plan" shall not include such amendments unless and until this Agreement is so amended. A copy of all of the conditions of approval which have been imposed on the Project by the City and the Coastal Commission is attached hereto as Exhibit "C."

1.5. "Effective Date" is that date which is the later of: (a) the date of expiration for filing a referendum petition relating to this Agreement, if no such petition is filed within such period; or (b) the results of a referendum election are declared approving this Agreement, if a referendum petition is filed within the applicable period.

1.6. "Project" is the residential planned development and eighteen-hole public golf course commonly referred to as the Ocean Trails Project and associated amenities, including, without limitation, on-site and off-site improvements, contemplated by the Development Plan, as the same may be further defined, enhanced or modified pursuant to the provisions of this Agreement.

1.7. "Property" is the real property on which the Project is, or is anticipated to be, located as described on Exhibit "A."

2. Exhibits. The following documents are referred to in this Agreement, attached hereto and incorporated herein by this reference:

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<u>Exhibit Designation</u>	<u>Description</u>
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A	Legal Description of the Property
B	Permits and Approvals Constituting the Development Plan
C	All Conditions of Approval imposed on the Project
D	Maps depicting all of the Public Amenities, including, without limitation, parks, trails and habitat areas
E	Agreement to be recorded against the golf course parcels obligating any owner of the said parcels to maintain the trails, parks and certain other specific on-site public improvements and certain habitat areas, all as specified therein, and guaranteeing the payment to City of the City's golf tax and a per round golf fee in certain circumstances
F	Chapter 3.40 of the Rancho Palos Verdes Municipal Code

3. Mutual Benefits. This Agreement is entered into for the purpose of carrying out the Development Plan for the Project in a manner that will insure certain anticipated benefits to both City and its residents and to Developer, as set forth in this Section. City and Developer agree that, due to the size and duration of the Project, certain assurances on the part of each party as to the Project will be necessary to achieve those desired benefits.

3.1. Benefits to City. The benefits to City (including, without limitation, the City's residents) under this Agreement include, but are not limited to: (a) the dedication to City of the improvements which will be available to the public, as depicted on Exhibit D, including parks, trails and habitat areas; (b) a guaranty, which shall be set forth in the agreement referred to in paragraph (c) of this Section 3.1, guaranteeing payment to City of the revenue which would have been generated from the golf course by virtue of the City's golf tax, regardless whether the golf tax which is set forth in Chapter 3.40 of the Rancho Palos Verdes Municipal Code is found by a court to be invalid; (c) the agreement that Developer and any subsequent owner of the portion of the Property which is to be used as a golf course shall (i) maintain to City's reasonable satisfaction the trails, parks, and open space areas located on the Property as described in Resolution No. 96-94, which approved the Final Public Amenities Plan for the Project, and any improvements

located thereon, including, without limitation, fences, signs, landscaping, furniture, trash cans, drinking fountains, etc., and shall maintain the two on-site public parking lots, the public restroom at the golf course clubhouse, the storm drains that will not be accepted by Los Angeles County, the fire access lane abutting the Ocean Terraces Condominiums, and the trails located on City's Shoreline Property that Owners were required by the California Coastal Commission to construct and improve, and (ii) maintain the habitat areas both on the Property and off-site, as referred to in the approved Habitat Conservation Plan, or if said habitat maintenance is not performed to City's satisfaction, to pay an additional fee of One Dollar (\$1.00) per round of golf to reimburse City for the cost of performing said maintenance; all of which shall be set forth in a separate agreement or covenant which is recorded against the parcels comprising the golf course; (d) the payment of one hundred sixty-five thousand dollars (\$165,000.00) in cash to the City as consideration for the non-exclusive use of twenty-one acres of the conservation easement which has been established by the City in the Switchbacks area for habitat enhancement purposes; (e) the provision of additional residential housing; (f) the addition of eight residential units in the City which will be affordable to persons of very low to low income households, four of which will be located on-site and four of which will be located within the City's Coastal Zone or within three miles thereof; (g) improvements to roadways; (h) a golf course which will be available for use by the public; and (i) an increase in property tax revenues to be derived by City.

3.2. Benefits to Developer. Developer has expended and will continue to expend substantial amounts of time and money on the planning and infrastructure construction of the Project. In addition, Developer will expend substantial amounts of time and money in constructing public improvements and facilities and in providing for public services in connection with the Project. Developer would not make such additional expenditures without this Agreement and such additional expenditures will be made in reliance upon this Agreement. The benefits to Developer under this Agreement consist of: (a) the assurance that Developer will preserve the right to develop the Property as planned and as set forth in the Development Plan; and (b) the non-exclusive use of twenty-one acres of the City's property in the Switchbacks area and twenty acres of certain property ("Shoreline Property") which was conveyed to City by the County of Los Angeles for habitat restoration purposes as mitigation for development of the Project.

4. Interest of Developer. Developer represents that Developer has a legal interest in the Property.

5. Binding Effect of Agreement. The burdens of this Agreement bind and the benefits of this Agreement inure to the successors in interest to the parties hereto.

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6. Relationship of Parties. The contractual relationship between City and Developer is that Developer is an independent entity and not the agent of City.

7. Term. The term of this Agreement shall commence upon the Effective Date and shall continue until all building permits required to complete the development of the Project as contemplated by the Development Plan have been issued, provided that in no event shall such term exceed ten (10) years following the Effective Date of this Agreement, as extended by events of force majeure as such events are set forth in Section 18.3 below. In no event, however, shall the term of this Agreement exceed fifteen (15) years.

8. Changes in Project. Developer shall not be entitled to any change, modification, revision or alteration in the Development Plan relating to the permitted uses of the Property, the density or intensity of use, the maximum height and size of proposed buildings or the provision for reservation or dedication of land for public purposes without review and approval by those agencies which approved the particular aspect of the Development Plan in the first instance. Subject to the foregoing provisions of this Section 8, City acknowledges that Developer may seek amendments to entitlements to use and new entitlements to use in connection with the development of the Project. Subject to Sections 10 and 11 below, nothing in this Agreement shall be deemed to restrict or expand the authority of City or the Coastal Commission in determining whether to approve or deny any such amendments or new entitlements to use.

9. Hold Harmless. Developer agrees to and shall hold City, its officers, agents, employees, partners and representatives harmless from liability for damage or claims for damage for personal injury including death and claims for property damage which may arise from the negligence or intentional, wrongful misconduct of Developer or of Developer's contractors, subcontractors, agents, employees or other persons acting on Developer's behalf which relate to the Project. Developer agrees to and shall defend and indemnify City and its officers, agents, employees, partners and representatives from any and all actions for damages caused or alleged to have been caused by reason of the negligent or intentional, wrongful misconduct of Developer or of Developer's contractors, subcontractors, agents, employees or other persons acting on Developer's behalf in connection with the Project.

10. Vested Right. By entering into this Agreement and relying thereon, Developer is obtaining a vested right to proceed with the Project in accordance with the Development Plan, and City is securing certain public benefits and financing which help to alleviate current or potential problems in City and enhance

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the public health, safety and welfare. City therefore agrees to the following:

10.1. No Conflicting Enactments. Neither the City Council of City nor any other agency of City shall enact any ordinance, policy, rule, regulation or other measure applicable to the Project which relates to the rate, timing or sequencing of the development, the density, design, construction standards and specifications of the development, or, subject to Section 12.1 below, other matters applicable to the construction of all or any part of the Project or which is otherwise in conflict with this Agreement. This Section shall not restrict the City's ability in the event of a public emergency to take such reasonable measures under its police powers to protect the public health and safety as it deems necessary to deal with such emergency even if such measures are incompatible with other terms of this Development Agreement, including, without limitation, shutting off the water to the golf course if water on the golf course is causing or contributing to the public emergency. Without limiting other matters which do not constitute a public emergency, for purposes hereof, a public emergency shall not include matters which develop over time such as, without limitation, traffic concerns or air quality issues; except, however, public emergency shall include any matter relating to the geologic stability of the Property upon which the Project is located and the depth of the water table underlying said Property which, in City's reasonable judgment, is adversely impacting the public health and safety. If the geologic problem is being caused primarily by adjacent or upstream properties, City will first take available actions against the owners of said other properties prior to taking action against Owners of the subject Property. The parties acknowledge and agree that City is restricted in its authority to limit its police power by contract and that the foregoing limitations are intended to reserve to City all of its police power which cannot be so limited. Notwithstanding the foregoing, this Agreement shall be construed, contrary to its stated terms if necessary, to reserve to City all such power and authority which cannot be restricted by contract.

10.2. Intent of Parties. In addition to and not in limitation of the foregoing, it is the intent of Developer and City that no moratorium or other limitation (whether relating to the rate, timing or sequencing of the development, the density, design, construction standards and specifications of the development, or, subject to Section 12.1 below, other matters applicable to the construction of all or any part of the Project and whether or not enacted by initiative or otherwise) affecting subdivision maps, building permits, occupancy certificates or other entitlements to use approved, issued or granted within City, or portions of City, shall apply to the Project to the extent such moratorium or other limitation is in conflict with this Agreement. Notwithstanding the foregoing, should an

ordinance, general plan or zoning amendment, measure, moratorium, policy, rule, regulation or other limitation enacted by citizens of City through the initiative process be determined by a court of competent and final jurisdiction to invalidate or prevail over all or any part of this Agreement, Developer shall have no recourse against City pursuant to this Agreement, but shall retain all other rights, claims and causes of action at law or in equity which Developer may have independent of this Agreement.

11. General Development of the Project.

11.1. Project. While this Agreement is in effect, Developer shall have a vested right to develop the Project in accordance with the terms and conditions of this Agreement and the Development Plan, and City shall have the right to control the development of the Project in accordance with the terms and conditions of this Agreement and the Development Plan. Thus, the Development Plan shall control the overall design, development and construction of the Project and all on-site and off-site improvements and appurtenances in connection therewith, including, without limitation, all mitigation measures (including those required to minimize or eliminate any potentially significant environmental effects). The permitted uses of the Property, the density and intensity of use, the maximum height and size of proposed buildings, the provisions for reservation and dedication of land for public purposes and other terms and conditions of development applicable to the Property shall be those set forth in the Development Plan.

11.2. Phasing and Timing of Development. The parties acknowledge that although Developer currently anticipates that the Project will be phased and constructed in increments over an approximate five year time frame, at the present time Developer cannot predict when or the order in which Project phases will be developed. Such decisions depend upon numerous factors which are not within the control of Developer, such as market orientation and demand, interest rates, competition and other similar factors. To the extent permitted by the Development Plan and this Agreement, Developer shall have the right to develop the Project in phases in such order and at such times as Developer deems appropriate within the exercise of its subjective business judgment, so long as the Project is constructed as an integrated residential planned development as contemplated by the Development Plan.

11.3. Effect of Agreement on Land Use Regulations. The rules, regulations and official policies governing permitted uses of the Property, the density and intensity of use of the Property, the maximum height and size of proposed buildings and the design, improvement and construction standards and specifications applicable to development of the Property are those rules, regulations and official policies in

force as of the Agreement Date. In connection with any approval which City is permitted or has the right to make under this Agreement relating to the Project, or otherwise under its rules, regulations and official policies, City shall exercise its discretion or take action in a reasonably expeditious manner which complies and is consistent with the Development Plan and the standards, terms and conditions contained therein or in this Agreement.

11.4. Agreement To Maintain Amenities And To Pay Certain Revenues To City. Developer hereby agrees that Developer and any subsequent owner(s) of those parcels of the Property which comprise the golf course: (a) shall pay to City the tax imposed pursuant to City Ordinance No. 291 (Chapter 3.40 of the Rancho Palos Verdes Municipal Code, Exhibit "F", hereto), even if said tax is determined by a court of competent jurisdiction to be invalid by virtue of Proposition 62 or any other applicable law; and (b) shall maintain to City's reasonable satisfaction the trails, parks, and open space areas located on the Property as described in Resolution No. 96-94, which approved the Final Public Amenities Plan for the Project, and any improvements located thereon, including, without limitation, fences, signs, landscaping, furniture, trash cans, drinking fountains, etc., and shall maintain the two on-site public parking lots, the public restroom at the golf course clubhouse, the storm drains that will not be accepted by Los Angeles County, the fire access lane abutting the Ocean Terraces Condominiums, and the trails located on City's Shoreline Property that Owners were required by the California Coastal Commission to construct and improve, all monitoring and dewatering wells located on the Property (and upon request of City, shall convert such monitoring wells into dewatering wells) and other devices located on-site to control the level of the ground water or enhance the geologic stability of the Property, as specifically set forth in the agreement which is attached hereto as Exhibit E. Developer further agrees that the agreement attached hereto as Exhibit E shall be recorded as a covenant against the parcels comprising the golf course and shall continue in effect notwithstanding the expiration or termination of this Development Agreement.

If Developer or any subsequent owner(s) of those parcels of the Property which comprise the golf course do not fulfill their maintenance obligations with respect to said improvements to City's reasonable satisfaction, then, after providing Owners with the notice and opportunity to cure the default as set forth in Section 16.1, City may commence proceedings to revoke or impose additional conditions to ensure said maintenance on the conditional use permit which was issued by City for the golf course (Conditional Use Permit No. 163), in accordance with the notice and hearing requirements set forth in the Rancho Palos Verdes Municipal Code. This paragraph shall not limit any other

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rights, remedies, or causes of action that City may have at law or equity to address said breach.

City covenants that, in consideration for Developer guarantying the payment of the golf tax discussed in paragraph (a) of this Section 11.4, Developer shall not be obligated to pay any other similar tax or fee or comply with any similar exaction imposed in connection with the operation of the golf course; provided, however, this paragraph shall not be construed to preclude the imposition of taxes or fees which are imposed on a City-wide basis either on all business owners or on all property owners.

The provisions of this Section 11.4 shall survive the termination of this Agreement.

11.5. Park Land Dedications and Monetary Contribution. In conjunction with processing this Project and obtaining other permits required by other appropriate governmental agencies, including, but not limited to, the U.S. Fish and Wildlife Service, Developer has caused to be prepared and processed a mitigation/restoration program for the preservation of and enhancement of certain areas both on-site and on properties located near the Property which are owned by City ("habitat conservation areas"). The habitat conservation areas located on the Property and off-site are discussed at length in a Habitat Conservation Plan which has been approved by City and the applicable resource agencies. The Habitat Conservation Plan ("Plan") provides that it is initially the Owners' responsibility, for a minimum period of five years, to ensure that the habitat is planted and established. Under the Plan, after the first five years pass and the habitat is established, the City is to perform the long term maintenance of the habitat. It is the intent of this Agreement that in addition to the initial maintenance of the Habitat for the first five years, Developer shall perform City's long term maintenance responsibilities, to City's reasonable satisfaction. In addition, Developer shall offer for dedication to City the three public parks and the on-site habitat conservation areas depicted on Exhibit "D." All improvements which are to be dedicated to the City, including, without limitation, the improvements referred to in this Section and Section 11.4, shall be completed as prescribed in the Development Plan. As more particularly set forth in the Agreement which is attached hereto as Exhibit E, if Developer or any subsequent owner(s) of those parcels of the Property which comprise the golf course do not fulfill their maintenance obligations with respect to the habitat conservation areas to City's reasonable satisfaction, then, after providing Developer with the notice and opportunity to cure the default set forth in Section 16.1 of this Agreement, City shall assume that maintenance obligation, and in addition to the tax to be paid pursuant to Section 11.4(a) above, Developer or said subsequent



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owner(s) of such parcels shall pay a fee to City in the amount of One Dollar (\$1.00) per round of golf (or any portion thereof) played on the golf course to be developed as part of the Project. The provisions of this Section 11.5 shall survive the termination of this Agreement.

11.6. Payment for Switchbacks Area. As payment for the use of twenty-one acres of the City's property in the Switchbacks area for habitat restoration purposes as mitigation for development of the Project, prior to the issuance of a grading permit, Developer shall pay to City the sum of One Hundred Sixty-Five Thousand Dollars (\$165,000). Developer's right to use such property and twenty acres of the Shoreline Property shall survive the termination of this Agreement and shall be memorialized in a license agreement between Developer and City which shall be recorded against each of said parcels.

11.7. Satisfaction of Park Fee Requirements. In consideration of the dedication and improvement of three parks on the Property and the agreement set forth in Exhibit E that the owner of the golf course parcels shall maintain said parks and other areas specified in that agreement, Developer shall be deemed to have satisfied all park requirements of City, and no further park fees, exactions or dedications shall be applicable to the development of the Project.

11.8. Development Fees. Except as provided in Section 12 of this Agreement, City shall not, without the prior written consent of Developer, impose or increase any fees or exactions applicable to the development of the Property or any portion thereof, or impose any such fees or exactions as a condition to the implementation of the Project or any portion thereof, except those fees and exactions in effect on the date the application for the two Vesting Tentative Tract Maps for the Project was deemed complete in accordance with Government Code Sections 66498.1 and 66474.2 (the "Application Date"). This provision shall not prevent the application of escalation clauses which, as of the Application Date, were in place in connection with those fees and exactions in effect as of the Application Date.

11.9. Public Works. Any public works facilities which will be constructed by Developer and dedicated to City or any other public agency upon completion shall be constructed in accordance with the design and construction standards as would be applicable to City or such other public agency should it have undertaken such construction. This Section shall not be interpreted to require public bids or any other similar requirements unless otherwise required by applicable law.

12. Rules, Regulations and Official Policies.

12.1. New Rules. This Agreement shall not prevent City from applying the following new rules, regulations and policies:

(a) Processing fees and charges imposed by City to cover the estimated actual costs to City of processing applications for development approvals, for monitoring compliance with any development approvals, or for monitoring compliance with environmental impact mitigation measures; provided such fees and charges are uniformly imposed by City on all similar applications and for all similar monitoring.

(b) Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matters of procedure; provided such regulations are uniformly imposed by City on all similar matters.

(c) Regulations governing construction standards and specifications which are of general application which establish standards for the construction and installation of structures and associated improvements such as and including, without limitation, the City's Building Code, Plumbing Code, Mechanical Code, Electrical Code, and Fire Code; provided that such construction standards and specifications (i) are applied on a City-wide basis and (ii) do not reduce the amount of land within the Property which can be utilized for structures and improvements or increase the amount of open space within the Property.

(d) Regulations which are not in conflict with the Development Plan or this Agreement.

(e) Regulations which are in conflict with the Development Plan or this Agreement if such regulations have been consented to in writing by Developer.

12.2. Subsequent Actions and Approvals. In accordance with Government Code Section 65866, this Agreement shall not prevent City in subsequent actions applicable to the Property from applying new rules, regulations and policies which do not conflict with those existing rules, regulations and policies set forth in the Development Plan or this Agreement, nor shall this Agreement prevent City from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations and policies.

12.3. State and Federal Laws. In the event that state or federal laws or regulations, enacted after this Agreement is executed, prevent or preclude compliance with one or

more of the provisions of this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations; provided, however, that this Agreement shall remain in full force and effect to the extent it is not inconsistent with such laws or regulations and to the extent such laws or regulations do not render such remaining provisions impractical to enforce.

13. Amendment or Cancellation of Agreement. This Agreement may be amended or canceled in whole or in part only by mutual consent of the parties in the manner provided for in Government Code Section 65868.

14. Enforcement. Unless amended or canceled as provided in Section 13, or modified or suspended pursuant to Government Code Section 65869, this Agreement is enforceable by either party hereto notwithstanding any change in any applicable general or specific plan, zoning, subdivision or building regulation or other applicable law or regulation adopted by City (or by the voters of City unless found by a court of competent and final jurisdiction to prevail over this Agreement) which alters or amends the Development Plan or the timing of any development.

15. Periodic Review of Compliance With Agreement.

15.1. Periodic Review. City and Developer shall review this Agreement at least once every twelve (12) months from the date this Agreement is executed in accordance with Section 17.82.080 of the Rancho Palos Verdes Municipal Code. City shall notify Developer in writing of the date for review at least thirty (30) days prior thereto. However, City's failure to comply with this Section 15.1 shall not affect the validity of this Agreement.

15.2. Good Faith Compliance. During each periodic review, Developer shall be required to demonstrate good faith compliance with the terms of this Agreement.

16. Events Of Default.

16.1. Default by Developer. If City determines on the basis of substantial evidence that Developer has not complied in good faith with the terms and conditions of this Agreement, City shall, by written notice to Developer, specify the manner in which Developer has failed to so comply and state the steps Developer must take to bring itself into compliance. If, within sixty (60) days after the effective date of notice from City specifying the manner in which Developer has failed to so comply, Developer does not commence all steps reasonably necessary to bring itself into compliance as required and thereafter diligently pursue such steps to completion, then Developer shall be deemed to be in default under the terms of

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this Agreement and City may terminate this Agreement or seek specific performance as set forth in Section 16.3.

16.2 Default by City. If Developer determines on the basis of substantial evidence that City has not complied in good faith with the terms and conditions of this Agreement, Developer shall, by written notice to City, specify the manner in which City has failed to so comply and state the steps City must take to bring itself into compliance. If, within sixty (60) days after the effective date of notice from Developer specifying the manner in which City has failed to so comply, City does not commence all steps reasonably necessary to bring itself into compliance as required and thereafter diligently pursue such steps to completion, then City shall be deemed to be in default under the terms of this Agreement and Developer may terminate this Agreement or seek specific performance as set forth in Section 16.3.

16.3 Specific Performance Remedy. Due to the size, nature and scope of the Project, and due to the fact that it will not be practical or possible to restore the Property to its natural condition once implementation of this Agreement has begun, the parties acknowledge that money damages and remedies at law generally are inadequate and that specific performance is appropriate for the enforcement of this Agreement. Therefore, the remedy of specific performance shall be available to all parties hereto. This subsection shall not limit any other rights, remedies, or causes of action that any party may have at law or equity.

17. Institution of Legal Action. In addition to any other rights or remedies, either party may institute legal action to cure, correct or remedy any default, to enforce any covenants or agreements herein, to enjoin any threatened or attempted violation hereof, to recover damages for any default, or to obtain any other remedies consistent with the purposes of this Agreement. Any such legal action shall be brought in the Superior Court for Los Angeles County, California.

18. Waivers and Delays.

18.1. Waiver. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, and failure by a party to exercise its rights upon a default by the other party hereto, shall not constitute a waiver of such party's right to demand strict compliance by such other party in the future.

18.2. Third Parties. Nonperformance shall not be excused because of a failure of a third person except as provided in Section 18.3 below.

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18.3. Force Majeure. Neither party shall be deemed to be in default where failure or delay in performance of any of its obligations under this Agreement is caused by floods, earthquakes, other Acts of God, fires, wars, riots or similar hostilities, strikes, other labor difficulties, government regulations, court actions, or other causes beyond the party's control.

19. Notices. All notices required or provided for under this Agreement shall be in writing and delivered in person and deposited in the United States mail, postage prepaid and addressed as follows:

TO CITY: City of Rancho Palos Verdes  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, California 90275  
Attn: City Manager

TO DEVELOPER: Zuckerman Entities  
707 Silver Spur Road, Suite 201  
Rolling Hills Estates, California 90274  
Attn: Kenneth Zuckerman

AND

Palos Verdes Land Holdings Company, L.P.  
25200 La Paz Road, Suite 210  
Laguna Hills, California 92653  
Attn: Chris A. Downey

Either party may change the address stated herein by giving notice, in writing, to the other party and thereafter notices shall be addressed and submitted to the new address.

20. Attorneys' Fees. If legal action is brought by either party against the other for breach of this Agreement, or to compel performance under this Agreement, the prevailing party shall be entitled to an award of reasonable attorneys' fees and costs.

21. Transfers and Assignments.

21.1. Right to Assign. Developer shall have the right to sell, transfer or assign the Property in whole or in part (provided that no such partial transfer shall be permitted to cause a violation of the Subdivision Map Act, Government Code Section 66410, et seq.) to any person, partnership, joint venture, firm, corporation or other entity at any time during the term of this Agreement; provided, however, that any such sale, transfer or assignment shall include the assignment of the rights, duties and obligations arising under or

from this Agreement and shall be made in strict compliance with the following conditions precedent:

(a) No sale, transfer or assignment of any right or interest under this Agreement shall be made unless made together with the sale, transfer or assignment of all or a part of the Property.

(b) Concurrently with any such sale, transfer or assignment, or within fifteen (15) business days thereafter, Developer shall notify City, in writing, of such sale, transfer or assignment and of whether the transferee or assignee has assumed any of Developer's obligations hereunder, and Developer shall provide City with a copy of the executed assignment agreement. Any sale, transfer or assignment not made in strict compliance with the foregoing conditions shall constitute a default by Developer under this Agreement.

21.2. Release of Transferring Owner. Notwithstanding any sale, transfer or assignment, a transferring Developer shall continue to be obligated under this Agreement unless such transferring Developer is given a release or a partial release in writing by City, which release or partial release shall be provided by City upon the full satisfaction by such transferring Developer of the following conditions:

(a) Developer is not then in default under this Agreement.

(b) Developer has provided City with the notice and executed agreement required under paragraph (b) of Subsection 21.1 above.

(c) Such assignee or transferee has assumed such duties and obligations as to which Developer is requesting to be released in a manner approved by City, and Developer has provided City with written evidence, in a form and substance satisfactory to City, demonstrating the experience, capability, competence, and financial ability of the proposed transferee or assignee to carry out such obligations for which Developer is requesting a release.

21.3. Termination of Agreement with Respect to Individual Parcels Upon Sale to Public. Notwithstanding any provisions of this Agreement to the contrary, the burdens of this Agreement shall terminate as to any lot or parcel which has been finally subdivided and individually leased or sold for residential purposes to the purchaser or user thereof and thereupon and without the execution or recordation of any further document or instrument such lot or parcel shall be released from and no longer be subject to or burdened by the provisions of this Agreement; provided, however, that the benefits of this Agreement

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shall continue to run as to any such lot until a building is constructed on such lot or until the termination of this Agreement, if earlier. Nothing herein shall be construed as exempting any such lot from the provisions of the Development Plan or other applicable rules and regulations.

**22. Cooperation in the Event of Legal Challenge.**

In the event of any legal action instituted by a third party or other governmental entity or official challenging the validity of any provision of this Agreement, the parties hereby agree to cooperate in defending such action. Provided that Developer has been permitted to select the legal counsel to represent Developer and City in connection with such action, subject to approval by City, which shall not be unreasonably withheld, Developer agrees to reimburse City for its costs and legal expenses incurred after the date of this Agreement in any such action. In addition, provided that Developer has been permitted to select the legal counsel to represent Developer and City in connection with such action, subject to approval by City, which shall not be unreasonably withheld, if in any such action there is an order, ruling, or judgment which includes a requirement that the City pay damages or reimburse any party for legal fees or costs incurred in connection with that action, Developer hereby agrees that it will pay said damages, fees and costs. If City or Developer determines that Developer's legal counsel would have a conflict of interest in representing both Developer and City, then City may engage its own legal counsel to represent City in connection with such action, which shall be fully reimbursed by Developer, provided that City defends the action in good faith. Additionally, in such event, Developer shall not be required to pay any amounts pursuant to any settlement entered into by City without Developer's consent. In the event of any litigation challenging the effectiveness of the Agreement, or any portion hereof, this Agreement shall remain in full force and effect while such litigation, including any appellate review, is pending.

**23. Protect as a Private Undertaking.** It is specifically understood and agreed by and between the parties hereto that the development of the Project is a private development, that neither party is acting as the agent of the other in any respect thereunder, and that each party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. No partnership, joint venture or other association of any kind is formed by this Agreement. The only relationship between City and Developer is that of a government entity regulating the development of private property by the owner of such property.

**24. Eminent Domain.** No provision of this Agreement shall be construed to limit or restrict the exercise by City of its power of eminent domain.

25. Authority to Execute. Palos Verdes Land Holdings Company, L.P. and each individual and entity comprising the Zuckerman Entities each warrant and represent that the person(s) executing this Agreement on behalf of each such respective entity has the authority to execute this Agreement on behalf of such entity and has the authority to bind each such respective entity to the performance of its obligations hereunder.

26. Recordation. This Agreement and any amendment or cancellation hereto shall be recorded in the Office of Official Records of the County of Los Angeles, by the City Clerk within the period required by Section 65868.5 of the Government Code.

27. Protection of Mortgage Holders. Nothing contained herein shall limit or interfere with, and no breach hereof shall diminish or impair, the lien of any mortgage holder having a mortgage made in good faith and for value on any portion of the Property. "Mortgage holder" includes the beneficiary under a deed of trust, and "mortgage" includes the deed of trust. Notwithstanding anything to the contrary contained herein, no mortgage holder shall have any obligation or duty under this Agreement to perform any of Developer's obligations hereunder, except that: (i) to the extent that any obligation to be performed by Developer is a condition to the performance of an obligation by City, the performance thereof shall continue to be a condition precedent to City's performance hereunder, and (ii) such lender shall be responsible for performing any continuing obligation of Developer (such as payment of money or performance of maintenance), which accrues while such lender holds title to the Property or portion thereof. City shall have no greater remedy against any such lender than it would have had against Developer had Developer continued to hold title to the Property or portion thereof. If a Mortgage holder requests that City give such Mortgage holder a copy of all notices given to Developer hereunder, then City shall deliver to such Mortgage holder, concurrently with delivery to Developer, any notice given to Developer pursuant to this Agreement. Each Mortgage holder shall have the right (but not the obligation) for a period of ninety (90) days after receipt of such notice from City, to cure or remedy, or to commence to cure or remedy, the matter set forth in the notice (if such matter relates to a default by Developer). If such matter is of a nature which can only be remedied or cured by such Mortgage holder upon obtaining possession, such Mortgage holder shall seek to obtain possession with diligence through foreclosure, a receiver or otherwise, and shall thereafter remedy or cure the matter within thirty (30) days after obtaining possession. If any such matter cannot be remedied or cured within such thirty (30) day period, then such Mortgage holder shall have such additional time as may be reasonably necessary (as mutually agreed by such Mortgage holder and City) to remedy



or cure such matter, provided such Mortgage holder is diligently pursuing such cure to completion.

28. Severability of Terms. If any term, provision, covenant or condition of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to enforce.

29. Subsequent Amendment to Authorizing Statute. This Agreement has been entered into in reliance upon the provisions of the statute governing development agreements (Government Code Section 65864 - 65869.5 inclusive) in effect as of the Agreement Date. Accordingly, subject to Section 12.3 above, to the extent a subsequent amendment to the Government Code would affect the provisions of this Agreement, such amendment shall not be applicable to this Agreement unless necessary for this Agreement to be enforceable or unless this Agreement is modified pursuant to the provisions set forth in this Agreement and Government Code Section 65868.

30. Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California.

31. Section Headings. All section headings and subheadings are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

32. Incorporation of Recitals and Exhibits. Recitals A through K and attached Exhibits "A" through "F" are hereby incorporated by this reference as though fully set forth in full.

### 33. Rules of Construction and Miscellaneous Terms.

33.1. Gender. The singular includes the plural; the masculine gender includes the feminine; "shall" is mandatory, "may" is permissive.

33.2. Time of Essence. Time is of the essence regarding each provision of this Agreement in which time is an element.

33.3. Cooperation. Each party covenants to take such reasonable actions and execute all documents that may be necessary to achieve the purposes and objectives of this Agreement.

34. Estoppel. Either City or Developer (the "sending party") may, at any time, and from time to time, deliver written notice to the other party (the "receiving party") requesting that the receiving party certify in writing that: (a) this Agreement is in full force and effect and a binding obligation of the receiving party; (b) this Agreement has not been amended or modified either orally or in writing, or if so amended, identifying the amendments, and (c) the sending party is not in default in the performance of its obligations under this Agreement, or if in default, to describe therein the nature and amount of any such defaults. The receiving party shall execute and return such certificate within thirty (30) days following the receipt thereof. City acknowledges that a certificate hereunder may be relied upon by transferees and any Mortgage holder.

The parties have executed this Development Agreement on the date and year first written above.

Dated: \_\_\_\_\_, 1997

"DEVELOPER"

PALOS VERDES LAND HOLDINGS COMPANY,  
L.P., a California limited  
partnership

By: COASTAL GOLF CORPORATION,  
a California corporation,  
general partner

By:  \_\_\_\_\_

Its: CFO \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

[SIGNATURES CONTINUE]

"ZUCKERMAN ENTITIES":

ANNA ZUCKERMAN-VDOVENKO, as  
successor trustee of the Zuckerman  
Family Trust (Edward K. Zuckerman  
and Ola Zuckerman) No. 301 created  
pursuant to a declaration of trust  
dated September 11, 1953

By Frank W. Calala Special Trustee  
ANNA ZUCKERMAN-VDOVENKO AS ATTORNEY  
IN FACT

ANNA ZUCKERMAN-VDOVENKO, as  
successor trustee of the Zuckerman  
Family Trust (Edward K. Zuckerman  
and Ola Zuckerman) No. 303 created  
pursuant to a declaration of trust  
dated September 11, 1953

By Frank W. Calala Special Trustee  
ANNA ZUCKERMAN-VDOVENKO AS ATTORNEY  
IN FACT

ANNA ZUCKERMAN-VDOVENKO, as  
successor trustee of the Zuckerman  
Family Trust (Edward K. Zuckerman  
and Ola Zuckerman) No. 304 created  
pursuant to a declaration of trust  
dated September 11, 1953

By Frank W. Calala Special Trustee  
ANNA ZUCKERMAN-VDOVENKO AS ATTORNEY  
IN FACT

ANNA ZUCKERMAN-VDOVENKO, as  
successor trustee of the Zuckerman  
Family Trust (Edward K. Zuckerman  
and Ola Zuckerman) No. 305 created  
pursuant to a declaration of trust  
dated September 11, 1953

By Frank W. Calala Special Trustee  
ANNA ZUCKERMAN-VDOVENKO AS ATTORNEY  
IN FACT

[SIGNATURES CONTINUE]

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ANNA ZUCKERMAN-VDOVENKO, as  
successor trustee of the Zuckerman  
Family Trust (Edward K. Zuckerman  
and Ola Zuckerman) No. 306 created  
pursuant to a declaration of trust  
dated September 11, 1953

By *Frank V. Calata Special Trustee*  
ANNA ZUCKERMAN-VDOVENKO AS Attorney  
in fact

ANNA ZUCKERMAN-VDOVENKO, as  
successor trustee of the Zuckerman  
Family Trust (Edward K. Zuckerman  
and Ola Zuckerman) No. 307 created  
pursuant to a declaration of trust  
dated September 11, 1953

By *Frank V. Calata Special Trustee*  
ANNA ZUCKERMAN-VDOVENKO AS Attorney  
in fact

ANNA ZUCKERMAN-VDOVENKO, as  
successor trustee of the Zuckerman  
Family Trust (Edward K. Zuckerman  
and Ola Zuckerman) No. 308 created  
pursuant to a declaration of trust  
dated September 11, 1953

By *Frank V. Calata Special Trustee*  
ANNA ZUCKERMAN-VDOVENKO AS Attorney  
in fact

ANNA ZUCKERMAN-VDOVENKO, as  
successor trustee of the Zuckerman  
Family Trust (Edward K. Zuckerman  
and Ola Zuckerman) No. 310 created  
pursuant to a declaration of trust  
dated September 11, 1953, as  
tenants in common

By *Frank V. Calata Special Trustee*  
ANNA ZUCKERMAN-VDOVENKO AS Attorney  
in fact

[SIGNATURES CONTINUE]

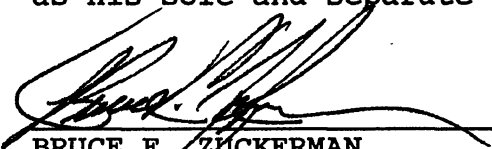
23  
KENNETH A. ZUCKERMAN, a married man  
as his sole and separate property

  
KENNETH A. ZUCKERMAN

STEPHEN D. ZUCKERMAN, an unmarried  
man

  
STEPHEN D. ZUCKERMAN

BRUCE E. ZUCKERMAN, a married man  
as his sole and separate property

  
BRUCE E. ZUCKERMAN

ANNA E. ZUCKERMAN-VDOVENKO,  
a married woman as her sole and  
separate property

  
ANNA E. ZUCKERMAN-VDOVENKO *attorney in fact.*

REZINATE RPV, INC., a California  
corporation

By: 

Its: President

By: \_\_\_\_\_

Its: \_\_\_\_\_

[SIGNATURES CONTINUE]

ALTO LAND CO., a California corporation

By: Ola Zuckerman

Its: president

By: \_\_\_\_\_

Its: \_\_\_\_\_

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Attorneys for Developer

Dated: \_\_\_\_\_, 1997

"CITY"

CITY OF RANCHO PALOS VERDES, a  
municipal corporation of the State  
of California

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
City Attorney

97 1929840

ALTO LAND CO., a California corporation

By: \_\_\_\_\_

Its: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

APPROVED AS TO FORM:

By: *Kenneth W. Llanos*  
Attorneys for Developer

Dated: 11-20, 1997

"CITY"

CITY OF RANCHO PALOS VERDES, a  
municipal corporation of the State  
of California

By: *Barbara J. Ferraro*  
Mayor

ATTEST:

By: *Sara Ferdman*  
Deputy City Clerk

APPROVED AS TO FORM:

By: *Lawrence W. Lynch*  
City Attorney

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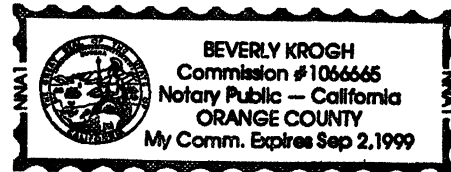
STATE OF CALIFORNIA            )  
                                      )  
COUNTY OF ORANGE            )    ss.

On November 20, 1997 before me,  
Beverly Krogh, a notary public in and for said  
State, personally appeared Chris A. Downey --and  
-----, personally known to me (or  
proved to me on the basis of satisfactory evidence) to be the  
person(s) whose name(s) is/are subscribed to the within  
instrument and acknowledged to me that he/she/they executed the  
same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the  
instrument.

WITNESS my hand and official seal.

Signature

Beverly Krogh



STATE OF CALIFORNIA            )  
                                      )  
COUNTY OF \_\_\_\_\_         )    ss.

On \_\_\_\_\_ before me,  
\_\_\_\_\_, a notary public in and for said  
State, personally appeared \_\_\_\_\_ and  
\_\_\_\_\_, personally known to me (or  
proved to me on the basis of satisfactory evidence) to be the  
person(s) whose name(s) is/are subscribed to the within  
instrument and acknowledged to me that he/she/they executed the  
same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the  
instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

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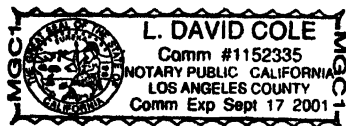
STATE OF CALIFORNIA            )  
                                      ) ss.  
COUNTY OF LOS ANGELES        )

On November 20, 1997, before me, L. David Cole, a Notary Public in and for said State, personally appeared Frank V. Calaba, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

2. L. Cole  
Notary Public in and for said  
County and State

[SEAL]



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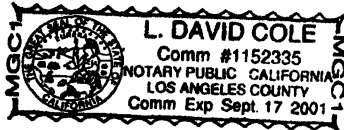
STATE OF CALIFORNIA            )  
                                      ) ss.  
COUNTY OF LOS ANGELES        )

On November 20, 1997, before me, L. David Cole, a Notary Public in and for said State, personally appeared Frank V. Calaba, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

2. Dick  
Notary Public in and for said  
County and State

[SEAL]



97 1929840

31

WITNESS my hand and official seal.

2. Lik


**L. DAVID COLE**  
Comm #1152335  
NOTARY PUBLIC CALIFORNIA  
LOS ANGELES COUNTY  
Comm Exp Sept. 17 2001

97 1929840

32

WITNESS my hand and official seal.

2. by 12

 **L. DAVID COLE**  
Comm #1152335  
NOTARY PUBLIC, CALIFORNIA  
LOS ANGELES COUNTY  
Comm Exp Sept 17 2001

**97 1929840**

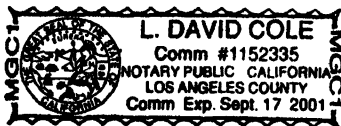
STATE OF CALIFORNIA            )  
   ) ss.  
 COUNTY OF LOS ANGELES        )

On November 20, 1997, before me, L. David Cole, a Notary Public in and for said State, personally appeared Frank V. Calaba, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

2. di. G  
 Notary Public in and for said  
 County and State

[SEAL]



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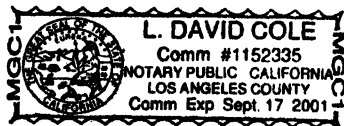
STATE OF CALIFORNIA            )  
                                      ) ss.  
COUNTY OF LOS ANGELES        )

On November 20, 1997, before me, L. David Cole, a Notary Public in and for said State, personally appeared Frank V. Calaba, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

2. David Cole  
Notary Public in and for said  
County and State

[SEAL]



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STATE OF CALIFORNIA            )  
                                      ) ss.  
COUNTY OF LOS ANGELES        )

On November 20, 1997, before me, L. David Cole, a Notary Public in and for said State, personally appeared Frank V. Calaba, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

2. David Cole  
Notary Public in and for said  
County and State

[SEAL]



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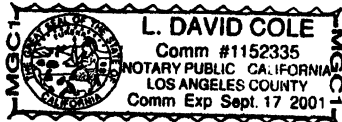
STATE OF CALIFORNIA           )  
  ) ss.  
COUNTY OF LOS ANGELES       )

On November 20, 1997, before me, L. David Cole, a Notary Public in and for said State, personally appeared Frank V. Calaba, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

2. Lij U  
Notary Public in and for said  
County and State

[SEAL]




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STATE OF CALIFORNIA            )  
                                      ) ss.  
COUNTY OF LOS ANGELES        )

On November 20, 1997, before me, L. David Cole, a Notary Public in and for said State, personally appeared Frank V. Calaba, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

  
\_\_\_\_\_  
Notary Public in and for said  
County and State

[SEAL]



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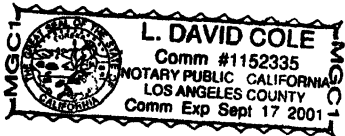
STATE OF CALIFORNIA       )  
                                  ) ss.  
COUNTY OF LOS ANGELES    )

On November 20, 1997, before me, L. David Cole, a Notary Public in and for said State, personally appeared Kenneth A. Zuckerman, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

L. David Cole  
Notary Public in and for said  
County and State

[SEAL]



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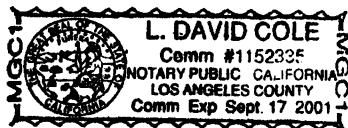
STATE OF CALIFORNIA           )  
                                      ) ss.  
COUNTY OF LOS ANGELES       )

On November 20, 1997, before me, L. David Cole, a Notary Public in and for said State, personally appeared Ola Zuckerman, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

L. David Cole  
Notary Public in and for said  
County and State

[SEAL]



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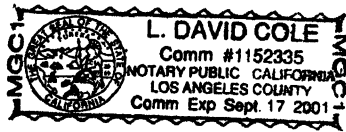
STATE OF CALIFORNIA            )  
                                      ) ss.  
COUNTY OF LOS ANGELES        )

On November 20, 1997, before me, L. David Cole, a Notary Public in and for said State, personally appeared Bruce E. Zuckerman, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

L. David Cole  
Notary Public in and for said  
County and State

[SEAL]



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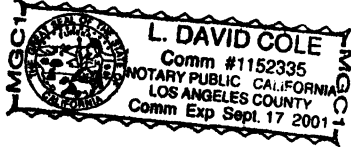
STATE OF CALIFORNIA            )  
                                      ) ss.  
COUNTY OF LOS ANGELES        )

On November 20, 1997, before me, L. David Cole, a Notary Public in and for said State, personally appeared Stephen D. Zuckerman, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

*L. David Cole*  
Notary Public in and for said  
County and State

[SEAL]



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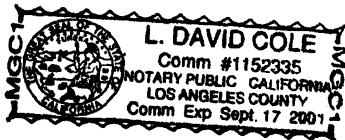
STATE OF CALIFORNIA       )  
                                  ) ss.  
COUNTY OF LOS ANGELES    )

On November 20, 1997, before me, L. David Cole, a Notary Public in and for said State, personally appeared Robert E. Zuckerman, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

L. David Cole  
Notary Public in and for said  
County and State

[SEAL]



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EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

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Order No. 264001 - D

## EXHIBIT A

## Parcel 1:

That portion of Lot "H" of the Rancho Los Palos Verdes, in the City of Rancho Palos Verdes, County of Los Angeles, State of California, Alloted to Jotham Bixby by Decree of partition in the action "Bixby et al., vs. Bent et al.," Case No. 2373, in the District Court of the 17th Judicial District of said State of California, in and for County of Los Angeles and entered in Book 4 Page 57 of Judgments, in the Superior Court of said County, Described as follows:

Beginning at the Southwesterly corner of Parcel 92, as shown on L.A.C.A. Map No. 51, recorded in Book 1 Page 1 of Assessor's Maps, in the office of the County Recorder of said County; thence South 9° 03' 10" West 25.00 feet to the center line of Palos Verdes Drive South as shown on said Map; thence South 80° 56' 50" East along said center line 953.10 feet to the beginning of a tangent curve concave to the South and having a radius of 500.00 feet; thence Easterly along said curve 150.00 feet to a point, the radial line to said point bearing North 26° 14' 29" East; thence South 28° 27' 25" West 637.88 feet, thence South 56° 48' 36" West 494.64 feet to the true point of beginning of the Parcel being hereby described; thence North 38° 28' 00" West 1054.66 feet; thence South 53° 58' 21" West 408.04 feet; thence South 14° 55' 53" West 155.24 feet; thence South 62° 14' 52" West to the ordinary high tide line of the Pacific Ocean; thence following said ordinary high tide line in a general Southeasterly direction to the intersection with a line described as: Beginning at the said true point of beginning; thence South 56° 48' 36" West 300.00 feet to point "A" hereinafter referred to; thence South 45° 20' 20" West, to the said ordinary high tide line; thence continuing along the boundary lines of the parcel being hereby described, North 45° 20' 20" East to said Point "A"; thence North 56° 48' 36" East 300.00 feet to the true point of beginning.

Except any portion of said land lying outside of the patent lines of the Rancho Los Palos Verdes, as such lines existed at the time of the issuance of the patent, which was not formed by the deposit of alluvion from natural causes and by imperceptible degrees.

Said land is a portion of Parcel 102, as shown on said L.A.C.A. Map No. 51.

## Parcel 2:

That portion of Lot "H" of the Rancho Los Palos Verdes, in the City of Rancho Palos Verdes, County of Los Angeles, State of California, allotted to Jotham Bixby by Decree of partition in the Action "Bixby et al., vs. Bent et al.," Case No. 2373, in the District Court of the 17th Judicial District of said State of California, in and for County of Los Angeles and entered in Book 4 Page 57 of Judgments, in the Superior Court of said County, Described as follows:

Beginning at the Southwesterly corner of Parcel 92, as shown on L.A. C.A. Map No. 51, recorded in Book 1 Page 1 of Assessor's Maps, in the office of the County Recorder of said County; thence South 9° 03' 10" West 25.00 feet to the center line of Palos Verdes Drive, South as shown on said map; thence South 80° 56' 50" East along said center line 684.82 feet to the true point of beginning of the parcel being hereby described; thence South 80° 56' 56" East along said center line 268.28 feet to the beginning of a tangent curve concave to the South and having a radius of 500.00 feet; thence Easterly along said curve 150.00 feet to a point, the radial line to said point bearing North 26° 14' 29" East, said point being designated as point "B" for the purpose of this description; thence continuing Southeasterly along said curve 381.55 feet; thence South 20° 02' 10" East 113.33 feet; thence South 43° 16' 43" West to the ordinary high tide line of the Pacific Ocean; thence in a general Northwesterly direction along said high tide line to the intersection with a line described as beginning at the above described point "B"; thence South 28° 27' 25" West 637.88 feet; thence South 56° 48' 36" West 794.64 feet to a point "A" hereinafter referred to; thence South 45° 20' 48" West to the ordinary high tide line of the Pacific Ocean; thence continuing

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along the boundary line of the Parcel being hereby described, North 45° 20' 20" East to the hereinbefore described point "A"; thence North 56° 48' 36" East 300.00 feet thence North 38° 28' 00" West 351.49 feet; thence North 56° 48' 36" East 438.55 feet; thence North 28° 27' 25" East 290.84 feet; thence North 9° 03' 10" East 150.00 feet to said true point of beginning.

Except therefrom that portion within the boundary lines of Palos Verdes Drive South, as shown on map CSB-1082-3 on file in the office of the County engineer of said County, and as described in deed to the County of Los Angeles, recorded on December 23, 1952 as Instrument No. 3469 in Book 40587 Page 284, Official Records of said County.

Also except therefrom that portion of said land, included within the land as described in the deed to Palos Verdes Properties, recorded March 3, 1972 as Instrument No. 1865 Official Records of said County.

Also except any portion of said land lying outside of the patent lines of the Rancho Los Palos Verdes, as such lines existed at the time of the issuance of the patent, which was not formed by the deposit of alluvion from natural causes and by imperceptible degrees.

Said land is a portion of Parcels 101 and 102 as shown on said L.A.C.A. Map No. 51.

**Parcel 3:**

That portion of Lot "H" of the Rancho Los Palos Verdes, in the City of Rancho Palos Verdes, County of Los Angeles, State of California, allotted to Jotham Bixby by Decree of partition in the action "Bixby et al., vs. Bent et al., "Case No. 2373, in the District Court of the 17th Judicial District of said State of California, in and for County of Los Angeles and entered in Book 4 Page 57 of Judgments, in the Superior Court of said County, Described as follows:

Beginning at the Southwesterly corner of Parcel 92, as shown on L.A. C.A. Map No. 51, recorded in Book 1 Page 1 of Assessor's Maps, in the office of the County Recorder of said County; thence South 9° 03' 10" West 25.00 feet to the center line of Palos Verdes Drive, South as shown on said Map; thence South 80° 56' 50" East along said center line 953.10 feet to the beginning of a tangent curve concave to the South and having a radius of 500.00 feet; thence Easterly along said curve 531.55 feet; thence South 20° 02' 10" East 113.33 feet to the beginning of a tangent curve concave to the Northeast and having a radius of 1200 feet, the beginning of said last mentioned curve being the true point of beginning of the Parcel being hereby described; thence Southeasterly along said curve 1051.00 feet thence South 70° 15' 35" East 461.13 feet to the beginning of a tangent curve concave to the Southwest and having a radius of 2000.00 feet; thence Southeasterly along said curve 1175.00 feet; thence non-tangent to said curve South 48° 21' 42" West 719.45 feet; thence South 80.00 feet; thence South 23° 00' 00" West to the ordinary high tide line of the Pacific Ocean; thence in a general Westerly and Northwesterly direction along said high tide line to the intersection with a line bearing South 43° 16' 43" West from the true point of beginning; thence North 43° 16' 43" East to the true point of beginning.

Except therefrom that portion of said land included within the land as described in a Parcel A in the final order of condemnation entered on Los Angeles County Superior Court Case No. 884831, a certified copy of which was recorded January 4, 1968 as Instrument No. 2021, Official Records of said County, said Parcel A was amended by a order nunc pro tunc entered in said Los Angeles County Superior Court Case No. 884831, a certified copy of which was recorded June 27, 1968 as Instrument No. 3089.

Also except therefrom that portion of said land, included within the land as described in the deed to Palos Verdes Properties, recorded March 3, 1972 as Instrument No. 1865 Official Records of said County.

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Also except any portion of said land lying outside of the patent lines of the Rancho Los Palos Verdes, as such lines existed at the time of the issuance of the patent, which was not formed

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by the deposit of alluvion from natural causes and by imperceptible degrees.

Said land is a portion of Parcels 100, 101 and 102 as shown on said L.A.C.A. Map No. 51.

Parcel 4:

A Strip of land 12.00 feet wide, measured at right angles, in Lot 102 of L.A.C.A. No. 51, in the City of Rancho Palos Verdes, County of Los Angeles, State of California, as per map recorded in Book 1 Page 1 of Assessor's Maps, in the office of the County Recorder of said County, extending from the Southwesterly line of Palos Verdes Drive South, as shown on said map, in a Southerly direction to the Northeasterly boundary of the land described in a deed recorded as Document No. 1801 on September 4, 1956, in Book 52202 Page 21 Official Records of said County, bounded on the West by the Easterly boundary of Tract No. 16540, as per map recorded in Book 625 Pages 76 and 77 of Maps, records of said County and bounded on the East by a line that is parallel with said Easterly boundary and 12.00 feet, measured at right angles, Easterly therefrom.

Assessors Parcel No: 7564-021-006,004,003

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That portion of Lot 102 of L.A.C.A. Map No. 51, in the City of Rancho Palos Verdes, in the County of Los Angeles, State of California, as per map recorded in Book 1 Page 1 of Assessor's Maps, in the office of the County Recorder of said County, Described as follows:

Beginning at the intersection of a line that is parallel with and 12.00 feet, measured at right angles, Easterly of the Easterly boundary of Tract No. 16540, as per map recorded in Book 625, Pages 76 and 77 of Maps, records of said County, with the Southwesterly line of Palos Verdes Drive South, 132 feet wide, as shown on said map; thence along said parallel line, South 15° 32' 46" West 122.01 feet and South 15° 20' 00" West 105.52 feet to the intersection thereof with the Northeasterly boundary of the land described in a deed recorded as Document No. 1801 on September 4, 1956, in Book 52201 Page 21 of Official Records of said County; thence South 38° 28' 00" East along said Northeasterly boundary, a distance of 688.30 feet to the most Westerly corner of the land described as Parcel 2 in a deed recorded as Document No. 1826 on July 18, 1956, in Book 51769 Page 241 of said Official Records; thence along the Northwesterly boundary of said Parcel 2, North 56° 48' 36" East 438.55 feet, North 28° 27' 25" East 290.84 feet and North 9° 03' 10" East 100.00 feet to the Southwesterly line of Palos Verdes Drive South, 100 feet wide, as described in a deed to said County of Los Angeles, Recorded as Document No. 3469 on December 23, 1952, in Book 40587, Page 284 of said Official Records; thence Northwesterly along said Southwesterly line North 80° 56' 50" West 684.82 feet and North 9° 03' 10" East 10.00 feet to the Southwesterly line of Palos Verdes Drive South, 132 feet wide as shown on map of said Tract No. 16540; thence Northwesterly along said last mentioned line, being a curve concave Northeasterly and having a radius of 2040 feet, an arc distance of 219.19 feet to the point of beginning.

Assessors Parcel No: 7564-021-005

Order No. 264003 - E

## Parcel 1:

That portion of Lot H of the Rancho Los Palos Verdes, in the City of Palos Verdes, County of Los Angeles, State of California, allotted to Jotham Bixby by Decree of Partition in the action "Bixby et al. vs. Bent et al" Case No. 2373 in the District Court of the 17th Judicial District of said State, in and for said County and entered in Book 4 Page 57 of Judgments, in the Superior Court of said County, and together with all of Tract 30583, in the City of Rancho Palos Verdes, County of Los Angeles, State of California, as per map recorded in Book 813 Pages 32 to 34 inclusive of Maps, in the office of the County Recorder of said County, Described as a whole as follows:

Beginning at the intersection of the ordinary high tide line of the Pacific Ocean with the Southeasterly line of Lot 99 of L.A.C.A. No. 51 or the Southwesterly prolongation of said Southeasterly line, as said Lot is shown on map recorded in Book 1 Page 1 Assessors Maps, in said recorders office; thence along said prolongation and or Southeasterly line North 46° 00' 00" East to an angle point in the Easterly boundary of said Parcel 99; thence along said Easterly boundary North 15° 00' 00" East to the Southwesterly line of the land described in the deed to Pacific Telephone and Telegraph Co., a corporation, recorded April 2, 1958 as Instrument No. 591, in Book D68 Page 550, Official Records of said County; thence along the boundary of the land described in said deed; as follows:

North 54° 18' 50" West 105.93 feet and North 35° 41' 10" East 100 feet to most Westerly corner of the land described in deed to the Pacific Telephone and Telegraph Company, a corporation, recorded April 2, 1958 as Instrument No. 518 in Book D60 Page 546, of Official Records of said County; thence along the Northwesterly boundary of the land described in the last mentioned deed North 35° 41' 10" East to the Northerly boundary of Lot 98 of said L.A.C.A. Map No. 51 thence in a general Westerly direction along the Northerly boundaries of lots 98, 99, 100, 101 and 102 as shown on said L.A.C.A. Map No. 51 to the beginning of a non-tangent curve concave Southwesterly and having a radius of 500 feet; thence Southeasterly along said curve to the centerline of Paseo Del Mar, as described in Parcel 2-1 part A in the deed to the City of Rancho Palos Verdes recorded October 10, 1975 as Instrument No. 5051, in Book D6830 Page 354, Official Records of said County; thence along said centerline as follows:

South 9° 25' 15" West 81.63 feet; Southeasterly along a tangent curve concave Northeasterly and having a radius of 650 feet an arc distance of 904.04 feet South 70° 16' 05" East 906.84 feet and Southeasterly along a tangent curve concave Southwesterly and having a radius of 2000 feet an arc distance 1175 feet to the Northerly boundary of said Tract No. 30583; thence along the Northerly boundary of said Tract 30583 and along the boundary lines of the land as described in Parcel 1 the deed to Adams Land Co., et al., recorded July 18, 1956 as Instrument No. 1826, in Book 51769 Page 241, Official Records of said County as follows:

South 48° 21' 42" West 719.45 feet, South 80 feet and South 23° 00' 00" West to the ordinary high tide line of the Pacific Ocean; thence Easterly and Southeasterly along said ordinary high tide line to the point of beginning.

Except therefrom that portions of said land included within the Lot 1, of Tract No. 31530, in the City of Rancho Palos Verdes, County of Los Angeles, State of California, as per map recorded in Book 852, Pages 73 and 74 of Maps, in said recorders office.

## Parcel 2:

Those portion of Lots 98 and 99 of L.A.C.A. No. 51, as per map recorded in Book 1 Page 1 of Assessors Map, in the office of the County Recorder of said County, Described as follows:

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Beginning at a point in the Northerly boundary of said 98, distant thereon Westerly 29.05 feet from the Easterly end of a curve therein which is concave Northerly and has a radius of 1030.00 feet, a radial line of said curve passing through said point of beginning bears South 13° 05' 18" East; thence Westerly along said curve 383.45 feet; thence South 35° 41' 10" West 523.40 feet to the most Westerly corner of the herein described Parcel; thence South 54° 18' 50" East 150.00 feet; thence North 75° 22' 00" East 234.92 feet; thence North 35° 41' 10" East 577.91 feet to the point of beginning.

**Parcel 3:**

Those portions of Lots 98 and 99 of L.A.C.A. No. 51, as per map recorded in Book 1 Page 1 of Assessors maps, in the office of the County Recorder of said County, Described as follows:

Commencing at the point in the Northerly boundary of said Lot 98, distant thereon Westerly 29.05 feet from the Easterly end of a curve therein which is concave Northerly and has a radius of 1030.00 feet, a radial line of said curve passing through said point of beginning bears South 13° 05' 18" East; thence Westerly along said curve 383.45 feet; thence South 35° 41' 10" West 523.40 feet to the true point of beginning of this description; thence South 54° 18' 50" East 150.00 feet; thence North 75° 22' 00" East 234.92 feet; thence South 35° 41' 10" West 280.80 feet; thence North 54° 18' 50" West 300.00 feet; thence North 35° 41' 10" East 100.00 feet to the true point of beginning.

Assessors Parcel No: 7564-019-003,001,004,Ptn 002  
7564-020-101,102,103,104,105

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**Leasehold interest in:**

That portion of Lot 100 of Los Angeles, County Assessor's Map No. 51, in the City of Rancho Palos Verdes, County of Los Angeles, State of California, recorded in Book 1 Page 1 of Assessor's Maps, in the office of the Recorder of the County of Los Angeles, State of California, described as follows:

Beginning at the Northwestern terminus of that certain curve in the proposed centerline of Paseo Del Mar 100 feet wide shown on Los Angeles County Surveyor's Map No. B1156 revised January, 1965, as having a radius of 2000.00 feet and a length of 1801.62 feet; thence Southeasterly along said curve a distance of 1175.00 feet, through a central angle of  $33^{\circ} 39' 41''$  to the Easterly line of the land described in the deed recorded in Book D 3522, Pages 577 to 580 inclusive of Maps in the Office of the County Recorder of said County; thence along said Easterly line South  $48^{\circ} 21' 12''$  West 50.20 feet to a point on the sideline of said Paseo Del Mar a radial to which bears North  $53^{\circ} 31' 22''$  East being also the true point of beginning of this description; thence continuing along said Easterly line South  $48^{\circ} 21' 12''$  West 525.68 feet; thence North  $41^{\circ} 38' 48''$  West 661.96 feet, to a point on a non-tangent curve concave Northwesterly and having a radius of 392.00 feet, a radial to said point bears South  $42^{\circ} 51' 21''$  East; thence Northeasterly along said curve through a central angle of  $18^{\circ} 12' 42''$ , a distance of 124.60 feet; thence tangent to said curve North  $28^{\circ} 55' 57''$  East 302.10 feet to the beginning of a tangent curve concave Southerly having a radius of 27.00 feet; thence Easterly and Southeasterly along said curve through a central angle of  $91^{\circ} 45' 29''$ , a distance of 43.24 feet to a point on the Southwesterly sideline of said Paseo Del Mar; thence Southeasterly along the Southwesterly sideline of said Paseo Del Mar on a curve having a radius of 1950.00 feet, concave Southwesterly, through a central angle of  $22^{\circ} 49' 56''$ , a distance of 777.07 feet to the true point of beginning.

Assessor's Parcel No: 7564-021-901 and 7564-021-902

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**EXHIBIT "B"****PERMITS AND APPROVALS CONSTITUTING DEVELOPMENT PLAN**

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## **EXHIBIT "B"**

### **OCEAN TRAILS DEVELOPMENT AGREEMENT**

#### **PERMIT AND APPROVALS CONSTITUTING THE DEVELOPMENT PLAN**

The Ocean Trails project, which consists of 75 lot single family Residential Planned Development, 4 on-site affordable units, an 18 hole public golf course with associated facilities including a clubhouse and maintenance facility, public open space, parks, trails and habitat areas, is permitted based on the following permits and approvals\*:

#### **California Coastal Commission:**

Coastal Development Permit A-5-RPV-93-005A6

#### **City of Rancho Palos Verdes:**

##### **1. Resolutions**

Resolution No. 96-72 (Addendum No. 5 to Environmental Impact Report No. 36)  
Resolution No. 96-73 (Revision "C" to Vesting Tentative Tract Map No. 50666)  
Resolution No. 96-74 (Revision "C" to Vesting Tentative Tract Map No. 50667)  
Resolution No. 96-75 (Revision "C" to Conditional Use Permit No. 162, RPD)  
Resolution No. 96-76 (Revision "C" to Conditional Use Permit No. 163, golf course)  
Resolution No. 96-75 (Revision "C" to Grading Permit No. 1541)  
Resolution No. 96-94 (Public Amenities Plan)  
P.C. Resolution No. 97-44 (Revision "D" to Conditional Use Permit No. 163)

##### **2. Plans**

Habitat Conservation Plan and Implementing Agreement (July 1996)  
Ocean Trails Site Plan (September 3, 1996)  
Vesting Tentative Tract Map No. 50666 (September 3, 1997)  
Vesting Tentative Tract Map No. 50667 (September 3, 1997)  
Master Drainage Plan (September 27, 1996)  
Parking Plan (December 19, 1996)  
Fencing Plan (December 19, 1996)  
Preliminary Landscaping Plan (July 25, 1997)  
Public Amenities Plan (October 7, 1997, as amended by the Coastal Commission)

\* These approvals only include those issued by the City of Rancho Palos Verdes and the California Coastal Commission and do not necessarily include other approvals from state or federal agencies which may have also been issued to the developer.

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EXHIBIT "C"

CONDITIONS OF APPROVAL IMPOSED ON THE PROJECT

**RESOLUTION NO. 96-72**

**A RESOLUTION OF THE CITY COUNCIL THE OF THE CITY OF RANCHO PALOS VERDES APPROVING ADDENDUM NO. 5 TO ENVIRONMENTAL IMPACT REPORT NO. 36 IN CONNECTION WITH REVISION "C" TO THE OCEAN TRAILS PROJECT FOR A 75 LOT RESIDENTIAL PLANNED DEVELOPMENT, PUBLIC OPEN SPACE, AND 18-HOLE PUBLIC GOLF COURSE WITH RELATED FACILITIES LOCATED IN COASTAL SUBREGIONS 7 AND 8**

**WHEREAS, an application package was filed by the Zuckerman Building Company and Palos Verdes Land Holdings Company requesting approval of tentative parcel maps, vesting tentative tract maps, conditional use permits, a coastal permit and a grading permit to allow the construction of a Residential Planned Development of 120 single family dwelling units and for development of an 18-hole golf course, a clubhouse and parking facilities on a 258 acre site bounded by Palos Verdes Drive South on the north, Portuguese Bend Club and Community Association on the west, the Pacific Ocean on the south and Los Angeles County Shoreline Park on the east; and,**

**WHEREAS, a Draft Environmental Impact Report (DEIR) was prepared and circulated for 45 days from June 7, 1991 through July 22, 1991 in order to receive written comments on the adequacy of the document from responsible agencies and the public; and,**

**WHEREAS, subsequent to the circulation of the Draft Environmental Impact Report and preparation of written responses, the applicant revised the scope of the project and reduced the number of proposed single family residences to 40 units in Vesting Tentative Tract Map No. 50666 and 43 in Vesting Tentative Tract Map No. 50667, and an 18 hole golf course with related facilities within the boundaries of both Vesting Tentative Tract Maps, and, due to the changes in the project, an Addendum to the Draft Environmental Impact Report (ADEIR) was prepared; and,**

**WHEREAS, based on review of the Addendum to the Draft Environmental Impact Report , the City determined that the information submitted in the AEIR cited potential additional significant environmental impacts that would be caused by the revised project, and directed preparation of a Supplemental Environmental Impact Report (SEIR). The SEIR, which incorporates information and findings set forth in the Addendum to the Draft Environmental Impact Report, was prepared and circulated for 45 days from March 19, 1992 through May 4, 1992, during which time all interested parties were notified of the circulation period and invited to present written comments to the information contained in the SEIR, in conformance with the requirements of the California Environmental Quality Act; and,**

**WHEREAS, on June 1, 1992 the City Council of the City of Rancho Palos Verdes adopted Resolution No. 92-53 certifying Environmental Impact Report No. 36, in connection with Vesting Tentative Tract Map Nos. 50666 and 50667, Tentative Parcel Map Nos. 20970 and 23004, Conditional Use Permit Nos. 162 and 163, Coastal Permit No. 103, and Grading Permit No. 1541 for an 83 lot Residential Planned Development, public open space, and an 18 hole public golf course with clubhouse and related facilities on 261.4 acres in Coastal Subregions 7 and 8; and,**

**WHEREAS, on December 7, 1992, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 92-115 approving an Addendum to Environmental Impact Report No. 36, in connection with approving Revisions to the Ocean Trails project applications described above, in order to address concerns expressed by the California Coastal Commission with regard to adequate provisions for public open space, public access and habitat preservation; and,**

**WHEREAS, on October 5, 1993, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 93-89 approving a second Addendum to Environmental Impact Report No. 36, in connection with re-approval of the Ocean Trails project applications described above, in order to comply with a Court mandate to provide affordable housing in conjunction with the project, pursuant to Government Code Section 65590; and,**

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WHEREAS, on September 6, 1994, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 94-71 approving a third Addendum to Environmental Impact Report No. 36, in connection with approval of Revision "A" to the Ocean Trails project applications described above, in order to incorporate changes to the project made by the California Coastal Commission in April 1993, and (based on additional geologic information) relocate the golf course clubhouse, reduce the number of single family lots from 83 to 75 and approve a location for the golf course maintenance facility and on-site affordable housing units; and,

WHEREAS, on March 11, 1996, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 96-15 approving the fourth Addendum to Environmental Impact Report No. 36, in connection with approval of Revision "B" to the Ocean Trails project applications described above, in order to incorporate changes to the project made by the California Coastal Commission in January 1995 regarding the relocation of the golf course clubhouse, Paseo del Mar roadway and public trails to accommodate a reconfiguration of the public parking facilities, as well as additional modifications to the public trails in order to provide clarification or to be consistent with the California Coastal Commission's approval and to include an 8.5 acre vacant property owned by the Palos Verdes Peninsula Unified School District into the golf course.

WHEREAS, on August 13, 1996, after notice issued pursuant to the provisions of the Development Code, the Planning Commission held a public hearing to consider draft Addendum No. 5 to Environmental Impact Report No. 36 and the proposed Revision "C" to the Ocean Trails project, at which time all interested parties were given an opportunity to be heard and present evidence. At the conclusion of the duly noticed public hearing, the Planning Commission adopted P.C. Resolution Nos. 96-22, 96-23, 96-24, 96-25, 96-26 and 96-27, thereby recommending approval of Addendum No. 5 to EIR No. 36 and recommending approval of the revisions to Tentative Tract Map Nos. 50666 and 50667 to the City Council, and approving revisions to Conditional Use Permit Nos. 162 and 163 and Grading Permit No. 1541; and,

WHEREAS, on August 31, 1996, copies of the Addendum No. 5 to Environmental Impact Report No. 36 were distributed to the City Council and prior to taking action on the proposed Revision "C" to the Ocean Trails project, the City Council independently reviewed and considered the information and findings contained in Addendum No. 5 to EIR No. 36 and revised Mitigation Monitoring Program, and determined that the documents were prepared in compliance with the requirements of the California Environmental Quality Act and local guidelines, with respect thereto; and,

WHEREAS, on September 3, 1996, after notice issued pursuant to the provisions of the Development Code, the City Council held a public hearing to consider draft Addendum No. 5 to Environmental Impact Report No. 36 and the proposed Revision "C" to the Ocean Trails project, at which time all interested parties were given an opportunity to be heard and present evidence.

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

Section 1: That the proposed physical changes to the project, which include 1) relocation of two single family residential lots in Vesting Tentative Tract Map No. 50667 from the end of Street "A" to the end of Street "C"; 2) revisions to the boundaries of open space Lots B, C, G and H; 3) conversion of the split-level lots in Vesting Tentative Tract Map No. 50667 to single-pad lots; 4) revisions to the golf course layout; 5) revisions to the public trail system; 6) combination of parallel trail easements; and 7) construction of a paved fire access road west of the Ocean Terraces Condominiums, will all be located in areas of the subject property which were previously identified as part of the developed portion of the project. Therefore, pursuant to Sections 15162 and 15164 of the State CEQA Guidelines, approval of Addendum No. 5 to the previously certified EIR, rather than the preparation of a subsequent or supplemental EIR, is appropriate for the consideration of the proposed revisions to the Ocean Trails project, based on the following findings:

1. That subsequent changes proposed to the project do not require important revisions to the previous EIR, since there are no new significant environmental impacts that have been identified, which were not considered in the previous EIR.

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2. That substantial changes to the project would not occur with respect to the circumstances under which the project is undertaken, which would require important revisions to the previous EIR, since there are no new significant environmental impacts that were not considered in the previous EIR.
3. That there is no new information of substantial importance to the project which indicates that the project will have one or more significant effects not discussed previously in the EIR; that significant effects previously examined will not be substantially more severe than shown in the EIR; that no mitigation measures or alternatives, previously found not to be feasible, would now in fact be feasible and would substantially reduce one or more significant effects of the project; or that no mitigation measures or alternatives which were not previously considered in the EIR, would now substantially lessen one or more significant effects of the environment.

Section 2: In addition to the proposed physical changes to the project described above in Section 1, the landowners have requested several amendments and/or clarifications to the Conditions of Approval and Mitigation Measures for the project to modify the required timing for compliance. While not significant, the proposed changes to the Mitigation Measures require re-adoption of the Mitigation Monitoring Program for the Ocean Trails Project. These proposed clarifications and/or modifications will not alter the effectiveness of the Conditions of Approval and/or Mitigation Measures, and will act, instead, to ensure that the project are better monitored and the impacts are fully mitigated. Therefore, pursuant to Sections 15162 and 15164 of the State CEQA Guidelines, approval of draft Addendum No. 5 to the previously certified EIR, rather than the preparation of a subsequent or supplemental EIR, is appropriate for the consideration of the proposed revisions to the Ocean Trails project.

Section 3: In approving Addendum No. 5 to EIR No. 36, the City Council has reviewed and considered the Addendum No. 5 document, attached hereto and made a part thereof, as Exhibit "A" and the revised Mitigation Monitoring Program, attached hereto by reference and made a part thereof, as Exhibit "B".

Section 4: The Addendum No. 5 to EIR No. 36 identifies no new potential significant adverse environmental impacts to the areas listed below, beyond those already identified in the Final EIR No. 36, and the Supplement and Addenda Nos. 1, 2, 3 and 4 to EIR No. 36, as a result of the proposed revisions to the Ocean Trails project:

1. Landform, Geology, and Soils
2. Hydrology and Drainage
3. Biological Resources
4. Cultural and Scientific Resources
5. Aesthetics
6. Land Use and Relevant Planning
7. Circulation and Traffic
8. Air Resources
9. Noise
10. Public Services and Utilities
11. Population, Employment and Housing
12. Fiscal Impacts

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**Section 5:** That implementation of the changes to the physical configuration of the project would not require additional mitigation measures or deletions/ modifications to the mitigation measures included in the Final EIR, as well as the Supplemental and Addends Nos. 1, 2, 3 and 4 to EIR No. 36. However, as discussed above in Section 2, the landowners have requested to modify the required timing for compliance. These proposed clarifications and/or modifications will not alter the effectiveness of the Conditions of Approval and/or Mitigation Measures, and will act, instead, to ensure that the project are better monitored and the impacts are fully mitigated.

**Section 6:** That, while the implementation of mitigation measures as discussed in Final EIR No. 36 and the Supplemental and Addenda EIR Nos. 1, 2, 3 and 4 to EIR 36 will further reduce these impacts, it is not possible to entirely eliminate cumulative impacts to the areas of concern listed in Section 1, above. Therefore, the Findings and Statement of Overriding Considerations, as provided in Final EIR No. 36, are hereby incorporated by reference.

**Section 7:** All findings, attachments and Statement of Overriding Considerations contained in Resolution Nos. 92-53, 92-115, 93-89, 94-71 and 96-15, as adopted by the City Council on June 1, 1992, December 7, 1992, October 5, 1993, September 6, 1994 and March 11, 1996, respectively, are hereby incorporated by reference.

**Section 8:** For the foregoing reasons and based on the information and findings contained in the Staff Report, minutes, and evidence presented at the public hearings, the City Council of the City of Rancho Palos Verdes hereby approves Addendum No. 5 to Environmental Impact Report No. 36, based on the determination that the document was completed in compliance with the requirements of the California Environmental Quality Act and State and local guidelines with respect thereto.

PASSED, APPROVED, and ADOPTED this 3rd day of September 1996.

/S/ MARILYN LYON  
MAYOR

ATTEST:

/S/ JO PURCELL  
CITY CLERK

STATE OF CALIFORNIA                    )  
COUNTY OF LOS ANGELES            )ss  
CITY OF RANCHO PALOS VERDES        )

I, Jo Purcell, City Clerk of the City of Rancho Palos Verdes, hereby certify that the above Resolution No. 96-72 was duly and regularly passed and adopted by the said City Council at a regular meeting held on September 3, 1996.

Jo Purcell, City Clerk  
City of Rancho Palos Verdes

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**Resolution No. 96-72  
Exhibit "A"**

**ADDENDUM NO. 5  
TO  
ENVIRONMENTAL IMPACT REPORT NO. 36**

The City Council has reviewed the proposed revisions to the Ocean Trails project in conjunction with the requirements of the California Environmental Quality Act (CEQA), as well as State and Local CEQA Guidelines, and find as follows:

The relocation of two single family residential lots in Vesting Tentative Tract Map No. 50667 from the end of Street "A" (Lot Nos. 34 and 35 on the previously approved plan) to the end of Street "C" (Lot Nos. 8 and 9 on the revised plan) and the revision to the golf course layout for Hole Nos. 3, 4 and 5 does not result in any new or increased impacts to the environment, since these improvements would be located in areas of the subject property that were previously identified as part of the developed and/or graded portion of the project.

The reconfiguration to the boundaries of common open space Lots B, C, G and H does not result in any new or increased impacts to the environment, since the minimum required lot sizes of these lots will be maintained and there will be no net decrease in the acreage of protected habitat.

The conversion of the split-level lots to single-pad lots in Vesting Tentative Tract Map No. 50667 and the proposed changes to the maximum building heights on some of these lots does not result in any new or increased impacts to the environment, since the views of the ocean, Catalina Island and the coastline from Palos Verdes Drive South would not be adversely impacted.

The proposed changes to the public trails in the project would not result in any new or increased impacts to the environment, since 1) the realignment of the public trail from the La Rotonda parking lot to the Bluff Top Activity Corridor would increase the safety of the public using the lateral trail connection through the golf course to the bluff top; 2) the provision to allow shared use of certain segments of the public trail for golf carts would minimize the amount of pavement in these areas, minimize conflicts caused by crossing paths and would not diminish public enjoyment of these trails; and and, 3) the combination of parallel pedestrian and bicycle trails into a single easement would not change the physical configuration of the trails once they have been constructed.

The construction of a paved fire access road on the seaward side of the Ocean Terraces Condominiums does not result in any new or increased impacts to the environment, since the paved road would improve public safety by providing all-weather access to the existing fire hydrants along the south side of the condominium complex.

The amendments to the Conditions of Approval and Mitigation Measures would not result in any new or increased impacts to the environment, since these changes will not alter the effectiveness of the Conditions of Approval and/or Mitigation Measures, and will act, instead, to ensure that the project are better monitored and the impacts are fully mitigated.

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# OCEAN TRAILS, RANCHO PALOS VERDES

## MITIGATION MONITORING AND REPORTING CHECKLIST

Mit/ Cond No.	Mitigation Measure/Condition of Approval	Monitoring and Reporting Action	Monitoring Milestone	Party Responsible for Monitoring
	<b>A. LANDFORM, GEOLOGY, AND SOILS</b>			
1.	The project proponent shall limit all grading activity to the hours between 7:00 a.m. and 7:00 p.m., Monday through Saturday, and grading shall be prohibited on Sundays and holidays.	Site Inspection	Throughout Grading Process	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
2.	The project proponent shall comply with SCAQMD rule 403 which requires watering during grading to reduce impacts associated with dust generation (see Section II, H Air Quality.)	Site Inspection	Throughout Grading Process	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
3. 97 1929840	The project proponent shall be required to obtain grading permit pursuant to city ordinance for all new construction activity. Where grading activities have the potential to reduce the viability of stream habitat or add loose soil and rocks to the drainageways, an erosion and sediment transport control plan shall be required. The plan shall identify methods to prevent sediment from leaving the construction sites. Incorporation of this plan into the project design would reduce the potential erosion, sedimentation and flood-inducing impacts of site grading to a less than significant level.	Submittal of Erosion and Sediment Control Plan	Prior to Issuance of Grading Permit	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
4.	The project proponent shall be required to perform detailed geotechnical investigations throughout Subregions 7 and 8 prior to issuance of grading permit or Recordation of the Final Map, whichever occurs first. Results of these investigations shall be used to clarify the location of the foundation line and define onsite geotechnical hazards. All geotechnical investigations shall be conducted by a qualified registered geologist.	Submittal of Geotechnical Investigation	Prior to Issuance of Grading Permit or Recordation of the Final Map, whichever occurs first.	City of Rancho Palos Verdes, Planning, Building & Code Enforcement

# OCEAN TRAILS, RANCHO PALOS VERDES

## MITIGATION MONITORING AND REPORTING CHECKLIST

5.	All habitable structures and other essential facilities shall be constructed inland of the foundation line.	Grading and Building Plan Check	Prior to Issuance of Grading and Building Permits	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
6.	The project proponent shall reduce the risk of over-watering associated with golf course, landscaped, common or public open space, by the use of monitored watering systems (watering would be done as needed rather than on a fixed schedule basis.)	Preliminary Landscape Plan Check; Final Landscape Plan Check	Prior to Issuance of Grading Permit; Prior to Recordation of Final Map	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
7.	The project proponent shall ensure that runoff from landscaping sources be collected and directed into the project storm drain system. The storm drain system shall also collect runoff from the natural drainage courses to minimize infiltration into subsoils.	Drainage Plan Check	Prior to Issuance of Grading Permit	City of Rancho Palos Verdes, Department of Public Works
8.	The project proponent shall balance cut and fill earthwork within the total project site.	Grading Plan Check	Prior to Issuance of Grading Permit	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
9.	All of the recommendations made by the project geologist, except as modified by the City Geologist, shall be incorporated into the design and construction of the project.	Grading Plan Check	Prior to Issuance of Grading Permit and Throughout Grading Process	City of Rancho Palos Verdes, Department of Public Works
10.	A limit shall be placed on the number and size of "wet type" retention basins and basin bottoms shall be lined with low permeable materials to the satisfaction of the Director of Public Works.	Grading Plan Check	Prior to Issuance of Grading Permit and Throughout Grading Process	City of Rancho Palos Verdes, Department of Public Works

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# OCEAN TRAILS, RANCHO PALOS VERDES

## MITIGATION MONITORING AND REPORTING CHECKLIST

Mit/ Cond No.	Mitigation Measure/Condition of Approval	Monitoring and Reporting Action	Monitoring Milestone	Party Responsible for Monitoring
	<b>B. HYDROLOGY AND DRAINAGE</b>			
11.	Prior to filing of the final map, the project proponent shall submit a final hydrology study to the Director of Public Works to detail adverse impacts to existing flood control facilities anticipated to be generated by the proposed project. Should the Director of Public Works determine that adverse impacts shall result, the project proponent shall be required to post a bond in an amount to be determined by the Director of Public Works, which shall be based on the project's fair share of the necessary downstream improvements.	Approval of Final Hydrology Study; posting of bonds, if required.	Prior to Filing of Final Map	City of Rancho Palos Verdes, Director of Public Works
12.  97 1929840	<p>Prior to the issuance of grading permits, or prior to recordation of a final tract map, whichever occurs first, the developer shall submit a Storm Water Pollution Prevention Plan. The post-construction portion of the Storm Water Pollution Prevention Plan shall be reviewed and approved by the Planning Commission. The Storm Water Pollution Prevention Plan shall incorporate by detail or reference appropriate post-construction Best Management Practices (BMPs) to:</p> <p>a. Implement, to the maximum extent practicable, requirements established by appropriate governmental agencies under CEQA, Section 404 of the Clean Water Act, local ordinances and other legal authorities intended to minimize impacts from storm water runoff on the biological integrity of natural drainage systems and water bodies;</p>	Approval of Storm Water Pollution Prevention Plan	Prior to Issuance of Grading Permit or recordation of Final Tract Map, whichever occurs first.	City of Rancho Palos Verdes, Department of Public Works

**OCEAN TRAILS, RANCHO PALOS VERDES  
MITIGATION MONITORING AND REPORTING CHECKLIST**

97 1929840	<p>b. Maximize, to this maximum extent practicable, the percentage of permeable surfaces to allow more percolation of storm water into the ground;</p> <p>c. Minimize, to the maximum extent practicable, the amount of storm water directed to impermeable areas;</p> <p>d. Minimize, to the maximum extent practicable, parking lot pollution through the use of appropriate BMPs such as retention, infiltration, and good housekeeping;</p> <p>e. Establish reasonable limits on the clearing of vegetation from the project site, including, but not limited to, regulation of the length of time during which soil may be exposed and, in certain sensitive cases, the prohibition of bare soil; and</p> <p>f. Provide for appropriate permanent controls to reduce storm water pollutant load produced by the development site to the maximum extent practicable.</p> <p>Further, the Storm Water Pollution Prevention Plan shall contain requirements to be adhered to during project construction. The pre-construction Storm Water Pollution Prevention Plan shall be reviewed and approved by the Director Of Public Works. These practices should:</p>			
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# OCEAN TRAILS, RANCHO PALOS VERDES

## MITIGATION MONITORING AND REPORTING CHECKLIST

Mit/ Cond No.	Mitigation Measure/Condition of Approval	Monitoring and Reporting Action	Monitoring Milestone	Party Responsible for Monitoring
97 1929840	<ul style="list-style-type: none"> <li>a. Include erosion and sediment control practices;</li> <li>b. Address multiple construction activity related pollutants;</li> <li>c. Focus on BMPs such as source minimization, education, good housekeeping, good waste management, and good site planning;</li> <li>d. Target construction areas and activities with the potential to generate significant pollutant loads;</li> <li>e. Require retention on the site, to the maximum extent practicable, of sediment, construction waste, and other pollutants from construction activity;</li> <li>f. Requires, to the maximum extent practicable, management of excavated soil on site to minimize the amount of sediment that escapes to streets, drainage facilities, or adjoining properties;</li> <li>g. Require, to the maximum extent practicable, use of structural drainage controls to minimize the escape of sediment and other pollutants from the site; and</li> <li>h. Require, to the maximum extent practicable, containment of runoff from equipment and vehicle washing at construction sites, unless treated to remove sediments and pollutants.</li> </ul>			

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# OCEAN TRAILS, RANCHO PALOS VERDES

## MITIGATION MONITORING AND REPORTING CHECKLIST

13.	The project proponent shall ensure that storm drain facilities for any development on the site be designed to convey the predicted 50-year peak flow rate with additional factors of safety to provide a 100-year level of flood protection to inhabited structures in accordance with applicable criteria set forth by the Los Angeles County Flood Control District.	Drainage Plan Check	Prior to Issuance of Grading Permit	City of Rancho Palos Verdes, Department of Public Works, or Los Angeles Co. Flood Control District
14.	In accordance with Section 1600 et. seq. of the California Fish and Game Code, the project proponent shall notify the State Department of Fish and Game and any appropriate permits obtained prior to commencement of grading or vegetation removal within the two major drainage courses crossing the site.	Proof of Notification, or Proper Permit Acquisition	Prior to Issuance of Grading Permit	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
15.	The U.S. Army Corps of Engineers shall be contacted by the project proponent prior to alteration of any drainage courses onsite to determine jurisdiction and permit requirements, if any, with respect to Section 404 of the Clean Water Act (as amended 1984.)	Proof of Notification, or Proper Permit Acquisition	Prior to Issuance of Grading Permit	City of Rancho Palos Verdes, Department of Public Works
16.	Pursuant to the National Clean Water Act, the project proponent shall obtain a National Pollutant Discharge Elimination system (NPDES) Permit from the County of Los Angeles prior to issuance of grading permit.	Grading Plan Check, Drainage Plan Check	Prior to Issuance of Grading Permit	City of Rancho Palos Verdes, Department of Public Works, or County of Los Angeles
17.	The project proponent shall construct energy dissipating structures at the storm drain outlets at the base of the bluffs to reduce flow velocities and subsequent erosion impacts to the beach. These structures will be designed to aesthetically blend with the bluffs according to the design criteria set for the in the Preliminary Drainage Study included in Appendix C.	Drainage Plan Check	Prior to Issuance of Grading Permit	City of Rancho Palos Verdes, Department of Public Works

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# OCEAN TRAILS, RANCHO PALOS VERDES

## MITIGATION MONITORING AND REPORTING CHECKLIST

Mit/ Cond No.	Mitigation Measure/Condition of Approval	Monitoring and Reporting Action	Monitoring Milestone	Party Responsible for Monitoring
18.	The proposed golf course and ancillary uses shall be subject to review by the Los Angeles County Department of Public Works, Waste Management Division.	Apply for Permit	Prior to Issuance of Grading Permit	Los Angeles County Department of Public Works, Waste Management Division
	<b>C. BIOLOGICAL RESOURCES</b>			
19.	Prior to grading, the project proponent shall submit a Habitat Conservation Plan (HCP) for subsequent review and approval of the Planning Commission. The strategy of this mitigation program will be to protect the most valuable existing resources and to utilize other strategies (replacement and enhancement) to provide additional resource value.	Approval of Habitat Conservation Plan	Prior to Issuance of Grading Permit	City of Rancho Palos Verdes Planning, Building and Code Enforcement
20.	The project proponent shall improve or create Coastal Sage Scrub habitat in areas which are immediately adjacent to the existing large area of native Coastal Sage Scrub, within the unused portions of the golf course and at appropriate locations along the top edge of the bluff, where it shall complement the Coastal Sage Scrub species which exist on the rugged bluff face. The species balance of seed mixes and container plants used for this enhancement effort shall be designed to approximate the dominant native species composition in the relatively undisturbed Coastal Sage Scrub areas.	Approval of Habitat Conservation Plan	Prior to Issuance of Grading Permit	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
21.	The project proponent shall implement enhancement plantings in the areas surrounding the preserved streambeds. For this plan, this type of enhancement area is termed a Coastal Sage Scrub/Riparian transition zone. Plant species used in this area shall be a mixture of Riparian and Coastal Sage Scrub species,	Approval of Habitat Conservation Plan	Prior to Issuance of Grading Permit	City of Rancho Palos Verdes, Planning, Building & Code Enforcement

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# OCEAN TRAILS, RANCHO PALOS VERDES

## MITIGATION MONITORING AND REPORTING CHECKLIST

	with Riparian plants dominant in and around the existing drainage and Coastal Sage Scrub species with Riparian plants dominant in and around the existing drainages and Coastal Sage Scrub species dominant on the outer edges of this zone. In these areas, which are relatively close to the bluff edge, the riparian plants shall primarily be low growing species which can tolerate mesic (moderate water) conditions. Plants shall be selected so that they do not interfere with coastal views.			
22.	The project proponent shall select a species composition in the enhancement areas which provide a potential habitat for the California gnatcatcher ( <i>Poliopitila californica</i> .)	Approval of Habitat Conservation Plan	Prior to Issuance of Grading Permit	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
23.	The landscaping emphasis in golf courses and residential transition perimeter areas for the project shall be on the use of native species designed to blend with the natural environment and complement the preserved areas. The open space areas in particular shall be designed to simulate appropriate native plant communities. The project proponent is responsible for implementing these landscaping techniques.	Approval of Habitat Conservation Plan; Approval of Preliminary Landscape Plan; Approval of Final Landscape Plans	Prior to Issuance of Grading Permit; Prior to Recordation of Final Map	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
24.	The project proponent shall ensure successful implementation of the Habitat Conservation Plan by the use of specially designed irrigation systems. Management techniques for the control of runoff shall be utilized to ensure that preserved habitats shall not be adversely affected.	Drainage and Preliminary Landscape Plan Check	Prior to Issuance of Grading Permit	City of Rancho Palos Verdes, Planning, Building & Code Enforcement

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# OCEAN TRAILS, RANCHO PALOS VERDES

## MITIGATION MONITORING AND REPORTING CHECKLIST

Mit/ Cond No.	Mitigation Measure/Condition of Approval	Monitoring and Reporting Action	Monitoring Milestone	Party Responsible for Monitoring
25.	The project proponent shall be required to preserve the lower portions of the two main drainages and the upper portion of the westernmost drainage. The precise location and acreage of the preserve area shall be determined by the Director of Planning, Building & Code Enforcement of the City of Rancho Palos Verdes upon subsequent environmental evaluation.	Approval of Proper permit acquisition.	Prior to Issuance of Grading Permit	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
26.	The project proponent shall ensure that there shall be no net loss of riparian habitat value associated with modification of the streams per Section 1600 et seq. of the California Fish and Game Code.	Proper permit acquisition.	Prior to Issuance of Grading Permit	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
27.	The project proponent shall preserve the existing coastal bluff habitats and beaches, except for the limited public accessways.	Approval of Habitat Conservation Plan	Prior to Recordation of Final Map	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
28.	A U.S. Army Corps of Engineers 404 permit shall be obtained by the project proponent, if required.	Proper Permit Acquisition	Prior to Issuance of Grading Permit	U.S. Army Corps of Engineers
29.	Any material deposited in drainage channels within the open space areas shall be removed by the project proponent prior to the completion of grading.	Site Inspection	Throughout Grading Process	City of Rancho Palos Verdes
30.	A maximum effort shall be utilized by the project proponent's earth-moving equipment operation to avoid unnecessary maneuvering in areas outside the immediate project area.	Site Inspection	Throughout Grading Process	City of Rancho Palos Verdes, Planning, Building & Code Enforcement

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## MITIGATION MONITORING AND REPORTING CHECKLIST

31.	The project proponent shall take measures to eliminate entry of sediment resulting from construction into drainage courses. Available measures include introduction of rapid-developing, soil-anchoring groundcover and strategic placement of runoff-retaining structures. These runoff-retaining structures and all remaining construction sediment and debris shall be removed at the time of project completion.	Drainage Plan Check; Preliminary Landscape Plan Check; Final Landscape Plan Check	Prior to Grading Permit Issuance; Prior to release of Grading Bonds	City of Rancho Palos Verdes, Department of Public Works, and Planning, Building & Code Enforcement
32.	The project proponent shall be required to adhere to deed restrictions which restrict brush clearance to that amount required for compliance with the mandated 100-foot brush clearance zone of the Los Angeles County Fire Department.	Building Plan Check	Prior to Issuance of Building Permits	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
33.	The project proponent shall ensure that the fuel modification zone shall be revegetated with species that comply with fuel modification guidelines and provide suitable replacement habitat for the species which currently inhabit the area.	Prior to Approval of Final Landscape Plan	Prior to Recordation of the Final Map	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
34.	The project proponent shall ensure that proposed trails on the site have specified access points and shall include interpretive trails. The signposts on the trails shall educate users about the species to be observed on the trails and their value to a balanced ecology.	Approval of Habitat Conservation Plan; Approval of Public Amenities Plan	Prior to Approval of Final Habitat Conservation Plan; Prior to Issuance of Grading Permit	City of Rancho Palos Verdes, Planning, Building & Code Enforcement

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## MITIGATION MONITORING AND REPORTING CHECKLIST

Mit/ Cond No.	Mitigation Measure/Condition of Approval	Monitoring and Reporting Action	Monitoring Milestone	Party Responsible for Monitoring
35.	<p>Prior to formulation of the final Habitat Conservation Plan and preliminary golf course design, a detailed survey of biological resources shall be conducted, and locations of important resources shall be mapped at a level of detail appropriate for final design considerations. Resources to be mapped include, but are not limited to:</p> <ul style="list-style-type: none"> <li>Coastal sage scrub habitat</li> <li>Coastal bluff scrub habitat</li> <li>California gnatcatcher nesting areas (if any)</li> <li>Cactus wren nesting areas (if any)</li> <li><i>Aphanisma blitoides</i> populations</li> <li><i>Astragalus trichopodus</i> populations</li> <li><i>Calandrinia maritima</i> populations</li> <li><i>Crossosoma californicum</i> (Mariposa Lily)</li> </ul>	Submittal of Habitat Conservation Plan and Preliminary Golf Course Design Plan	Prior to Approval of Final Habitat Conservation Plan	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
36.	The final Habitat Conservation Plan shall be prepared in concert with the preliminary golf course design, with the intent of siting the golf course areas in the least sensitive areas. This measure recognizes that some sensitive areas may nevertheless be impacted.	Golf Course Design Plan Check	Prior to Issuance of Grading Permit	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
37.	For any sensitive plant populations that are unavoidably impacted by the project, relocation/transplantation measures shall be included in the Habitat Conservation Plan, to the satisfaction of the Director of Planning, Building & Code Enforcement.	Review of Habitat Conservation Plan	Approval of Final Habitat Conservation Plan	City of Rancho Palos Verdes, Planning, Building & Code Enforcement

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# OCEAN TRAILS, RANCHO PALOS VERDES

## MITIGATION MONITORING AND REPORTING CHECKLIST

38.	<p>The Habitat Conservation Plan shall include specific design of the bluff/beach trail system, with the intent of minimizing impacts to sensitive areas as a primary consideration. The Habitat Conservation Plan shall include measures for restoration of bluff areas already impacted by trails that are not part of the designated trail system. (It shall be noted that the bluff area at the area known as "Half-way Point" is habitat for two sensitive bird species as well as coastal bluff scrub vegetation.)</p>	Review of Habitat Conservation Plan	Approval of Final Habitat Conservation Plan	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
39.	<p>Buffer designs shall be a primary consideration of the Habitat Conservation Plan. Distances between sensitive biological resources and golf/trail areas shall be maximized. Where such distances are less than 100 feet, specifically designed buffering measures shall be integrated into the golf course design and Habitat Conservation Plan. Buffer measures to be considered throughout the project area include, but not limited to:</p> <ul style="list-style-type: none"> <li>• Barrier plantings of appropriate native plants, such as cactus, wild rose, fuchsia-flowered gooseberry, etc., with species to be selected based on site conditions and regional occurrence.</li> <li>• Grading and runoff control measures to divert undesirable runoff from sensitive areas.</li> <li>• Placement of signage and out-of-bounds markers.</li> </ul>	Review of Habitat Conservation Plan	Approval of Final Habitat Conservation Plan	City of Rancho Palos Verdes, Planning, Building & Code Enforcement

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# OCEAN TRAILS, RANCHO PALOS VERDES

## MITIGATION MONITORING AND REPORTING CHECKLIST

Mit/ Cond No.	Mitigation Measure/Condition of Approval	Monitoring and Reporting Action	Monitoring Milestone	Party Responsible for Monitoring
40.	Native plantings in enhancement/restoration areas shall be planned with consideration of final site conditions. For example, areas with thin, eroded soils may be most appropriate for coastal sage scrub species, while areas with deep, well-developed soils may be most appropriate for native grassland species.	Review of Habitat Conservation Plan	Approval of Final Habitat Conservation Plan	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
41.	The project proponent shall ensure that native plants used for landscaping and especially for restoration/enhancement plantings shall be site specific and contract grown from the local gene pool to the greatest extent possible or provide documentation to the satisfaction of the Director of Planning, Building & Code Enforcement that a good faith effort was made to use the local gene pool.	Review of Habitat Conservation Plan	Approval of Final Habitat Conservation Plan	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
42.	In order to minimize the possibility of invasions of native habitats by non-native invasive plant species, no such plant species shall be used in landscape plans, fuel modification zones or buffer zones that interface with the preserved natural open space areas. As indicated below, some of these plant species may be utilized in areas that do not interface with open space areas. Any CC&Rs will provide that disposal of cuttings of these or any other ornamental plants in preserved natural open space areas is strictly prohibited. Controlled invasive species will include, but are not limited to, the following:	Review of Habitat Conservation Plan; Approval of CC&Rs	Approval of Final Habitat Conservation Plan; Prior to Recordation of the Final Map	City of Rancho Palos Verdes, Planning, Building & Code Enforcement

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# OCEAN TRAILS, RANCHO PALOS VERDES

## MITIGATION MONITORING AND REPORTING CHECKLIST

	<ul style="list-style-type: none"> <li>• Acacias (<i>Acacia</i> spp.)</li> <li>• Tree of Heaven (<i>Ailanthus altissima</i>)</li> <li>• Giant reed (<i>Arundo donax</i>)Hottentot-fig (<i>Carpobrotus edulis</i>)<sup>1</sup></li> <li>• Garland chrysanthemum (<i>Chrysanthemum coronarium</i>)<sup>1</sup></li> <li>• Pampas grass (<i>Cortaderia atacamensis</i>)<sup>1</sup></li> <li>• French broom (<i>Cytisus monspessulans</i>)</li> <li>• Scotch broom (<i>Cytisus scoparius</i>)</li> <li>• Crystal ice plant (<i>Mesembryanthemum crystallinum</i>)</li> <li>• Small-flowered ice plant (<i>Mesembryanthemum nodiflorum</i>)</li> <li>• Bermuda buttercup (<i>Oxalis pes-caprae</i>)<sup>1</sup></li> <li>• German ivy (<i>Senecio mikanooides</i>)</li> <li>• Pink periwinkle (<i>Vinca major</i>)</li> <li>• Tamarisk (<i>Tamarix</i> spp.)<sup>1</sup></li> <li>• Gorse (<i>Ulex europaeus</i>)</li> </ul>			
43.	Human intrusion into the natural open spaces (e.g., from bordering properties or from the access trails) shall be restricted/controlled through measures to be specified in the Habitat Conservation Plan.	Review of Habitat Conservation Plan	Approval of Final Habitat Conservation Plan	City of Rancho Palos Verdes, Planning, Building & Code Enforcement

<sup>1</sup> Indicates species that may not be used in any plan palettes regardless of location in the development, due to its ability to readily spread via airborne seeds, rather than vegetatively.

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## OCEAN TRAILS, RANCHO PALOS VERDES MITIGATION MONITORING AND REPORTING CHECKLIST

Mit/ Cond No.	Mitigation Measure/Condition of Approval	Monitoring and Reporting Action	Monitoring Milestone	Party Responsible for Monitoring
44.	<p>The Habitat Conservation Plan shall include the following provisions to ensure compliance with the planned enhancement and protection measures:</p> <ul style="list-style-type: none"> <li>• Identification of the parties responsible for implementation and success.</li> <li>• Description of maintenance/establishment techniques and time frames.</li> <li>• Clear language and stipulations pertaining to enforceable performance standards.</li> <li>• Provisions for routine monitoring of the mitigation efforts and reporting to local, State and federal agencies as appropriate.</li> <li>• Provisions for dedication and/or other acceptable forms of perpetual protection of preservation and enhancement areas.</li> </ul>	Review of Habitat Conservation Plan	Approval of Final Habitat Conservation Plan	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
45.	The project proponent shall be ultimately responsible for formulating and implementing the Habitat Conservation Plan. These responsibilities may be transferred to another entity, with financing and other issues to be negotiated among the project proponent, the entity accepting management responsibility, and the City. The Habitat Conservation Plan shall be reviewed and approved by the Planning Commission prior to issuance of grading permit.	Approval of Habitat Conservation Plan	Prior to Issuance of Grading Permit	City of Rancho Palos Verdes, Planning, Building & Code Enforcement

# OCEAN TRAILS, RANCHO PALOS VERDES

## MITIGATION MONITORING AND REPORTING CHECKLIST

46.	A qualified monitor shall be present at any pre-grade conference, during any mass grading operations that are in or adjacent to areas where natural vegetation is to be preserved, and periodically during construction, to ensure that sensitive resources designated for preservation are properly protected.	Site Inspection	Prior to Commencement of Grading Activities	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
47.	Grading and removal of native vegetation in designated open space areas will be limited to the minimum required for construction.	Site Inspection	Prior to Issuance of Grading Permit and throughout Grading Activity	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
48.	Storage, staging and access routes adjacent to the preserved open space areas shall be selected in consultation with the monitor prior to disturbance in these areas. Storage, staging and access routes shall be prohibited in preserved open space areas.	Site Inspection	Prior to Issuance of Grading Permit and throughout Grading Activity	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
49.	During construction, natural habitats designated for preservation that are adjacent to grading areas shall be temporarily fenced off or otherwise protected to prevent grading or storage of heavy equipment or building materials in these habitats.	Approval of Fencing Plan; Site Inspection	Prior to Approval of Fencing Plan; During Grading Activity	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
50.	Construction or entry in designated preservation areas shall be prohibited except for necessary construction related activities, such as surveying.	Site Inspection	Throughout Construction Activities	City of Rancho Palos Verdes, Planning, Building & Code Enforcement

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## OCEAN TRAILS, RANCHO PALOS VERDES MITIGATION MONITORING AND REPORTING CHECKLIST

Mit/ Cond No.	Mitigation Measure/Condition of Approval	Monitoring and Reporting Action	Monitoring Milestone	Party Responsible for Monitoring
51.	During the nesting/breeding season (February through July), the onsite biological monitor shall report to the City and the developer any nesting by birds protected by the Migratory Bird Treaty Act that is observed in areas to be cleared. Removal of observed nests shall be done only in compliance with the federal Migratory Bird Treaty Act. No grading or construction activities shall be allowed within a buffer area around the gnatcatcher nesting site determined in the Habitat Conservation Plan during the bird's nesting and dispersal periods.	Site Inspection	During Grading and Construction Activities between the months of February-July	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
52.	Hazardous material on the project site shall be controlled during construction. All hazardous materials, including engine fluids, shall be disposed of properly. Spills of hazardous materials shall be promptly and completely cleaned up.	Site Inspection	Throughout Construction Activities	Los Angeles County Fire Department
53. 97 1929840	First time home buyers shall be clearly advised in writing with a statement by the project proponent, or agents and assigns, of the implications of living adjacent to natural open space areas. This statement shall include items such as: a warning about the dangers and nuisances posed by wildlife that may forage in the development edge; and the responsibilities and benefits that are associated with living near such an area. This statement shall be written to foster an appreciation of wildlife, and to identify measures that shall be taken to minimize conflicts between wildlife, domestic animals and humans. The statement shall be reviewed and approved by the Director of Environmental Services Planning, Building & Code Enforcement prior to the issuance of building permits.	Approval of CC&Rs	Prior to Recordation of Final Tract Map and Prior to Issuance of Building Permits	City of Rancho Palos Verdes, Planning, Building & Code Enforcement

# OCEAN TRAILS, RANCHO PALOS VERDES

## MITIGATION MONITORING AND REPORTING CHECKLIST

<p>54.</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">97 1929840</p>	<p>In connection with final Grading Plan approval, the Ocean Trails Habitat Conservation Plan shall be submitted for review and approval by the Planning Commission prior to issuance of any grading permits. At a minimum, the following measures shall be components of the Ocean Trails Habitat Conservation Plan:</p> <ul style="list-style-type: none"> <li>• Preservation of all coastal bluff scrub.</li> <li>• Onsite protection and/or enhancement of existing Coastal Sage Scrub and Coastal Bluff Scrub.</li> <li>• Where Hole #10 has been eliminated, restore natural annual grassland to sage scrub.</li> <li>• Where previous Hole #8 has been eliminated, revegetate with coastal sage scrub.</li> <li>• Maximize the setback of golf course development from the coastal bluff.</li> <li>• Revegetate buffer areas adjacent to the golf course or public trails with coastal sage scrub.</li> <li>• Phase project grading and revegetation to allow for protection of gnatcatchers on the site while restoration efforts take hold.</li> <li>• Create controlled access throughout the site, especially in the coastal bluff areas.</li> </ul>	<p>Approval of Habitat Conservation Plan</p>	<p>Prior to Issuance of Grading Permit</p>	<p>City of Rancho Palos Verdes Planning, Building &amp; Code Enforcement</p>
<p>55.</p>	<p>The public trail/park/overlook system shall include provisions for interpretive signs and displays to foster public appreciation of the biological resources, and particularly the importance of protecting sensitive elements.</p>	<p>Approval of Public Amenities Plan</p>	<p>Prior to Issuance of Grading Permit</p>	<p>City of Rancho Palos Verdes, Planning, Building &amp; Code Enforcement</p>



# OCEAN TRAILS, RANCHO PALOS VERDES

## MITIGATION MONITORING AND REPORTING CHECKLIST

MIT/ Cond No.	Mitigation Measure/Condition of Approval	Monitoring and Reporting Action	Monitoring Milestone	Party Responsible for Monitoring
56.	Additional investigations, such as consultation with a plant pathologist, entomologist and agronomist, shall be conducted to increase knowledge of the cause(s) of the apparent stress and decline of the coastal sage scrub vegetation on the site. This knowledge shall be considered during the formulation of specific coastal sage scrub enhancement and replacement measures in the Habitat Conservation Plan.	Approval of Habitat Conservation Plan	Prior to Issuance of Grading Permit	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
57.	To the extent feasible, all street, security and landscape lighting shall be designed and installed such that it is not directed primarily to any natural open space areas. Restrictions for privately installed lighting adjacent to open space areas shall be included in any CC&Rs. This measure will reduce potentially significant impacts due to artificial lighting of streets, yards and structures to below the level of significance.	Street Improvement Plan Check; Approval of CC&Rs; Final Landscape Plan Check; Building Plan Check	Prior to Issuance of Grading Permit; Prior to Issuance of Building Permit; Prior to Recordation of the Final Map	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
	<b>D. CULTURAL AND SCIENTIFIC RESOURCES</b>			
	<b>Archaeology</b>			
58.	The concrete bunkers and gun emplacements shall be documented through photography, drawings and archival research prior to their disturbance. A brief report of this work shall be prepared.	City or County Approval Archaeologist Supervision	Prior to the Commencement of Grading and/or Building Permits	City of Rancho Palos Verdes, Planning, Building & Code Enforcement

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## MITIGATION MONITORING AND REPORTING CHECKLIST

<p>59.</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">97 1929840</p>	<p>Archaeological test level investigations at CA-LAn-859 and CA-LAn-1522 prior to any development or development related disturbance within these areas are required. The procedures to evaluate the sites shall be conducted by a qualified (e.g. Society of Professional Archaeologists [SOPA]) and City approved Archaeologist and shall include:</p> <ul style="list-style-type: none"> <li>♦ Task I: An intensive survey, mapping and collection of surface materials to ascertain the horizontal extent of the site. This shall include surface scrapes (50 x 50 cm) in areas of dense vegetation and poor surface visibility.</li> <li>♦ Task II: Subsurface testing to determine the integrity and significance of the cultural deposits. This shall include a minimum of six 1 x 1 meter, manually excavated, units at each site, at locations determined by the results of the surface survey.</li> <li>♦ Task III: Analysis of materials recovered from test investigations.</li> <li>♦ Task IV: Report of the results of the investigations and recommendations and conclusions.</li> </ul> <p>These requirements are in keeping with standard archaeological procedures and will provide the information necessary to determine whether any additional archaeological investigations</p>	<p>City or County Approved Archaeologist Supervision</p>	<p>Prior to Issuance of Grading Permits and/or Building Activity</p>	<p>City of Rancho Palos Verdes, Planning, Building &amp; Code Enforcement</p>
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# OCEAN TRAILS, RANCHO PALOS VERDES

## MITIGATION MONITORING AND REPORTING CHECKLIST

Mit/ Cond No.	Mitigation Measure/Condition of Approval	Monitoring and Reporting Action	Monitoring Milestone	Party Responsible for Monitoring
	are required at the site. If no further work is determined necessary, then the level of testing shall be adequate to serve as mitigation for the archaeological resources. Any further recommendations of the archaeologist shall be implemented.			
60.	All material collected during the recommended mitigation projects shall be donated to a local institution that has proper facilities for creation, display, and use by interested scholars and the general public. Reports generated during the recommended projects shall receive sufficient distribution to ensure their availability to future researchers.	City of County Approved Archaeologist Supervision	Prior to Certificate of Rough Grading	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
61.	A qualified paleontologist shall be retained to monitor the site during excavation work. This paleontologist will salvage exposed fossils, and, if necessary, direct or divert grading activities to accomplish this goal.	City of County Approved Paleontologist; Site Inspection	During Grading	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
62.	In areas where fossils are abundant, full-time monitoring and salvage efforts shall be necessary.	City of County Approved Paleontologist; Site Inspection	During Grading	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
63.	To salvage microvertebrates from the terrace deposits, the collection of matrix samples for processing through fine screens is necessary. Collection of the matrix samples and processing shall be coordinated through the Los Angeles County Museum of Natural History (LACM) or another qualified facility.	City or County Approved Paleontologist Supervision	During Grading	City of Rancho Palos Verdes, Planning, Building & Code Enforcement

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## MITIGATION MONITORING AND REPORTING CHECKLIST

64.	All fossils and their contextual stratigraphic data shall be forwarded to any institution with a research interest in the materials, such as the Los Angeles County Museum of Natural History.	City or County Approved Paleontologist Supervision	Prior to Certificate of Rough Grading	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
	<b>E. AESTHETICS</b>			
65.	for approval by the Director of Planning, Building & Code Enforcement. Said plan shall include, but not be limited to, proposed plant materials, walls/fences, paths/trails, furniture and lighting. Bonds and/or agreements for all landscape improvements shall be submitted prior to approval of a final tract map or grading permit.	Preliminary Landscape Plan Check; Final Landscape Plan Check Approval	Prior to Grading Permit Issuance, Prior to Approval of Final Tract Map	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
66.	Prior to grading permit issuance, the project proponent shall submit the final landscape plan which shall be designed in a way such that no tree shall be planted in any location on a lot that could reasonably be expected to grow beyond the maximum ridgeline elevation assigned to that lot. The plan shall utilize drought-resistant plants to the maximum extent feasible. The landscape plan shall also incorporate the mitigation measures in the biological section concerning the protection of the native plants existing on the property.	Preliminary Landscape Plan Check; Final Landscape Plan Check	Prior to Grading Permit Issuance: Prior to Approval of Final Tract Map, Prior to Issuance of Building Permits	City of Rancho Palos Verdes, Planning, Building & Code Enforcement

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## MITIGATION MONITORING AND REPORTING CHECKLIST

Mit/ Cond No.	Mitigation Measure/Condition of Approval	Monitoring and Reporting Action	Monitoring Milestone	Party Responsible for Monitoring
67.	Prior to final tract map approval, the potentially adverse effects of night lighting on surrounding open space areas shall be mitigated by the project proponent by some combination of the following measures to the satisfaction of the Director of Planning, Building & Code Enforcement: 1) street lighting only at intersections; 2) low-intensity street lamps; 3) low elevation lighting poles; and 4) directing the light away from open space areas. The specific combination and degree to which any of these measures are utilized shall be dependent upon the distance of the light source from the urban edge. Use of private sources of illumination around homes shall be restricted to eliminate the use of arc lighting adjacent to open space areas.	Street Improvement Plan Check; Final Landscape Plan Check	Prior to Final Tract Map Approval	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
68.	The project proponent shall notify the Director of Planning, Building & Code Enforcement within two (2) weeks of installation of lights for inspection purposes. Said inspection shall include a determination as to whether direct or offsite illumination exists. If said conditions do exist, a condition for shielding shall be required. Within two (2) weeks of this approval, a lighting/timing schedule shall be submitted for the lights. Said schedule shall be subject to approval by the Director of Planning, Building & Code Enforcement. The schedule may be revised by the Director of Planning, Building & Code Enforcement.	Site Inspection	Prior to Issuance of Occupancy Permits	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
69.	The project proponent shall ensure that the residential areas located east of the intersection of Paseo del Mar and Palos Verdes Drive South be terraced such that structures shall not rise above the grade of Palos Verdes Drive South.	Grading Plan Check	Prior to Issuance of Grading Permits	City of Rancho Palos Verdes, Planning, Building & Code Enforcement

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# OCEAN TRAILS, RANCHO PALOS VERDES

## MITIGATION MONITORING AND REPORTING CHECKLIST

70.	The project proponent shall ensure that grading for the golf course will maintain the existing view corridors and the view from Palos Verdes Drive South.	Grading Plan Check; Site Inspection	Prior to Issuance of Grading Permit	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
71.	Prior to final tract map approval, site designs shall be submitted by the project proponent which will assure, to the satisfaction of the Director of Planning, Building & Code Enforcement, no adverse light or glare intrusion on the existing Ocean Terrace Condominiums.	Street Improvement Plan Check; Final Landscape Plan Check	Prior to Final Tract Map Approval	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
72.	Prior to final tract map approval, the project proponent shall submit construction drawings of the energy dissipators at the terminus of the storm drains which shall be designed in accordance with the recommendations of the Project Hydrology report, such that visual impacts are reduced to less than significant levels.	Drainage Plan Check	Prior to Final Tract Map Approval	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
73.	The project proponent shall not use view-obstructing plant species.	Preliminary Landscape Plan Check; Final Landscape Plan Check	Prior to Issuance of Grading Permit and Prior to Final Tract Map Approval	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
<b>F. LAND USE AND RELEVANT PLANNING</b>				
74.	Prior to issuance of grading permit or approval of final tract map, whichever occurs first, the project proponent shall submit a detailed geotechnical report to the City that clearly defines a suitable foundation line in consideration of the findings of field investigations.	Submittal of Geotechnical Investigation	Prior to Issuance of Grading Permit or Approval of Final Tract Map, Whichever Occurs First	City of Rancho Palos Verdes, Planning, Building & Code Enforcement

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## MITIGATION MONITORING AND REPORTING CHECKLIST

Mit/ Cond No.	Mitigation Measure/Condition of Approval	Monitoring and Reporting Action	Monitoring Milestone	Party Responsible for Monitoring
75.	<p>Prior to issuance of grading permit, the project proponent shall be required to submit a statement to the Director of Planning, Building &amp; Code Enforcement containing a comprehensive description of all private and public improvements associated with the project, including but not limited to:</p> <ul style="list-style-type: none"> <li>♦ The locations and types of amenities provided within existing and proposed parks.</li> <li>♦ The existing and proposed pedestrian, bicycle, and equestrian</li> </ul>	Approval of Public Amenities Plan	Prior to Issuance of Grading Permit	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
	♦ Streets and/or drives with public parking restrictions.			
76.	The project proponent shall demonstrate that the project is in compliance with the development policies for Subregions 7 and 8 contained in the Rancho Palos Verdes Coastal Specific Plan. These policies are applicable to all development within Subregions 7 and 8 and may require modification of roadways and residential lot arrangements.	Grading Plan Check and Submittal of Final Tract Map	Prior to Issuance of Grading Permit and Prior to Approval of Final Tract Map	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
	<b>G. CIRCULATION AND TRAFFIC</b>			
77.	For the intersection of Hawthorne at Palos Verdes Drive West, the project proponent shall contribute to the addition of a second westbound left turn lane which will reduce the Saturday value from 0.80 to 0.64. The project proponent shall contribute to the installation of these improvements based on a "fair share" of the	Street Improvement Plan Check	Prior to Approval of Final Map	City of Rancho Palos Verdes, Department of Public Works

# OCEAN TRAILS, RANCHO PALOS VERDES

## MITIGATION MONITORING AND REPORTING CHECKLIST

	cost. This fair share shall be allotted only to new traffic, since the need for the improvements is created by new trips, not the existing ones.			
78.	For the intersection of Western at 25th Street, the project proponent shall contribute to the addition of a second eastbound left-turn lane and a second southbound right-turn lane will reduce the ICU value from 0.92 to 0.69. The project proponent shall contribute to the installation of these improvements based on a "fair share" of the cost. This fair share shall be allotted only to new traffic, since the need for the improvements is created by new trips, not the existing ones.	Street Improvement Plan Check	Prior to Approval of Final Map	City of Rancho Palos Verdes, Department of Public Works
	<b>H. AIR RESOURCES</b>			
79.	Prior to the issuance of grading permit, the project proponent shall demonstrate to the Director of Planning, Building & Code Enforcement that dust generated by grading activities shall comply with the South Coast Air Quality Management District Rule 403 and the City Municipal Code Requirements which require watering for the control of dust.	Submittal of Dust Control Plans/Measures	Prior to Issuance of Grading Permit	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
80.	During construction, the project proponent shall ensure that all grading activities cease during periods of high winds (i.e., greater than 30 mph.) To assure compliance with this measure, grading activities are subject to periodic inspections by City staff.	Site Inspection	During Grading activities	City of Rancho Palos Verdes, Planning, Building & Code Enforcement

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<b>Mit/ Cond No.</b>	<b>Mitigation Measure/Condition of Approval</b>	<b>Monitoring and Reporting Action</b>	<b>Monitoring Milestone</b>	<b>Party Responsible for Monitoring</b>
81.	The project proponent shall ensure that all construction equipment be fitted with emission control devices and be kept in proper tune.	Site Inspection	Throughout Construction	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
82.	Prior to issuance of building permits, the project proponent shall adhere to energy conservation practices, as required by the Subdivision Map Act, Building Energy Efficiency Standards (California Energy Commission), and State and local laws, shall be incorporated into the design of the individual projects so that they have the secondary effect of limiting stationary source pollutants both on and offsite.	Building Plan Check	Prior to Issuance of Building Permits	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
83.	The project proponent and future employers of the golf course and clubhouse shall comply with all applicable rules and regulations of the SCAQMD including Rule 2202 and applicable AQMP control measures as they are implemented. <sup>2</sup>	Proof of Compliance	Ongoing	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
84.	The restaurant facilities will be subject to public health standards enforced by the City of Rancho Palos Verdes and the County of Los Angeles.	Proof of Compliance	Ongoing	City of Rancho Palos Verdes, Planning, Building & Code Enforcement and County Health Department
85.	The proposed restaurant facilities shall use all reasonably available odor control equipment, such as exhaust systems and garbage storage facilities. Evidence demonstrating odor control shall be provided to the City of Rancho Palos Verdes prior to issuance of building permits.	Clubhouse Building Plan Check	Prior to Issuance of Building Permit	City of Rancho Palos Verdes, Planning, Building & Code Enforcement

<sup>2</sup> 83-Regulation 15 was recinded by AQMD in Dec. 1995-replaced with Rule 2202

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# OCEAN TRAILS, RANCHO PALOS VERDES

## MITIGATION MONITORING AND REPORTING CHECKLIST

	<b>I. NOISE</b>			
86.	The project proponent shall ensure that project construction activities apply with applicable city noise restrictions. Construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Saturday.	Site Inspection	During Grading and During Construction	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
87.	Prior to issuing building permits, the project proponent shall submit evidence, to the satisfaction of the City, that all onsite areas shall meet applicable exterior noise standards based on the proposed land uses.	Proof of Compliance	Prior to Issuance of Building Permits	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
88.	<p>Project proponent shall provide various measures to be implemented within the project and on an areawide basis to reduce cumulative noise levels along key roadways. These measures may include:<sup>3</sup></p> <ul style="list-style-type: none"> <li>♦ Provide mass transit accommodations such as bus turnout lanes, park and ride areas and bus shelters.</li> <li>♦ Reserve a portion of the golf course parking for park and ride use on weekdays.</li> </ul>	Proof of Compliance	Prior to Approval of Final Tract Map; Prior to Issuance of Building Permits	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
89.	To reduce "band-generated" noise impacts, the project proponent shall incorporate sound control measures into clubhouse design. Design features shall include windows with STC rating of 30 or higher, in order to reduce noise levels.	Clubhouse Building Plan Check	Prior to Approval of Clubhouse Design Plan	City of Rancho Palos Verdes, Planning, Building & Code Enforcement

<sup>3</sup> 88=Rule 2202 (Mitigation Measure 83) deals with vehicular trip reduction.

## OCEAN TRAILS, RANCHO PALOS VERDES MITIGATION MONITORING AND REPORTING CHECKLIST

<b>Mit/ Cond No.</b>	<b>Mitigation Measure/Condition of Approval</b>	<b>Monitoring and Reporting Action</b>	<b>Monitoring Milestone</b>	<b>Party Responsible for Monitoring</b>
90.	Prior to approval of design plans, the project proponent shall demonstrate to the City that grill or picnic areas shall be located behind the clubhouse and oriented away from the proposed residences.	Clubhouse Building Plan Check	Prior to Approval of Clubhouse Design Plan	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
91.	The project proponent shall maximize the use of berms and landscaping to shield and attenuate noise from cars within the clubhouse parking lot. The clubhouse landscape plans shall be reviewed by the City, prior to plan approval, to ensure adherence with this measure.	Clubhouse Landscape Plan Check	Prior to Approval of Final Landscape Plan	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
92.	The project proponent shall design the clubhouse loading docks to be located away from the proposed residential areas. Loading hours shall be limited so that deliveries do not occur between midnight and 6:00 a.m.	Clubhouse Building Plan Check	Prior to Issuance of Clubhouse Building Permit	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
93.	The project proponent shall be required to comply with applicable City Noise Policies.	Site Inspection	Throughout Project Construction Activities	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
94.	The air conditioning units to be utilized by the clubhouse facility will be a model that will operate quietly and will not impact adjacent residences.	Clubhouse Building Plan Check	Prior to Issuance of Clubhouse Building Permit	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
95.	Noise insulation or attenuation devices will be implemented to reduce any noise impacts from the food service facility to less than significant levels.	Clubhouse Building Plan Check	Prior to Issuance of Clubhouse Building Permit	City of Rancho Palos Verdes, Planning, Building & Code Enforcement

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## MITIGATION MONITORING AND REPORTING CHECKLIST

Mit/ Cond No.	Mitigation Measure/Condition			
96.	The clubhouse mechanical equipment shall be located and designed so that it will not be audible at the residential land use. This includes specifications of quiet equipment, and locating the equipment away from the homes so that it is shielded by the building from the homes. It is recommended that the battery charging equipment be located away from the homes and any mechanical equipment be located on that side of the building or constructed with a parapet around the equipment so that it is shielded. To ensure compliance with this measure, the project proponent shall submit clubhouse design plans to the City for review and approval.	Clubhouse Building Plan Check	Prior to Issuance of Clubhouse Building Permit	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
	<b>J. PUBLIC SERVICES AND UTILITIES</b>			
	Electric			
97.	The project proponent shall be responsible for paying all fees associated with the project-related connections and relocations. These fees shall be collected by Southern California Edison during project construction.	Proof of Payment of Fees	"Will Serve" Letter	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
98.	The project proponent shall ensure that all electricity lines and cables be placed underground in conjunction with project.	Street Improvement Plan Check	Prior to Recordation of Final Tract Map	City of Rancho Palos Verdes, Department of Public Works

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## MITIGATION MONITORING AND REPORTING CHECKLIST

Mit/ Cond No.	Mitigation Measure/Condition of Approval	Monitoring and Reporting Action	Monitoring Milestone	Party Responsible for Monitoring
99.	The project proponent shall ensure that the site development proposed shall comply with the energy conservation requirements contained in Title 24 of the California Administration Code. Energy Conservation (Section 3.10.6) outlines energy conservation mitigation that shall be incorporated into the project design to further reduce onsite consumption of valuable energy supplies.	Review of Final Design Plans	Prior to Building Permit	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
	Gas			
100.	The project proponent shall be responsible for paying all fees associated with project related connection and relocation. These fees shall be collected by Southern California Gas Company during project construction.	Proof of Payment of Fees	Prior to Issuance of Grading and Building Permits	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
101.	Southern California Gas Company has developed several programs to increase the efficiency of energy use. A Southern California Gas Company representative shall be contacted by the project proponent during the final design phase of the project to discuss the implementation of these programs.	Review of Final Design Plans	Prior to Issuance of Grading and Building Permits	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
	Telephone			
102.	The project proponent shall be responsible for paying all fees associated with project related connection and locations. These fees will be collected by General Telephone and Electric (GTE) during project construction. In addition, all communication lines and cables shall be placed underground in conjunction with project grading.	Proof of Payment of Fees; Street Improvement Plan Check	Prior to Issuance of Grading and Building Permits	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
	Water			

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## MITIGATION MONITORING AND REPORTING CHECKLIST

103.	<p>At the time the final land division map is submitted by the project proponent for checking, plans and specifications for the water system facilities shall be submitted to the Director of Public Works for checking and approval, and shall comply with the City's standards. Approval for filing of the land division is contingent upon approval of plans and specifications mentioned above. The subdivider(s) shall also submit a labor and materials bond in addition to either:</p> <ul style="list-style-type: none"> <li>♦ An agreement and a faithful performance bond in the amount estimated by the Director of Public Works guaranteeing the installation of the water system; or</li> <li>♦ An agreement and other evidence satisfactory to the Director of Public Works indicating that the subdivider(s) has entered into a contract with the serving water utility to construct the water system, as required, and has deposited with such water utility security guaranteeing payment for the installation of the water system.</li> </ul>	Approval of Water Improvement Plan; Verification of Bond/Agreements	Approval of Final Map	City of Rancho Palos Verdes, Director of Public Works
104.	A "will serve" letter from the water purveyor to the project proponent indicating appropriate water conservation methods; a statement from the water purveyor indicating that the proposed water mains and any other required facilities shall be operated by the purveyor and that, under normal operating conditions, the system would meet the requirements for the land division, shall be filed with the Director of Public Works.	Proof of "Will Serve" Letter	Approval of Final Tract Map	City of Rancho Palos Verdes, Director of Public Works

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## MITIGATION MONITORING AND REPORTING CHECKLIST

Mit/ Cond No.	Mitigation Measure/Condition of Approval	Monitoring and Reporting Action	Monitoring Milestone	Party Responsible for Monitoring
105.	<p>The project proponent shall ensure that the following water conservation measures shall be incorporated into the proposed project (as required by state law):</p> <ul style="list-style-type: none"> <li>• Low-flush toilets and urinals;</li> <li>• Low-flush showers and faucets;</li> <li>• Insulation of hot-water lines in water recirculating systems;</li> <li>• All fixtures shall be CEC certified; and</li> <li>• Public Lavatory facilities shall be equipped with self-closing valves;</li> <li>• Reclaimed water for dust control during construction;</li> <li>• Metered irrigation and soil moisture content sensors (tensiometers) for the golf course</li> </ul>	Building Plan Check and Final Landscape Plan Check	Prior to Issuance of Building Permits; Final Landscape Plan Approval	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
106.	Native vegetation and drought tolerant species shall be used by the project proponent, to the extent possible in common open space and golf course.	Preliminary Landscape Plan Check; Final Landscape Plan Check	Prior to Issuance of Grading Permit; Prior to Approval of Final Tract Map	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
107.	Prior to the issuance of grading permits, the project applicant, in coordination with the City, shall consider the implementation of a comprehensive program to use reclaimed water for irrigation purposes for the golf course and common areas.	Preliminary Landscape Plan Check	Prior to Issuance of Grading Permit	City of Rancho Palos Verdes, Director of Public Works
	Solid Waste			
108.	The proposed residences, golf course and clubhouse shall comply with the guidelines prescribed in the City of Rancho Palos Verdes Source Reduction and Recycling Element and Household Hazardous Waste Element.	Proof of Plan Implementation by Project Proponent	Prior to Certificate of Occupancy Issuance	City of Rancho Palos Verdes, Department of Public Works

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# OCEAN TRAILS, RANCHO PALOS VERDES

## MITIGATION MONITORING AND REPORTING CHECKLIST

	<b>Fire</b>			
109.	Any vegetation considered to be a fire hazard per the Fire Department shall be removed for all uses, in compliance with Mitigation Measure #33.	Final Landscape Plan Check	Prior to Recordation of the Final Map	Los Angeles County Fire Department
110.	The project proponent shall ensure that all developed areas on the project site be served by adequately sized water system facilities which shall include fire hydrants of the size, type and location as determined by the LACFPD. The water mains shall be of sufficient size to accommodate the total domestic and fire flows required for the development, in accordance with the specifications of the LACFPD. Domestic flows required are to be determined by the LACFPD prior to issuance of building permits.	Water Improvement Plan Check	Prior to Approval of Final Tract Map; Prior to Issuance of Building Permits	Los Angeles County Fire Department
	<b>Wastewater</b>			
111.	Prior to approval of a final map, the project proponent shall submit to the Director of Public Works a written statement from the County Sanitation District approving the design of the tract with regard to the existing trunk line sewer. Said approval shall state all conditions of approval, if any.	Sanitation System Improvement Plan Check	Prior to Approval of Final Map	City of Rancho Palos Verdes, Director of Public Works
112.	Prior to issuance of building permits, the project proponent shall demonstrate to the City Engineer that payment of connection fees to the County Sanitation District (CSD) have been made. Payment of the connection fee is required prior to issuance of a permit to connect the project to surrounding CSD facilities.	Proof of Fee Payment	Prior to Issuance of Building Permits	City of Rancho Palos Verdes, Planning, Building & Code Enforcement

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# OCEAN TRAILS, RANCHO PALOS VERDES

## MITIGATION MONITORING AND REPORTING CHECKLIST

Mit/ Cond No.	Mitigation Measure/Condition of Approval	Monitoring and Reporting Action	Monitoring Milestone	Party Responsible for Monitoring
	<b>Law Enforcement Services</b>			
	No mitigation is required since the proposed project shall not result in insignificant impacts to law enforcement services	N/A	N/A	N/A
113.	<b>Schools</b>			
	Prior to the issuance of building permits, the project proponent shall demonstrate to the Director of Planning, Building & Code Enforcement that developer fees have been paid to the Palos Verdes Peninsula Unified School District.	Proof of Fee Payment	Prior to Building Permit Issuances	Project Proponent
	<b>Library Services</b>			
	No mitigation is required.	N/A	N/A	N/A
	<b>Shoreline Park</b>			
	No mitigation is required.	N/A	N/A	N/A
	<b>Cable Television</b>			
114.	Prior to grading, the existing cable television line shall either be preserved in place or relocated by the project proponent, depending on development plans.	Street Improvement Plan Check	Prior to Approval of Final Tract Map	City of Rancho Palos Verdes, Planning, Building & Code Enforcement
	<b>K. POPULATION, EMPLOYMENT AND HOUSING</b>			
	No mitigation measures required.	N/A	N/A	N/A

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**OCEAN TRAILS, RANCHO PALOS VERDES  
MITIGATION MONITORING AND REPORTING CHECKLIST**

	<b>L. FISCAL IMPACTS</b>			
	No mitigation is required since the proposed project shall generate a cash surplus for the City of Rancho Palos Verdes and the Los Angeles County Fire Protection District for every year in the 20-year projection period.	N/A	N/A	N/A

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**RESOLUTION NO. 96-73**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES APPROVING REVISIONS TO VESTING TENTATIVE TRACT MAP NO. 50666 FOR A RESIDENTIAL PLANNED DEVELOPMENT ON A 153.9 ACRE SITE WITH THIRTY-NINE (39) SINGLE FAMILY LOTS, A PUBLIC GOLF COURSE, AND PUBLIC OPEN SPACE IN CONNECTION WITH REVISION "C" TO THE OCEAN TRAILS PROJECT LOCATED IN COASTAL SUBREGIONS 7 AND 8**

**WHEREAS, an application package was filed by the Zuckerman Building Company and Palos Verdes Land Holdings Company requesting approval of tentative parcel maps, vesting tentative tract maps, conditional use permits, a coastal permit and a grading permit to allow the construction of a Residential Planned Development of 120 single family dwelling units and for development of an 18-hole golf course, a clubhouse and parking facilities on a 258 acre site bounded by Palos Verdes Drive South on the north, Portuguese Bend Club and Community Association on the west, the Pacific Ocean on the south and Los Angeles County Shoreline Park on the east; and,**

**WHEREAS, a Draft Environmental Impact Report (DEIR) was prepared and circulated for 45 days from June 7, 1991 through July 22, 1991 in order to receive written comments on the adequacy of the document from responsible agencies and the public; and,**

**WHEREAS, subsequent to the circulation of the Draft Environmental Impact Report and preparation of written responses, the applicant revised the scope of the project and reduced the number of proposed single family residences to 40 units in Vesting Tentative Tract Map No. 50666 and 43 in Vesting Tentative Tract Map No. 50667, and an 18 hole golf course with related facilities within the boundaries of both Vesting Tentative Tract Maps, and, due to the changes in the project, an Addendum to the Draft Environmental Impact Report (ADEIR) was prepared; and,**

**WHEREAS, based on review of the Addendum to the Draft Environmental Impact Report, the City determined that the information submitted in the AEIR cited potential additional significant environmental impacts that would be caused by the revised project, and directed preparation of a Supplemental Environmental Impact Report (SEIR). The SEIR, which incorporates information and findings set forth in the Addendum to the Draft Environmental Impact Report, was prepared and circulated for 45 days from March 19, 1992 through May 4, 1992, during which time all interested parties were notified of the circulation period and invited to present written comments to the information contained in the SEIR, in conformance with the requirements of the California Environmental Quality Act; and,**

**WHEREAS, on June 1, 1992, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 92-53, certifying Environmental Impact Report No. 36 and adopted Resolution Nos. 92-54, 92-55, 92-56 and 92-57, respectively approving Vesting Tentative Tract Map Nos. 50666 and 50667, Tentative Parcel Map Nos. 20970 and 23004, Conditional Use Permit Nos. 162 and 163, Coastal Permit No. 103 and Grading Permit No. 1541 for a Residential Planned Development consisting of a total of eighty-three (83) single family dwelling units, an 18 hole public golf course and public open space on 261.4 acres in Coastal Subregion Nos. 7 and 8; and,**

**WHEREAS, on August 12, 1992, after finding that an appeal of the City's approval of the project raised substantial issue, the California Coastal Commission denied Coastal Permit No. 103, directed the landowners to redesign the project to address the concerns raised by the Coastal Commission Staff and remanded the project back to the City of Rancho Palos Verdes for reconsideration; and,**

**WHEREAS, on December 7, 1992, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 92-115 approving the Addendum to Environmental Impact Report No. 36 and adopted Resolution Nos. 92-116, 92-117, 92-118 and 92-119 approving Revisions to Vesting Tentative Tract Map Nos.**

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50666 and 50667, Tentative Parcel Map Nos. 20970 and 23004, Conditional Use Permit Nos. 162 and 163, Coastal Permit No. 103, and Grading Permit No. 1541 in order to address concerns raised by the Coastal Commission with regard to adequate provisions for public open space, public access and habitat preservation; and,

WHEREAS, on April 15, 1993, the California Coastal Commission approved Coastal Development Permit No. A-5-RPV-93-5 (i.e. Coastal Permit No. 103), subject to additional conditions of approval; and,

WHEREAS, on October 5, 1993, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 93-89 approving a second Addendum to Environmental Impact Report No. 36 and adopted Resolution Nos. 93-90, 93-91, 93-92 and 93-93 respectively re-approving Vesting Tentative Tract Map Nos. 50666 and 50667, Tentative Parcel Map Nos. 20970 and 23004, Conditional Use Permit Nos. 162 and 163, and Grading Permit No. 1541 in order to comply with a Court mandate to provide affordable housing in conjunction with the project, pursuant to Government Code Section 65590; and,

WHEREAS, on November 5, 1993, the California Coastal Commission adopted revised and expanded findings in conjunction with the project; and,

WHEREAS, on September 6, 1994, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 94-71 approving a third Addendum to Environmental Impact Report No. 36 and Adopted Resolution Nos. 94-72, 94-73, 94-74, 94-75, 94-76 and 94-77, respectively, approving Revision "A" to the approved Ocean Trails project, including, but not limited to, relocation of the golf course clubhouse from the area southwest of the School District property to an area north of Half Way Point, locating the golf course maintenance facility and four (4) affordable housing units southeast of the corner of Palos Verdes Drive South and Paseo Del Mar, reducing the number of single family residential lots from eighty-three (83) to seventy-five (75) and increasing the height of the golf course clubhouse from thirty (30) feet to forty-eight (48) feet; and,

WHEREAS, on January 12, 1995, the California Coastal Commission approved Coastal Development Permit No. A-5-RPV-93-005A (i.e. Coastal Permit No. 103), thereby approving its first amendment to the permit, subject to revised conditions of approval; and,

WHEREAS, on September 27, 1995, the California Coastal Commission approved Coastal Development Permit No. A-5-RPV-93-005A (i.e. Coastal Permit No. 103), thereby approving its second amendment to the permit; and,

WHEREAS, on February 1, 1996, the California Coastal Commission approved Coastal Development Permit No. A-5-RPV-93-005A (i.e. Coastal Permit No. 103), thereby approving its third amendment to the permit; and,

WHEREAS, on March 11, 1996, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 96-15 approving a fourth Addendum to Environmental Impact Report No. 36 and Adopted Resolution Nos. 96-16, and 96-17, respectively, approving Revision "B" to the approved Ocean Trails project, including, but not limited to, modifying the approved alignment of Paseo del Mar ("A" Street/"J" Bluff Road), revising the Conditions of Approval regarding several public trails, and relocating the golf course clubhouse approximately 80 feet to the west of its previously approved location; and,

WHEREAS, on May 28, 1996, Zuckerman Building Company and Palos Verdes Land Holdings Company submitted an application package to the City of Rancho Palos Verdes requesting approval for certain revisions to the approved Ocean Trails project, including, but not limited to, relocation of two single family residential lots in Vesting Tentative Tract Map No. 50667 from the end of Street "A" to the end of Street "C", revisions to the boundaries of open space Lots B, C, G and H, conversion the split-level lots in Vesting Tentative Tract Map No. 50667 to single-level lots, revisions to the golf course layout, revisions the public trail system, combination of parallel trails easements, construction of a paved fire access road west of the Ocean Terraces

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Condominiums and amendments to several Conditions of Approval and Mitigation Measures to modify the required timing for compliance; and,

WHEREAS, on July 11, 1996, the California Coastal Commission approved Coastal Development Permit No. A-5-RPV-93-005A (i.e. Coastal Permit No. 103), thereby approving its fourth amendment to the permit, subject to revised conditions of approval; and,

WHEREAS, on August 13, 1996, after notice issued pursuant to the provisions of the Development Code, the Planning Commission held a public hearing to consider draft Addendum No. 5 to Environmental Impact Report No. 36 and the proposed Revision "C" to the Ocean Trails project, at which time all interested parties were given an opportunity to be heard and present evidence. At the conclusion of the duly noticed public hearing, the Planning Commission adopted P.C. Resolution Nos. 96-22, 96-23, 96-24, 96-25, 96-26 and 96-27, thereby recommending approval of Addendum No. 5 to EIR No. 36 and recommending approval of the revisions to Tentative Tract Map Nos. 50666 and 50667 to the City Council, and approving revisions to Conditional Use Permit Nos. 162 and 163 and Grading Permit No. 1541; and,

WHEREAS, on August 31, 1996, copies of the Addendum No. 5 to Environmental Impact Report No. 36 were distributed to the City Council and prior to taking action on the proposed Revision "C" to the Ocean Trails project, the City Council independently reviewed and considered the information and findings contained in Addendum No. 5 to EIR No. 36 and revised Mitigation Monitoring Program, and determined that the documents were prepared in compliance with the requirements of the California Environmental Quality Act and local guidelines, with respect thereto; and,

WHEREAS, on September 3, 1996, after notice issued pursuant to the provisions of the Development Code, the City Council held a public hearing to consider draft Addendum No. 5 to Environmental Impact Report No. 36 and the proposed Revision "C" to the Ocean Trails project, at which time all interested parties were given an opportunity to be heard and present evidence.

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

Section 1: In considering the proposed revisions to the project, the City Council has determined that the preparation of Addendum No. 5 to Environmental Impact Report No. 36 is appropriate, since the subsequent changes in the project will not result in any new significant environmental impacts which were not previously identified and analyzed in Environmental Impact Report No. 36, that the subsequent changes will not result in an increase in any previously identified significant environmental impacts, that the Addendum does not contain new information of substantial importance to the project and that only minor technical changes or additions are necessary to make Environmental Impact Report adequate under the provisions of the California Environmental Quality Act (CEQA).

This is so, since the revised project will result in no significant change in the impacts identified in the previous EIR. The relocation of two single family residential lots in Vesting Tentative Tract Map No. 50667 from the end of Street "A" (Lot Nos. 34 and 35 on the previously approved plan) to the end of Street "C" (Lot Nos. 8 and 9 on the revised plan) and the revision to the golf course layout for Hole Nos. 3, 4 and 5 does not result in any new or increased impacts to the environment, since these improvements would be located in areas of the subject property that were previously identified as part of the developed and/or graded portion of the project. The reconfiguration to the boundaries of common open space Lots B, C, G and H does not result in any new or increased impacts to the environment, since the minimum required lot sizes of these lots will be maintained and there will be no net decrease in the acreage of protected habitat. The conversion of the split-level lots to single-pad lots in Vesting Tentative Tract Map No. 50667 and the proposed changes to the maximum building heights on some of these lots does not result in any new or increased impacts to the environment, since the views of the ocean, Catalina Island and the coastline from Palos Verdes Drive South would not be adversely impacted.

The proposed changes to the public trails in the project would not result in any new or increased impacts to the environment, since 1) the realignment of the public trail from the La Rotonda parking lot to the Bluff Top Activity Corridor would increase the safety of the public using the lateral trail connection through the golf course to the bluff top; 2) the provision to allow shared use of certain segments of the public trail for golf carts would minimize the amount of pavement in these areas, minimize conflicts caused by crossing paths and would not diminish public enjoyment of these trails; and and, 3) the combination of parallel pedestrian and bicycle trails into a single easement would not change the physical configuration of the trails once they have been constructed. The construction of a paved fire access road on the seaward side of the Ocean Terraces Condominiums does not result in any new or increased impacts to the environment, since the paved road would improve public safety by providing all-weather access to the existing fire hydrants along the south side of the condominium complex. The amendments to the Conditions of Approval and Mitigation Measures would not result in any new or increased impacts to the environment, since these changes will not alter the effectiveness of the Conditions of Approval and/or Mitigation Measures, and will act, instead, to ensure that the project are better monitored and the impacts are fully mitigated.

Therefore, based on the review of Draft Addendum No. 5 to Environmental Impact Report No. 36 prepared in association with the proposed Revision "C" to the Ocean Trails project, as conditioned, the City Council finds that the project still mitigates, or reduces to the extent feasible, significant adverse effects to adjacent properties or the permitted uses thereof. In approving the revised project, the City Council finds that social, recreational, and other benefits of the project continue to outweigh any unavoidable adverse environmental impacts that may occur and that due to overriding benefits and considerations, any unavoidable adverse environmental impacts of the project are acceptable. Accordingly, the City Council hereby incorporates, by reference, the Final EIR No. 36, the Supplemental EIR, Addenda Nos. 1, 2, 3 and 4, and Resolution No. 92-115 (which includes, without limitation, the detailed statement of overriding considerations set forth therein).

**Section 2:** The mitigation measures contained in the revised Mitigation Monitoring Program attached as Exhibit "B" to Resolution No. 96-72 are hereby incorporated by reference into the Conditions of Approval for the revisions to Vesting Tentative Tract Map No. 50666.

**Section 3:** That the creation of thirty-nine (39) single-family residential lots, golf course with related improvements and public open space, as conditioned, is consistent with the City's General Plan and Coastal Specific Plan.

The General Plan land use map designates almost the entire project site as Residential, with a maximum density of one dwelling unit per acre, and designates the coastal bluffs as hazard areas. The General Plan provides for additional commercial recreational uses within the City as appropriate to a particular location, including golf, equestrian, tennis and other recreational activities, and designates the City's entire coastal area as a specific plan district.

The Coastal Specific Plan land use map shows the following general uses for the project site: (a) Residential (with a maximum density of one dwelling unit per acre) for the vast majority of the property, (b) Hazard areas along the bluffs and in the westerly natural drainage course, (c) a floating Retail Commercial area, and (d) Recreational parking. The text of the Coastal Specific Plan expressly permits visitor-serving uses, such as a golf course, subject to satisfaction of the requirements for granting a conditional use permit under the Development Code.

With 39 residential units on approximately 39.6 acres, the density is slightly below one dwelling unit per acre and, therefore, consistent with the General Plan and Coastal Specific Plan.

**Section 4:** That the creation of thirty-nine (39) single-family residential lots, common open space, a public golf course, and public open space, as conditioned, is consistent with the City's Development Code for projects within the RS-1 zoning district under a Residential Planned Development. In addition, a minimum of

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30 percent of the site will be maintained within the residential development as common open space, exclusive of the golf course. The 39-Lot Revised Site Plan does not contemplate construction of any structures on land currently zoned as Open Space Hazard.

The majority of the subject property is zoned RS-1 (Residential Planned Development) with the bluff face and the southwesterly natural drainage course (commonly known as Forrestal Canyon) being zoned as Open Space Hazard (OH). In compliance with the requirements of the OH zoning district, the applicant will not construct any permanent habitable structures on land that is zoned Open Space Hazard.

The RS-1 (RPD) zone requires a conditional use permit for any type of development (§ 17.06.050) and expressly permits single-family residential development and any other uses permitted under Chapter 17.02, including conditionally-permitted uses under Chapter 17.56, such as golf courses (§ 17.06.030). Accordingly, under Chapter 17.06 and Section 17.56.020 of the Development Code, residential development and a golf course and related facilities are permissible uses, subject to a conditional use permit. The necessary findings with respect to the conditional use permits required in connection with the Residential Planned Development and golf course are contained in Resolutions Nos. 96-75 and 96-76, respectively.

Furthermore, the residential portion of the project provides in excess of thirty percent of the Residential Planned Development as common open space, which open space is sited in a manner that is accessible for viewing and access by the general public from public roads and walkways and preserves views to the coast.

Section 5: That the provision of a continuous bluff road as provided in the Coastal Specific Plan and depicted on Figure 24 of the Coastal Specific Plan is infeasible due to geologic and geotechnical constraints affecting the property and because such a road would require substantial alteration to the natural canyon area on the western portion of the property commonly known as "Forrestal Canyon". The City geologist and geotechnical engineer have each concluded that the land upon which such a road would be built has not demonstrated sufficient stability to warrant the construction of a permanent road in that location. As an alternative, the project features the realignment of Paseo Del Mar as a bluff road cul-de-sac taking access from Palos Verdes Drive South and the vacation of the central portion of Paseo del Mar. There will be no dwelling units located seaward of this bluff road.

The combination of the vacation of the central portion of Paseo del Mar, the realignment of Paseo Del Mar as a bluff road cul-de-sac taking access from Palos Verdes Drive South, and a public access easement over the clubhouse driveway and parking facilities to Forrestal Canyon, as provided in the revised applications and conditions of approval, is consistent with Coastal Specific Plan, Subregion 7, Policy No. 16 which states that "Paseo del Mar shall be improved to provide access to residential development and consideration shall be given to relocating Paseo del Mar southward or exchanging it for another access route closer to the bluff edge."

The intent of Coastal Specific Plan, Subregion 7, Policy 19 is satisfied by the provision of an 8.9 acre Bluff Top Public Access Corridor with a minimum width of one hundred (100) feet located along the bluff top between Half Way Point Park and Shoreline Park. This Bluff Top Public Access Corridor contains a public pedestrian trail along the entire length of the corridor and an off-road bicycle trail through the central portion of the site. The City Council finds that the Bluff Top Public Access Corridor is similar in average width and area to any coastal bluff road which would otherwise be constructed, if geologically feasible, pursuant to Coastal Specific Plan, Subregion 7, Policy 19.

The City Council further finds that there shall be no road seaward of the last row of dwelling units in the residential area located on the far western portion of the property because the adverse impacts of a such a road outweigh its potential benefits. A road seaward of the last row of dwelling units in this area should not be connected to the proposed bluff road because such a connection would result in substantial alteration and damage to Forrestal Canyon and the significant biological resources located therein.

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Without such a connection, the City Council finds that such a road is unnecessary to provide vehicular access to the coast and the coastal bluff, adequate vehicular access having already been provided by the bluff road cul-de-sac and public access to the clubhouse driveway and parking facilities, as described above.

**Section 6:** That the golf course and related uses are consistent with Coastal Specific Plan, Subregion 7, Policy 7 which states: "Ensure that any proposed commercial activity responds to the needs of the coastal residents and shall not be of an intensity which would purposefully generate a service area external of the coastal region." The City Council finds that the intent of the above policy is to limit traditional commercial development (such as retail and office uses) so as not to create a service area external to the coastal region and that such policy is not intended to apply to commercial recreational uses, which are encouraged by the General Plan and Coastal Specific Plan. The City Council's interpretation of this policy is consistent with other policies in the Coastal Specific Plan and with Resolution No. 82-24, which adopted Coastal Specific Plan Amendment No. 1 and specifically authorized visitor-serving uses, such as golf, in Subregion 7.

**Section 7:** That the trails plan as shown in the revised "Site Plan for Conditional Use Permit Amendment Map No. 2" (dated June 19, 1996) submitted by the applicant, including the Class I Pedestrian and Bike Trail segment in the area seaward of the western residential area, is consistent with the Coastal Specific Plan requirements relating to trails. The precise alignment of this particular trail segment varies between its description in the Coastal Specific Plan, its display on Access Corridors map in the Coastal Specific Plan (Figure 24) and its location on the Coastal Specific Plan Land Use Map.

Because of these slightly different configurations, City Council finds that these descriptions and maps in the Coastal Specific Plan are intended to provide a generalized location for this trail segment. The City Council has considered these different alignments and found that the alignment of this segment as shown in the "Site Plan for Conditional Use Permit Amendment Map No. 2" (dated June 19, 1996) provides comparable public access, minimizes incompatibility with the active public recreational uses and, when connected to the bluff road cul-de-sac via a bridge over Forrestal Canyon, provides linkage to the bluff road, bluff top areas and the remainder of the site. The City Council finds that in the absence of a road seaward of the last row of dwelling units in the western residential area (as described in Section 5 hereof), this trail segment should be located as shown in the revised "Site Plan for Conditional Use Permit Amendment Map No. 2" (date June 19, 1996).

**Section 8:** That the golf course and related uses are consistent with Coastal Specific Plan policy and Section 17.06.040.C.8 of the Development Code, which require the area seaward of corridor improvements to be improved and either dedicated or permanently maintained through deed restriction for public use. Section 17.06.040.C.6 of the Development Code permits the preservation of open space by dedication, deed restriction or other appropriate methods approved by the City. In compliance with these provisions and policies, the East and West Bluff Preserves, Half Way Point Park, Half Way Point Preserve, the Bluff Top Public Access Corridor, the Bluff Top Wildlife Corridor (located between the West Bluff Preserve and Half Way Point Park) and the public paths, trails, parking and recreational areas associated with these public open space areas will be improved by the applicants and offered to the City for dedication. Furthermore, the golf course area will be improved by the applicants and permanently maintained through deed restriction for public use. The City Council specifically finds that the deed restriction on the golf course land constitutes permanently maintained public open space. Neither the Coastal Specific Plan nor Development Code expressly prohibit active public recreational uses, or require only passive public uses, for the area seaward of the conceptual bluff road.

**Section 9:** For purposes of the Subdivision Map Act, the design of the subdivision, golf course, and the related improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat based on compliance with the City's Development Code, General Plan and Coastal Specific Plan and consideration of information contained in Draft, Supplemental, and Addenda to Environmental Impact Report No. 36.



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The City Council acknowledges that there is the difference between the term "significant impact" under CEQA and the term "substantial environmental damage" under the Subdivision Map Act. Draft EIR No. 36, Supplement to EIR No. 36, Addenda Nos. 1, 2, 3 and 4 to EIR No. 36 are required to base environmental findings on a "worst case" basis. As a result, the Final EIR and Addendum No. 1 conclude that significant impacts to biological resources remain after mitigation because of the loss of raptor foraging area and because of the temporal loss of Coastal Sage Scrub. Even with the 2:1 replacement of existing viable Coastal Sage Scrub and the other mitigation measures contained in the Final and Addendum No. 1 to EIR No. 36, the temporal loss of Coastal Sage Scrub, which serves as natural habitat for the California gnatcatcher, is considered significant due to the uncertainty that this species will be able to re-occupy the site after replacement of the Coastal Sage Scrub. These environmental findings are primarily the result of grading for the golf course, which itself has already been minimized through its links-type design. These specific findings and a corresponding statement of overriding considerations are contained in Resolution No. 92-115, which is hereby incorporated by reference.

With the mitigation measures adopted by the City pursuant to Resolution No. 92-115, and revised pursuant to Resolution No. 96-72, the project will not result in substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat under the Subdivision Map Act. However, even assuming that the project did result in substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, such damage or injury would be caused primarily by grading for the golf course. The elimination of the golf course is not feasible because it would not satisfy an important objective of the project: to provide visitor-serving public recreational uses, which objective is encouraged by policies in the Coastal Specific Plan. For this reason, this alternative or mitigation measure has been rejected by the City Council. Pursuant to Resolution No. 92-115, the City has made a finding of infeasibility with respect to elimination of the golf course.

**Section 10:** That the subject property is physically suitable to accommodate the revised Vesting Tentative Tract Map No. 50666, as conditioned, in terms of design and density.

**Section 11:** That the creation of the lots, single family residential dwelling units, golf course, public open space, and related improvements will not be materially detrimental to property values, nor will it jeopardize, endanger, or otherwise constitute a menace to the surrounding areas, since physical improvements, dedications and maintenance agreements are required.

**Section 12:** The City Council has considered the effect of the revised tract map on the housing needs of the region as set forth in the City's Housing Element, and balanced these needs against the public service needs of its residents and against available fiscal and environmental resources, and finds that the revised tract map helps to achieve those housing needs without unreasonably burdening the public service needs of existing residents and available fiscal and environmental resources.

**Section 13:** The City Council has considered the requirements of Government Code Section 65590, which requires new housing developments located in the coastal zone to provide, where feasible, housing units for persons and families of low or moderate incomes, as defined in Section 50093 of the Health and Safety Code. The Government Code further requires that where it is not feasible to provide these housing units in a proposed new housing development, the local government shall require the developer to provide such housing, if feasible to do so, at another location within the City, either within the coastal zone or within three miles thereof.

Based on the information, analysis and findings included in Environmental Impact Report No. 36, and the subsequent conditions of approval placed on the project by the City of Rancho Palos Verdes and the California Coastal Commission, the City Council finds that the Ocean Trails project site has certain physical and environmental constraints, including geotechnical factors, topographic conditions and requirements for open space, public parks, a trails network and native habitat areas, which limit the amount of land available on-site for the construction of affordable housing units.

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In addition, based on information that was gathered by the City with regard to the average number of persons within the low to moderate income ranges that would be expected to be employed on the project site, including employees associated with the golf course and the residential lots, the City Council finds that the project will generate a need for affordable housing units.

Therefore, taking into the account the physical constraints, yet recognizing the employment generated housing needs, the City Council finds that a requirement of 10% (currently 8 units) of affordable housing (based on the final total number of buildable lots) is a feasible requirement that would satisfy the intent of Government Code Section 65590.

However, the City Council's finding is in no way intended to preclude future residents or tenants of the project site from providing additional affordable housing opportunities.

Section 14: That the division and development of the property will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights-of-way and/or easements within the tract.

Section 15: That the discharge of sewage from this land division into the public sewer system will not violate the requirements of the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).

Section 16: That the design of the residential subdivision, golf course, and associated improvements are not likely to cause serious public health problems.

Section 17: That the design of the residential subdivision, golf course, and the type of improvements associated with them, will not conflict with easements acquired by the public at large for access through or use of property within the proposed project. Further, public trail easements which are consistent with the policies of the General Plan and the Coastal Specific Plan are required as a condition of this approval.

Section 18: That the design of the revised vesting tentative tract map provides for future passive or natural heating or cooling opportunities in the subdivision to the extent feasible.

Section 19: That the revised vesting tentative tract map does not propose to divide land which is subject to a contract entered into pursuant to the California Land Conservation Act of 1965.

Section 20: That dedications required by local ordinance are shown on the tentative map and/or are set forth in the conditions of approval attached hereto in Exhibit "A".

Section 21: That the City considered the effect of approval of the residential subdivision on the housing needs of the region in which the City is situated and balanced these needs against the public service needs of its residents and available fiscal and environmental resources.

Section 22: For the foregoing reasons, and based on information and findings contained in the public record, including staff reports, minutes, records of proceedings and evidence presented at the public hearings, the City Council of the City of Rancho Palos Verdes hereby approves the revisions to Vesting Tentative Tract Map No. 50666, subject to: 1) the conditions of approval attached in Exhibit "A", which are necessary to protect the public health, safety and general welfare; 2) the approval of revisions to Vesting Tentative Tract Map No. 50667, Conditional Use Permit Nos. 162 and 163, and Grading Permit No. 1541; and, 3) approval of Addendum No. 5 to Environmental Impact Report No. 36.

PASSED, APPROVED, and ADOPTED this 3rd day of September 1996.

/S/ MARILYN LYON  
MAYOR

ATTEST:

/S/ JO PURCELL  
CITY CLERK

STATE OF CALIFORNIA                    )  
COUNTY OF LOS ANGELES            )ss  
CITY OF RANCHO PALOS VERDES        )

I, Jo Purcell, City Clerk of the City of Rancho Palos Verdes, hereby certify that the above Resolution No. 96-73 was duly and regularly passed and adopted by the said City Council at a regular meeting held on September 3, 1996.

Jo Purcell, City Clerk  
City of Rancho Palos Verdes

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**RESOLUTION NO. 96-73 EXHIBIT "A"****VESTING TENTATIVE TRACT MAP NO. 50666 - REVISION "C"****CONDITIONS OF APPROVAL****A. GENERAL**

1. Within thirty (30) days of approval of Revision "C" to the Vesting Tentative Tract Map, the developers shall submit, in writing, a statement that they have read, understand, and agree to all of the conditions of approval contained in this exhibit.
2. The City's fee for processing a Final Map shall be paid within six (6) months of approval of the Vesting Tentative Tract Map by the last responsible public agency.
3. All residential lots shall conform to the applicable minimum development standards as specified in Resolution No. 96-75 for Conditional Use Permit No. 162 and Resolution No. 96-77 for Grading Permit No. 1541.
4. The golf course and all related improvements shall conform to the applicable development standards and conditions as specified in Resolution No. 96-76 for Conditional Use Permit No. 163 and Resolution No. 96-77 for Grading Permit No. 1541, which are hereby incorporated by reference.
5. Pursuant to Development Code Section 17.67.090, this approval shall expire twenty-four (24) months from the date that the Coastal Permit associated with this Vesting Tentative Tract Map is approved by the last responsible agency, unless the Final Map has been recorded. Three extensions of up to one (1) year each, may be granted by the City Council, if requested in writing prior to expiration.
6. The developer shall supply the City with one mylar and one print of the recorded Final Map within thirty (30) days of recordation of Final Map.
7. This approval is conditioned upon the applicant entering into an agreement with the City of Rancho Palos Verdes within twenty (20) days of the date of this approval, subject to approval by the City Attorney, to indemnify and defend the City against all damages, claims, judgements, and litigation costs, including, without limitation, attorney's fees awarded to a prevailing party, arising from the approval of the project and all issues related thereto.
8. In conjunction with Vesting Tentative Tract Map No. 50667, the developer shall provide a minimum of four (4) dwelling units on-site as rental housing, which shall be affordable to very low to low income households. These units shall be provided on-site in conjunction with development of the clubhouse and/or golf course maintenance facilities. Each unit shall contain at least 850 square foot of living space and two bedrooms. A minimum of two enclosed parking spaces shall be provided for each unit. The units shall be available for rent within one year of the opening of the clubhouse. A covenant which guarantees that the affordable units shall not revert to market rate for a minimum period of thirty years shall be recorded no later than the date of recordation of the final map. Project management, including tenant selection and income monitoring, shall be provided in a manner to be approved by the City. First priority for the units shall be given to very low to low income employees of the Ocean Trails project. Second priority shall be given to persons within very low to low income levels working within four miles of the City's coastal zone. Third priority shall be given to persons within very low to low income levels, regardless of the location of employment (if employed).
9. The total number of on-site market-rate dwelling units shall be limited to one dwelling unit per buildable acre of land. However, as an incentive to the developer to provide affordable housing, the four (4) affordable dwelling units to be provided on-site, pursuant to Condition No. A.8 above, shall be allowed to exceed the one dwelling unit per buildable acre maximum. However, in no

event shall more than 79 units (both market-rate and affordable) be constructed on the total project site, which includes Vesting Tentative Tract Map Nos. 50666 and 50667.

10. In conjunction with Vesting Tentative Tract Map No. 50667, the developer shall provide a minimum of four (4) dwelling units off-site as rental housing, which shall be affordable to very low to low income households. The off-site units shall be located in the City, either within the City's coastal zone or within three miles thereof, and shall not already be designated for or used by persons or families of very low to moderate income levels. The units shall contain at least 850 square feet of habitable space and two bedrooms. The units shall be available for rent at the time when 50% of the market-rate lots are available for sale. The units shall remain affordable to very low to low income households for a period of at least thirty years after initial occupancy at the affordable rate. Project management, including tenant selection and income monitoring, shall be provided in a manner to be approved by the City. First priority for the units shall be given to very low to low income employees of the Ocean Trails project. Second priority shall be given to persons within very low to low levels working within four miles of the City's coastal zone. Third priority shall be given to persons within very low to low income levels, regardless of the location of employment (if employed).

**B. SUBDIVISION MAP ACT**

1. Prior to recordation of the Final Map, pursuant to Section 66442 of the Government Code, the subdivider shall obtain clearances from all affected departments and divisions, including a clearance from the Director of Public Works for the following items: mathematical accuracy, survey analysis, correctness of certificates and signatures, etc.

**C. COUNTY RECORDER**

1. If signatures of record or title interests appear on the Final Map, the developer shall submit a preliminary guarantee. A final guarantee will be required at the time of filing of the final map with the County Recorder. If said signatures do not appear on the final map, a preliminary title report/guarantee is needed that covers the area showing all fee owners and interest holders.
2. The account for the preliminary title report guarantee referenced in Condition C.1, shall remain open until the Final Map is filed with the County Recorder.

**D. ARCHAEOLOGY AND PALEONTOLOGY**

1. Prior to issuance of grading permits, the project archaeologist shall submit a protocol to the City for monitoring and for the discovery of archaeological resources. A qualified archaeologist shall be present during all rough grading operations to further evaluate cultural resources on the site. If archaeological resources are found, all work in the affected area shall be temporarily suspended and the resources shall be removed and preserved. All "finds" shall be immediately reported to the Director of Planning, Building and Code Enforcement. All archaeological finds shall be first offered to the City for preservation. At the completion of grading, the project archaeologist shall submit a report detailing findings, if any.
2. Prior to issuance of grading permits, the project paleontologist shall submit a protocol to the City for monitoring and for the discovery of paleontological resources. A qualified paleontologist shall be present during all rough grading operations to further evaluate pre-historic resources on the site. If paleontological resources are found, all work in the affected areas shall be temporarily suspended and the resources shall be removed and preserved. All "finds" shall be immediately reported to the Director of Environmental Resources. All paleontological finds shall be first offered to the City for preservation. At the completion of grading, the project paleontologist shall submit a report detailing findings, if any.

**E. BIOLOGY**

1. Prior to issuance of grading permits, or prior the recordation of the Final Map, whichever occurs first, the developer shall submit a Habitat Conservation Plan (HCP) for review and comment by local wildlife and habitat preservation groups, and subject to approval by the Planning Commission.
2. Prior to issuance of grading permits, the project biological monitor shall submit a protocol to the City for the monitoring of biological resources in conformance with the Habitat Conservation Plan and Environmental Impact Report No. 36. A qualified biologist shall be present during all rough grading operations to verify and ensure compliance with mitigation measures contained in Environmental Impact Report No. 36 for preservation of biological resources, and conformance with the conditions and requirements of the Habitat Conservation Plan (HCP) as described in Condition E.1 above.

**F. SEWERS**

1. Approval of this subdivision of land is contingent upon the installation, dedication and use of local main line sewer and separate house laterals to serve each lot of the land division.
2. If, because of future grading, or for other reasons, it is found that the requirements of the Plumbing Code cannot be met on certain lots, no building permit will be issued for the construction of homes on such lots.
3. Sewer easements are tentatively required, subject to review by the Director of Public Works to determine the final locations and requirements, prior to the recordation of the Final Map.
4. Prior to commencement of construction of the sewer system in each approved phase of the project, the developer shall obtain approval of the sewer improvement plans from the County Engineer Sewer Design and Maintenance Division.
5. Prior to approval of the Final Map, the developer shall submit to the Director of Planning, Building and Code Enforcement a written statement from the County Sanitation District approving the design of the tract with regard to the existing trunk line sewer. Said approval shall state all conditions of approval, if any, and shall state that the County is willing to maintain all connections to said trunk lines.
6. Prior to the recordation of the Final Map or issuance of building permits, whichever occurs first, the developer shall post a bond, cash deposit, or other City approved security to cover costs for construction of a sanitary sewer system, in an amount to be determined by the Director of Public Works.

**G. WATER**

1. There shall be filed with the Director of Public Works a "will serve" statement from the water purveyor indicating that water service can be provided to meet the demands of the proposed development. Said statement shall be required prior to recordation of the Final Map.
2. Prior to recordation of the Final Map or prior to the commencement of work on the water system serving the site, whichever occurs first, the developer must submit a labor and materials bond in an amount to be determined by the Director of Public Works in addition to either:
  - a. An agreement and a faithful performance bond in the amount estimated by the Director of Public Works and guaranteeing the installation of the water system; or

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- b. **An agreement and other evidence satisfactory to the Director of Public Works indicating that the subdivider has entered into a contract with the servicing water utility to construct the water system, as required, and has deposited with such water utility security guaranteeing payment for the installation of the water system.**
3. **A statement from the water purveyor shall be filed with the Director of Public Works indicating that the proposed water mains and any other required facilities will be operated by the purveyor, and that, under normal operating conditions, the system will meet the needs of the developed tracts. Said statement shall be required prior to recordation of the Final Map.**
4. **At the time the final subdivision improvement plans are submitted for checking, plans and specifications for the water system facilities shall be submitted to the Director of Public Works for checking and approval and shall comply with the Director of Public Works' standards. Approval for filing of the Final Map is contingent upon approval of the plans and specifications mentioned above.**
5. **All lots and golf course facilities shall be served by adequately sized water system facilities which shall include fire hydrants of the size and type and location as determined by the Los Angeles County Fire Department. The water mains shall be of sufficient size to accommodate the total domestic and fire flows required for the land division. Domestic flow requirements shall be determined by the Director of Public Works. Fire flow requirements shall be determined by the Los Angeles County Fire Department and evidence of approval by the Los Angeles County Fire Chief is required prior to recordation of the Final Map. The developer shall be responsible for installation of any fire hydrants or other improvements required by the Los Angeles County Fire Department at the time the public streets are constructed.**
6. **Framing of structures shall not begin until after the Los Angeles County Fire Department has determined that there is adequate fire fighting water and access available to the said structures pursuant to Condition G.5.**

**H. DRAINAGE**

1. **Drainage plans and necessary support documents to comply with the following requirements must be approved prior to the recordation of the Final Map or commencement of work on the drainage system within each approved phase of the project, whichever occurs first:**
  - a. **Provide drainage facilities in accordance with the Storm Water Pollution Prevention Plan to remove any flood hazard to the satisfaction of the Director of Public Works and dedicate and show easements on the Final Map.**
  - b. **Eliminate sheet overflow and ponding or elevate the floors of the buildings, with all openings in the foundation walls to be at least twelve inches above the finished pad grade.**
  - c. **Provide drainage facilities to protect the residential lots and golf course from high velocity scouring action.**
  - d. **Provide for contributory drainage from adjoining properties.**
  - e. **Redirect high flow runoff away from the natural drainage courses and retain low flows to maintain adequate soil moisture conditions.**
2. **In accordance with Section 1601 and 1602 of the California Fish and Game Code, the State Department of Fish and Game, 350 Golden Shore, Long Beach, California 90802, telephone (310) 435-7741, shall be notified a minimum of two (2) weeks prior to commencement of work within the natural drainage courses crossing the site.**

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3. The U.S. Army Corps of Engineers shall be contacted prior to alteration of any drainage courses on-site to determine jurisdiction and permit requirements, if any, with respect to Section 404 of the Clean Water Act (as amended 1984).
  4. All storm drain facilities shall be designed prior to recordation of the Final Map and constructed where feasible so as to be accepted for maintenance by the Los Angeles County Public Works Department, Flood Control Division, subject to review and approval by the Director of Public Works. All facilities not in accepted by the County shall comply with Condition H.5.
  5. The City shall form a maintenance district prior to recordation of the Final Map, consisting of the residential property owners and golf course owner(s) within the tract, to cover the maintenance costs associated with all drainage outlet structures that are not accepted for maintenance by the Los Angeles County Public Works Department Flood Control Division, that carry storm water generated by, or passing through, the residential and golf course areas on the site to the ocean. Neither the developer, nor any successor in interest, including but not limited to individual purchasers of any lot within the tract, shall object to the formation of such a maintenance district by the City. All costs associated with establishing any maintenance district shall be borne by the developer. All fees associated with such a maintenance district shall be calculated by the Director of Public Works, and shall be based on a proportionate fair share between the owner(s) of the golf course and owners of each residential property. Written notice of this condition shall be provided to purchasers of the golf course and purchasers of any individual lot within the development. This condition shall also be included in the CC & R's for the tract.
  6. All drainage swales and any other on-grade drainage facilities, including gunite, shall be of earth tone color and shall be reviewed and approved by the Director of Planning, Building and Code Enforcement prior to issuance of grading permits.
  7. Prior to the issuance of grading permits, or prior to recordation of a Final Tract Map, whichever occurs first, the developer shall submit an Storm Water Pollution Prevention Plan. The post-construction portion Storm Water Pollution Plan shall be reviewed and approved by the Planning Commission. The Storm Water Pollution Prevention Plan shall incorporate by detail or reference appropriate post-construction Best Management Practices (BMPs) to:
    - a. Implement, to the maximum extent practicable, requirements established by appropriate governmental agencies under CEQA, Section 404 of the Clean Water Act, local ordinances and other legal authorities intended to minimize impacts from storm water runoff on the biological integrity of natural drainage systems and water bodies;
    - b. Maximize to the maximum extent practicable, the percentage of permeable surfaces to allow more percolation of storm water into the ground;
    - c. Minimize, to the maximum extent practicable, the amount of storm water directed to impermeable areas;
    - d. Minimize, to the maximum extent practicable, parking lot pollution through the use of appropriate BMPs, such as retention, infiltration and good housekeeping;
    - e. Establish reasonable limits on the clearing of vegetation from the project site including, but not limited to, regulation of the length of time during which soil may be exposed and, in certain sensitive cases, the prohibition of bare soil; and
    - f. Provide for appropriate permanent controls to reduce storm water pollutant load produced by the development site to the maximum extent practicable.

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Further, the Storm Water Pollution Prevention Plan shall contain requirements to be adhered to during project construction. The pre-construction Storm Water Pollution Plan shall be reviewed and approved by the Director of Public Works. These practices should:

- a. Include erosion and sediment control practices;
- b. Address multiple construction activity related pollutants;
- c. Focus on BMPs such as source minimization, education, good housekeeping, good waste management, and good site planning;
- d. Target construction areas and activities with the potential to generate significant pollutant loads;
- e. Require retention on the site, to the maximum extent practicable, of sediment, construction waste, and other pollutants from construction activity;
- f. Require, to the maximum extent practicable, management of excavated soil on site to minimize the amount of sediment that escapes to streets, drainage facilities, or adjoining properties;
- g. Require, to the maximum extent practicable, use of structural drainage controls to minimize the escape of sediment and other pollutants from the site; and
- h. Require, to the maximum extent practicable, containment of runoff from equipment and vehicle washing at construction sites, unless treated to remove sediments and pollutants.

**I. STREETS**

- 1. Prior to recordation of the Final Map or commencement of work on the street system for the site, whichever occurs first, the developer shall post a bond, cash deposit, or other City-approved security to cover costs for the full improvements of all proposed on-site and off-site streets and related improvements, in an amount to be determined by the Director of Public Works. The bonding for said improvements may be posted in conjunction with the phasing plan as per Resolution No. 96-75 for Conditional Use Permit No. 162, Condition B.1.
- 2. The proposed on-site streets shall be dedicated for public use on the Final Map and designed to the satisfaction of the Director of Public Works. Prior to recordation of the Final Map, the developer shall submit design specifications for the on-site streets to the Director of Public Works for approval, pursuant to the following specifications:
  - a. Paseo Del Mar (between Palos Verdes Drive South and "B" Street) shall be a minimum of fifty five (55) feet in width, measured from flow line to flow line, including a ten (10) foot wide median. Parkway widths shall be a minimum of eight (8) feet on each side. The total right-of-way width shall be seventy one (71) feet. The Final Map shall reflect these standards.
  - b. "A" Street (Paseo Del Mar extension) shall be a minimum of thirty six (36) feet in width, measured from flow line to flow line. Parkway widths shall be a minimum of three (3) feet on the north side and seven (7) feet on the south side. The total right-of-way width shall be forty six (46) feet. The Final Map shall reflect these standards.
  - c. "B" Street shall be a minimum of forty (40) feet in width, measured from flow line to flow line. Parkway widths shall be a minimum of eight (8) feet on each side. The total right-of-way width shall be fifty six (56) feet. The Final Map shall reflect these standards.

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- d. "C", "D", and "E" Streets shall be thirty four (34) feet in width, measured from flow line to flow line. Parkway widths shall be a minimum of eight (8) feet along the southerly side along Streets "C", "D", and "E", and shall be a minimum of four (4) feet along the northerly side on Streets "C", "D", and "E". The total right-of-way shall be forty six (46) feet. The Final Map shall reflect these standards.
  - e. A public off-street parking area shall be provided on the southerly side of Palos Verdes Drive South, between Palos Verdes Drive South and "E" Street, west of Paseo del Mar, as part of the West Vista Park. Said parking area shall be at the same grade as Palos Verdes Drive South, shall contain a minimum of six (6) parking spaces, and one (1) parking space shall be reserved for handicapped use. The design of the off-street parking area and any time restrictions shall be submitted for review and approval by the Director of Public Works. Public parking and access to this area shall be prohibited after dusk.
  - f. On-street public parking shall be provided along "A" Street (Paseo Del Mar extension). Said on-street parking area shall contain a minimum of ninety (90) parking spaces and a minimum of five (5) parking spaces shall be reserved for handicapped use. The design of the on-street parking area shall be submitted for review and approval by the Director of Public Works.
  - g. All streets shall have a vertical type curb. The developer may request roll type curbs, subject to the review and approval of the Director of Public Works.
  - h. Handicapped access ramps which conform to all standards and specifications in Title 24 of the Uniform Building Code shall be provided at all sidewalks and at all locations where public trails intersect with streets and/or sidewalks in or adjacent to the subject development.
  - i. Cul-de-sacs shall be designed to the specifications of the Director of Public Works.
  - j. Street and traffic signs shall be placed at all intersections and/or corners as specified by the Director of Public Works, shall conform to City Standards, and shall be shown on a signage and striping plan to be attached to the street plans.
  - k. Sidewalks, where required, shall be concrete, a minimum of four (4) feet wide, and located adjacent to the curb.
  - l. All proposed streets shall be designed in substantially the same alignment as shown on Vesting Tentative Tract Map No. 50666 Amended Map No. 1, dated as revised on July 31, 1996.
3. The developer shall be responsible for the design and construction of the realignment Palos Verdes Drive South from Conqueror Drive to the eastern City limits. Plans for the realignment and reconstruction shall be submitted for review and approval by the Director of Public Works prior to issuance of grading permits or recordation of the Final Map, whichever occurs first and shall include a minimum fourteen (14) foot wide median from Conqueror Drive to Palos Verdes Drive East and a minimum of ten (10) foot wide median from Palos Verdes Drive East to La Rotonda Drive. In addition, the developer shall be responsible for the design and construction of curb and gutter and full median improvements adjacent to the Portuguese Bend Club. The construction and realignment shall also include provisions for the future signalization of the intersections at Palos Verdes Drive South and Forrester Drive and at Palos Verdes Drive South and La Rotonda Drive, including the installation of all necessary underground facilities and utilities during construction so that subsequent installation of signals at either intersection can be accomplished without requiring future road cuts.

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4. Prior to recordation of the Final Map, the project shall contribute to the installment of the following street improvements based on a "fair share" of the cost as determined by the Director of Public Works, which will be allotted only to new traffic:
    - a. Construction of a second westbound left-turn lane at the intersection of Hawthorne Boulevard and Palos Verdes Drive West.
    - b. Construction of a second eastbound left-turn lane and a second southbound right-turn lane at the intersection of Western and 25th Street, if approved by the City of Los Angeles. The developer shall be responsible for contacting the appropriate agencies in the City of Los Angeles and shall provide necessary documentation to the City of Rancho Palos Verdes Director of Public Works, including a letter of approval from the City of Los Angeles, for determination of the project's fair share of the cost for improvements to the above intersection.
  5. The developer shall be responsible for repairs to any public streets which may be damaged during development of the tract. Prior to issuance of grading permits, the developer shall post a bond, cash deposit or City-approved security, in an amount sufficient to cover the costs to repair any damage to streets and appurtenant structures as a result of this development.
  6. The developer shall pay traffic impact fees prior to recordation of the Final Map in an amount determined by the Director of Public Works upon the completion of all on-site public improvements, including, but not limited to, streets, drainage, and utility improvements.
  7. Unless already dedicated to the City, the developer shall dedicate to the City vehicular access rights to Palos Verdes Drive South and Paseo Del Mar. A note to this effect shall be placed on the Final Map.
  8. Prior to recordation of the Final Map, the developer shall post a security, bond, or cash deposit acceptable to the City in an amount to be determined by the Director of Public Works to cover the project's fair share of the cost of signalizing the intersection of Palos Verdes Drive South and Forrester Drive at Paseo Del Mar, and the intersection of Palos Verdes Drive South and La Rotonda Drive.
  9. Prior to recordation of the Final Map, access to Lots 12 and 13 over Forrester Canyon shall be provided by a pole for each lot, with a minimum width of twelve (12) feet and access shall be via a shared private driveway, with a maximum width of twenty-two (22) feet. A note to this effect shall be placed on the Final Map.
  10. Prior to recordation of the Final Map, or prior to issuance of grading permits, whichever occurs first, the developer shall process an application for vacation of the portions of the street right-of-way along Paseo del Mar which are to be developed for golf course uses, with the exception of the portion of the undeveloped Paseo del Mar right-of-way seaward of the Ocean Terraces Condominiums, which shall be retained for emergency fire access purposes, pursuant to Condition 1.11.
  11. Prior to the acceptance of the street improvements by the City, the developer shall construct an all-weather emergency fire access road in the undeveloped portion of the Paseo del Mar right-of-way in compliance with the plan reviewed and approved by the Los Angeles County Fire Department. The Director of Planning, Building and Code Enforcement shall work with the Los Angeles County Fire Department to determine the final material used for the all-weather road surface in order to discourage use of this emergency fire access road by unauthorized users (such as bicyclists, golfers and roller skaters).

J. **UTILITIES**

1. All utilities to and on the lots and golf course shall be provided underground, including cable television, telephone, electrical, gas and water. All necessary permits shall be obtained for their installation. Cable television shall connect to the nearest trunk line at the developer's expense.

K. **GEOLOGY**

1. Prior to recordation of the Final Map or prior to issuance of grading permits, whichever occurs first, a bond, cash deposit, or combination thereof, shall be posted to cover costs for any geologic hazard abatement in an amount to be determined by the Director of Public Works.
2. Prior to recordation of the Final Map or prior to issuance of grading permits whichever occurs first, a bond, cash deposit, or other City-approved security, shall be posted to cover the costs of grading in an amount to be determined by the Director of Public Works.

L. **EASEMENTS**

1. Easements shall not be granted or recorded within areas proposed to be granted, dedicated, or offered for dedication or other easements until after the Final Map is filed with the County Recorder, unless such easements are subordinated to the proposed grant or dedication. If easements are granted after the date of tentative approval, a subordination must be executed by the easement holder prior to the filing of the Final Map.
2. Prior to the recordation of the Final Map, the developer shall submit design specifications for construction of bike lanes on Palos Verdes Drive South, and pedestrian and bicycle trails within the boundaries of the project site for review and approval by the Director's of Planning, Building and Code Enforcement, Public Works, and Recreation and Parks, as well as the City's Recreation and Parks Committee.
3. All easements are subject to review by the Director of Public Works to determine the final locations and requirements.
4. **Palos Verdes Drive South On-Street Bicycle Lanes:** As part of the roadway improvements required above by Condition I.3, the developer shall construct to Conceptual Trails Plan standards, a Class II bicycle lane on both the north and south sides of Palos Verdes Drive South, along the entire length of the tract frontage on Palos Verdes Drive South. The bicycle lanes shall connect with the bicycle lane required along the Palos Verdes Drive frontage of Vesting Tentative Tract Map No. 50667. (Cross reference California Coastal Commission, Special Condition 3.A.1)
5. **Palos Verdes Drive South Off-Road Bicycle Path:** As part of the roadway improvements required above by Condition I.3, the developer shall construct to Conceptual Trails Plan standards, a Class I off-road bicycle path on the south side of Palos Verdes Drive South, along the entire length of the tract frontage. This path shall have a minimum tread width of eight (8) feet and an easy to intermediate level of difficulty. This path shall be separated as much as possible from the roadway by a grade change and/or landscaping. This bicycle path shall connect with the bicycle path required along the Palos Verdes Drive frontage of Vesting Tentative Tract Map No. 50667. (Cross reference California Coastal Commission, Special Condition 3.A.2)
6. **Palos Verdes Drive South Pedestrian Trail:** As part of the roadway improvements required above by Condition I.3, the developer shall construct to Conceptual Trails Plan standards, a pedestrian trail on the south side of Palos Verdes Drive South, between the roadway and the bicycle path described above in Condition L.5, along the entire length of the tract frontage on Palos Verdes Drive South. This trail shall have a minimum tread width of four (4) feet and an easy to intermediate level of difficulty. This trail shall be separated as much as possible from the roadway

by a grade change and/or landscaping. This pedestrian trail shall connect with the pedestrian trail required along the Palos Verdes Drive South frontage of Vesting Tentative Tract Map No. 50667. (Cross reference California Coastal Commission, Special Condition 3.A.3)

7. **West End Bicycle Path:** The developer shall construct to Conceptual Trails Plan standards an off-road bicycle path with a minimum tread width of eight (8) feet and an easy to intermediate level of difficulty beginning at the northwest corner of the tract at Palos Verdes Drive South, running south through Common Open Space Lot D to the southwest corner of Lot No. 40 and then running east through Lot B, across Forrestal Canyon, to the parking lot east of the clubhouse. The portion of the path between the northwest corner and the southwest corner of Lot No. 40 shall be combined with the pedestrian trail required in Condition L.8. The final alignment of that portion of the bicycle path located adjacent to the Portuguese Bend Club shall be at least 32 feet away from the west side property line and shall be reviewed and approved by the City Council prior to the commencement of grading in this approved phase of the project. A barrier to prevent the use of the path by motorized vehicles shall be erected at its intersection with Palos Verdes Drive South. This path shall cross Forrestal Canyon via a bridge constructed by the developer and dedicated for that purpose. The portion of this path located between the northeast corner of the West Bluff Preserve and the parking lot east of the clubhouse may be combined with the golf cart path. This path shall connect with the bicycle path required in Condition L.15. (Cross reference California Coastal Commission, Special Condition 3.A.4)
8. **West End Pedestrian Trail:** The developer shall construct to Conceptual Trails Plan standards a pedestrian trail with a minimum tread width of four (4) feet on the west side of Street "C" between Palos Verdes Drive South and the northwest corner of Lot No. 40. The trail shall then go down the fill slope that supports Street "C" via stairs to join with the bicycle path required in Condition L.7. The pedestrian trail and bicycle path shall have a combined tread of eight (8) feet from the bottom of the stairs at the northwest corner of Lot No. 40 to the southwest corner of Lot No. 40. The portion of the pedestrian trail described above shall have an easy to challenging level of difficulty. From the southwest corner of Lot No. 40, one segment of the pedestrian trail shall continue to the Portuguese Bend Overlook and the other segment shall run east through Lot B, across Forrestal Canyon, to the parking lot east of the clubhouse. That portion of the trail between the parking lot east of the clubhouse and the Portuguese Bend Overlook shall be handicapped accessible with a minimum tread width of five (5) feet. The Director of Public Works may allow a steeper trail on the handicapped accessible portion, if required by natural grade conditions, but may further condition the final design of the trail to maximize public safety. A handicapped accessible, covered rest stop shall be provided at the Portuguese Bend Overlook. The covered rest stop shall not be required to be constructed if the Coastal Commission and/or its staff concurs that the structure may be deleted. This trail shall cross Forrestal Canyon via a bridge constructed by the developer and dedicated for that purpose, as required in Condition L.7. This trail shall connect with the pedestrian trails required in Condition Nos. L.9 and L.15. The final alignment of that portion of the pedestrian trail located adjacent to the Portuguese Bend Club shall be at least 32 feet away from the west side property line and shall be reviewed and approved by the City Council prior to the commencement of grading in this approved phase of the project. (Cross reference California Coastal Commission Special Condition 3.A.5)
9. **Forrestal Canyon Fire Access and Pedestrian Trail and Bicycle Path:** The developer shall dedicate to the City of Rancho Palos Verdes and record on the Final Map, a fifteen (15) foot wide fire access easement, with pedestrian and bicycle access, within Common Open Space Lots B and C, extending from the end of Street "E", parallel to the western side of Forrestal Canyon, and terminating at the off-road bicycle path and pedestrian trails required in Condition Nos. L.7 and L.8. Within this easement, the developer shall construct to Los Angeles County Fire Department standards, an all-weather fire access road. A break-away barrier, approved by the Fire Department, to prevent the use of the trail by unauthorized motor vehicles, but which allows pedestrian and bicycle traffic to pass through, shall be installed at the entrance to the access easement at the end of Street "E". In addition, the developer shall dedicate to the City of Rancho

Palos Verdes and record on the final map two six (6) foot wide pedestrian trail easements within Common Open Space Lots B and C, which connect the terminus of Streets "D" and "C" to the fire access road described in this condition. Within these two easements, the developer shall construct to Conceptual Trails Plan standards a pedestrian path with a minimum tread width of three (3) feet and an easy to intermediate level of difficulty. This trail shall connect with the pedestrian trail required in Condition No. L.8. (Cross reference California Coastal Commission, Special Condition 3.A.10)

10. Paseo Del Mar Off-Road Bicycle Path: The developer shall construct to Conceptual Trails Plan standards a Class I off-road bicycle path with a minimum tread width of eight (8) feet and an intermediate level of difficulty beginning at the southeast intersection of Palos Verdes Drive South and Paseo Del Mar, along the east side of Paseo Del Mar and "A" Street (Paseo Del Mar extension) within Golf Course Lot No. 38 to the parking lot on the east side of the clubhouse. This path shall be separated as much as possible from the roadway by a grade change and/or landscaping. This path shall connect with the bicycle paths described in Condition L.5 and L.17. (Cross reference California Coastal Commission, Special Condition 3.A.8)
11. Paseo Del Mar Pedestrian Trail: As part of the roadway improvements required by Condition L.2, the developer shall construct to Conceptual Trails Plan standards, a four (4) foot wide pedestrian trail with an intermediate level of difficulty, beginning at the southeast intersection of Palos Verdes Drive South and Paseo Del Mar, along the east side on Paseo Del Mar and "A" Street (Paseo Del Mar extension) to the small (45 space) public parking lot east of the clubhouse. This trail shall be separated as much as possible from the roadway by a grade change and/or landscaping. This trail shall connect with the trails described in Condition L.6, L.8 and L.17. (Cross reference California Coastal Commission, Special Condition 3.A.9)
12. West Bluff Preserve Bluff Top Pedestrian Trail: The developer shall construct to Conceptual Trails Plan standards a soft-footed pedestrian trail with a minimum tread width of two (2) feet and an easy to intermediate level of difficulty beginning at the terminus of the pedestrian trail required in Condition L.8 (at the Portuguese Overlook), through West Bluff Preserve (Lot E) along the upper bluff top to the eastern boundary of Lot E and connecting with the pedestrian trail required in Condition L.13. (Cross Reference California Coastal Commission, Special Condition 3.A.15)
13. West Bluff Preserve Lateral Access Pedestrian Trail: The developer construct to Conceptual Trails Plan standards a pedestrian trail with a maximum tread width of two (2) feet and an easy to intermediate level of difficulty beginning from the pedestrian trail required in Condition L.8, within Golf Course Lot 38 and, parallel to the eastern boundary of West Bluff Preserve (Lot E), to the bluff top and connecting to the pedestrian trail required in Condition L.12. This trail may be combined with the golf cart path. (Cross reference California Coastal Commission, Special Condition No. 3.A.14)
14. La Rotonda Parking Lot Combined Bicycle Path and Pedestrian Trail: The developer shall construct to Conceptual Trails Plan standards a combined bicycle path and pedestrian trail with a minimum tread width of eight (8) feet and an easy to intermediate level of difficulty beginning at the west end of the La Rotonda Parking Lot, south through School District property and Golf Course Lot No. 38 to the Bluff Top Activity Corridor. This combined path/trail shall connect with the combined off-road bicycle path and pedestrian trail required in Condition L.17.
15. Halfway Point Park Pedestrian Loop Trail: The developer shall construct to Conceptual Trails Plan standards a combined pedestrian and handicapped accessible trail with a minimum tread width of five (5) feet and an easy level of difficulty beginning at the small (45 space) parking lot east of the clubhouse, then running around the entire boundary of Half Way Point Park (Lot H) to the large (150 space) parking lot on the west side of the clubhouse. The Director of Planning, Building and Code Enforcement may allow a steeper trail in some areas if required by natural grade conditions. This trail shall connect with the pedestrian trails required in Conditions Nos. L.16 and L.17, and the

combined pedestrian and handicapped accessible trail required in Condition L.8. (Cross Reference California Coastal Commission, Special Condition 3.A.16)

16. **Sewer Easement Pedestrian Trail:** The developer shall construct to Conceptual Trails Plan standards a pedestrian trail with a minimum tread width of four (4) feet and an easy to intermediate level of difficulty beginning at the eastern boundary of Half Way Point Park (Lot H), east along the upper edge of "Slide Scarp C" (north of Golf Hole No. 18) to the bluff edge generally in the center of Golf Course Lot No. 38. The upper portion of the trail (north of Golf Course Hole No. 18) may be used by golf carts and maintenance vehicles, and the tread width may be increased accordingly. This trail shall connect to the pedestrian trails required in Conditions L.15 and L.17. (Cross reference portions of California Coastal Commission, Special Condition 3.A.13)
17. **Bluff Top Activity Corridor Combined Bicycle Path and Pedestrian Trail:** The developer shall construct to Conceptual Trails Plan standards an off-road bicycle path and pedestrian trail with a minimum tread width of eight (8) feet and an easy to intermediate level of difficulty beginning from the eastern boundary of Half Way Point Park (Lot H), running parallel to the bluff top through the Bluff Top Public Access Corridor (Lot K) to the eastern tract boundary at La Rotonda Canyon. This combined path/trail shall connect to the combined off-road bicycle path and pedestrian trails on the west side of La Rotonda Canyon required in Condition No. L.14. (Cross California Coastal Commission, Special Condition 3.A.12)
18. **Bluff Top Activity Corridor Pedestrian Trail:** The developer shall construct to Conceptual Trails Plan standards a soft-footed pedestrian trail with a minimum tread width of two (2) feet and an easy to intermediate level of difficulty beginning from the eastern boundary of Half Way Point Park (Lot H), along the bluff top through the Bluff Top Public Access Corridor (Lot K) to the eastern tract boundary at La Rotonda Canyon. This trail shall connect to the pedestrian and handicapped trail required in Condition No. L.15 and the bluff top pedestrian trail located in Vesting Tentative Tract No. 50667 via a bridge across La Rotonda Canyon, constructed by the developer and dedicated for that purpose. (Cross Reference California Coastal Commission, Special Condition 3.A.11)
19. **Halfway Point Park Beach Access Pedestrian Trail:** The developer shall construct to Conceptual Trails Plan Standards a soft-footed pedestrian trail with a minimum tread width of four (4) feet and an easy to challenging level of difficulty beginning at the terminus of the trail required in Condition L.15 on the eastern boundary of Half Way Point Park (Lot H) and proceeding down the bluff face through the upper portion of Half Way Point Preserve (Lot F) and through the Bluff Dedication Area (Lot G) and terminating at the shoreline. This trail shall connect with the trail required in Condition L.15. (Cross reference California Coastal Commission, Special Condition 3.A.7)
20. The developer shall be responsible for the construction of all public trails specified in Conditions L.4 through L.19 and shall provide a bond, or other money surety for the construction of such public trails in an amount to be determined by the Director of Public Works. Construction of said trails shall coincide with the rough grading activity within each workable phase and shall be completed upon acceptance of all street improvements by the City. Dedication of the public trails shall occur at the time the Final Map is recorded.
21. The developer shall dedicate to the City of Rancho Palos Verdes and record on the Final Map a lateral public access easement for passive recreational use from the twenty-five (25) foot contour line seaward to the tract boundary.
22. The developer shall dedicate to the City of Rancho Palos Verdes and record on the Final Map, a public vehicular access easement, over the full width of the driveway that provides access to the clubhouse and the large (150 space) parking lot, from the terminus of Paseo Del Mar to the most westerly end of the driveway adjacent to Forrestal Canyon.

23. Where pedestrian trails or bicycle path are located within a common open space lot which is not required to be dedicated to the City of Rancho Palos Verdes or a golf course lot, the developer shall dedicate to the City of Rancho Palos Verdes and record on the Final Map an easement for public trail purposes. Bicycle path easements shall have a minimum width of twelve (12) feet and pedestrian trail easements shall have a minimum width of six (6) feet. Where pedestrian trails and bicycle paths are parallel to each other, the required easements may be combined into a single easement as follows: 1) the minimum separation between the adjacent tread widths shall be three (3) feet; 2) the combined easement shall be a minimum of eighteen (18) feet where there is a four (4) foot wide pedestrian tread width and a minimum of nineteen (19) feet where there is a five (5) foot pedestrian tread width (bicycle tread width is eight (8) feet in all cases).
24. Where pedestrian trails and/or bicycle paths are combined with golf cart paths, safety measures in addition to signage shall be explored in order to minimize conflicts between pedestrian/bicyclist and golf carts. Measures that may be required by the Director of Public Works may include, but are not limited to the addition of lane striping. If safety problems arise once the pedestrian trails, bicycle paths and golf cart paths are operational, the Planning Commission may impose additional requirements, including requiring that the pedestrian trails and/or bicycle paths not be combined with golf cart paths.

M. SURVEY MONUMENTATION

1. Prior to recordation of the Final Map, a bond, cash deposit, or combination thereof, shall be posted to cover costs to establish survey monumentation, in an amount to be determined by the Director of Public Works.
2. Within twenty-four (24) months from the date of recordation of the Final Map, the developer shall set remaining required survey monuments and center line tie points and furnish the center line tie notes to the Director of Public Works.
3. All lot corners shall be referenced with permanent survey markers in accordance with City Municipal Code. The survey markers shall be inspected and accepted by the City prior to the release of the bond referenced in Condition M.1.

N. STREET NAMES AND NUMBERING

1. Any street names and house numbering plans shall be provided to the City by the developer for approval by Director of Public Works prior to the recordation of the Final Map.

O. PARK AND OPEN SPACE DEDICATION AND MAINTENANCE

1. Prior to recordation of the Final Map, the developer shall pay to the City of Rancho Palos Verdes, dedicate land, or a combination thereof to satisfy requirements of the Quimby Act. The land value used to calculate the fee shall be determined through a M.A.I. appraisal prepared and provided to the City within 60 days of City approval of the project.
2. In order to cover the maintenance costs associated with all public parks and trails located within the tract prior to the recordation of the Final Map, the City shall either 1) form a maintenance district consisting of the residential property owners and golf course owner(s) within the tract; or 2) include such areas in a City wide assessment district; or 3) otherwise assume responsibility for the maintenance of such areas. Neither the developer nor any successors in interest, including but not limited to individual purchasers of any individual lot(s), shall object to the formation of any such maintenance district(s) by the City. All fees associated with any such maintenance district(s) shall be calculated by the Director of Public Works and shall be based on a proportionate fair share between the owner(s) of the golf course and owner of each residential property, or as otherwise deemed appropriate by the City based on the type of maintenance district formed and the



allocation of benefits. Written notice of this condition shall be provided to purchasers of the golf course and purchasers of any individual lot within the development. This condition shall also be included in the CC & R's for the tract.

3. The developer shall dedicate to the City of Rancho Palos Verdes and record on the Final Map Lots A, E, F, G, H, I and K, as public open space. Lot A (West Vista Park) shall be a minimum of 1.5 acres in size. Lot E (West Bluff Preserve) shall be a minimum of 7 acres in size. Lot F (Halfway Point Preserve) shall be a minimum of 3.3 acres in size. Lot G (Coastal Bluff Dedication) shall be a minimum of 24.4 acres in size. Lot H (Halfway Point Park) shall be a minimum of 5.1 acres in size. Lot I (Bluff Top Wildlife Corridor) shall be a minimum of 1.0 acre in size. Lot K (Bluff Top Public Access Corridor) shall be a minimum of 8.9 acres in size.
4. Prior to recordation of the Final Map, the boundary line between Lot A (West Vista Park) and Lot No. 12 shall be modified such that the boundary line is located at the toe of the slope adjacent to the north and east side of the building pad of Lot No. 12.

**P. RELATED APPLICATIONS**

1. The approval is conditioned upon compliance with all conditions of approval for Tentative Parcel Map No. 20970, Conditional Use Permit No. 162 and Grading Application No. 1541, which are incorporated herein by reference and are hereby made a part of this approval.
2. This approval is conditioned upon compliance with all mitigation measures contained in Environmental Impact Report No. 36 and the Mitigation Monitoring Program, which are incorporated herein by reference and are hereby made a part of this approval.

**Q. COASTAL ZONE RESTRICTION**

1. The Final Map shall clearly delineate and label the "Coastal Setback Zone" line as established in the City's Coastal Specific Plan. A note shall be placed on the map stating that no permanent structures (except for structures associated with public amenities or unless as allowed by another project condition of approval) shall be allowed closer than twenty-five (25) feet to the Coastal Setback Zone. This area shall be designated on the final map as a "Building/Grading Restriction" area. All residential lots shown on the Final Map shall provide for a minimum buildable area of 3,000 square feet of contiguous area, exclusive of required setbacks and any portions of the lot located seaward of the Building Grading Restriction Line, or they shall be eliminated from the Final Map.

**R. MITIGATION MONITORING PROGRAM**

1. All costs associated with implementation of the Mitigation Monitoring Program shall be the responsibility of the developer.

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**RESOLUTION NO. 96-74**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES APPROVING REVISIONS TO VESTING TENTATIVE TRACT MAP NO. 50667 FOR A RESIDENTIAL PLANNED DEVELOPMENT ON A 107.5 ACRE SITE WITH THIRTY-SIX (36) SINGLE FAMILY LOTS, A PUBLIC GOLF COURSE, AND PUBLIC OPEN SPACE IN CONNECTION WITH REVISION "C" TO THE OCEAN TRAILS PROJECT LOCATED SITE LOCATED IN COASTAL SUBREGIONS 7 AND 8**

**WHEREAS, an application package was filed by the Zuckerman Building Company and Palos Verdes Land Holdings Company requesting approval of tentative parcel maps, vesting tentative tract maps, conditional use permits, a coastal permit and a grading permit to allow the construction of a Residential Planned Development of 120 single family dwelling units and for development of an 18-hole golf course, a clubhouse and parking facilities on a 258 acre site bounded by Palos Verdes Drive South on the north, Portuguese Bend Club and Community Association on the west, the Pacific Ocean on the south and Los Angeles County Shoreline Park on the east; and,**

**WHEREAS, a Draft Environmental Impact Report (DEIR) was prepared and circulated for 45 days from June 7, 1991 through July 22, 1991 in order to receive written comments on the adequacy of the document from responsible agencies and the public; and,**

**WHEREAS, subsequent to the circulation of the Draft Environmental Impact Report and preparation of written responses, the applicant revised the scope of the project and reduced the number of proposed single family residences to 40 units in Vesting Tentative Tract Map No. 50666 and 43 in Vesting Tentative Tract Map No. 50667, and an 18 hole golf course with related facilities within the boundaries of both Vesting Tentative Tract Maps, and, due to the changes in the project, an Addendum to the Draft Environmental Impact Report (ADEIR) was prepared; and,**

**WHEREAS, based on review of the Addendum to the Draft Environmental Impact Report, the City determined that the information submitted in the AEIR cited potential additional significant environmental impacts that would be caused by the revised project, and directed preparation of a Supplemental Environmental Impact Report (SEIR). The SEIR, which incorporates information and findings set forth in the Addendum to the Draft Environmental Impact Report, was prepared and circulated for 45 days from March 19, 1992 through May 4, 1992, during which time all interested parties were notified of the circulation period and invited to present written comments to the information contained in the SEIR, in conformance with the requirements of the California Environmental Quality Act; and,**

**WHEREAS, on June 1, 1992, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 92-53, certifying Environmental Impact Report No. 36 and adopted Resolution Nos. 92-54, 92-55, 92-56 and 92-57, respectively approving Vesting Tentative Tract Map Nos. 50666 and 50667, Tentative Parcel Map Nos. 20970 and 23004, Conditional Use Permit Nos. 162 and 163, Coastal Permit No. 103 and Grading Permit No. 1541 for a Residential Planned Development consisting of a total of eighty-three (83) single family dwelling units, an 18 hole public golf course and public open space on 261.4 acres in Coastal Subregion Nos. 7 and 8; and,**

**WHEREAS, on August 12, 1992, after finding that an appeal of the City's approval of the project raised substantial issue, the California Coastal Commission denied Coastal Permit No. 103, directed the landowners to redesign the project to address the concerns raised by the Coastal Commission Staff and remanded the project back to the City of Rancho Palos Verdes for reconsideration; and,**

**WHEREAS, on December 7, 1992, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 92-115 approving the Addendum to Environmental Impact Report No. 36 and adopted Resolution Nos. 92-116, 92-117, 92-118 and 92-119 approving Revisions to Vesting Tentative Tract Map Nos. 50666 and 50667, Tentative Parcel Map Nos. 20970 and 23004, Conditional Use Permit Nos. 162 and 163, Coastal Permit No. 103, and Grading Permit No. 1541 in order to address concerns raised by the Coastal Commission with regard to adequate provisions for public open space, public access and habitat preservation; and,**

WHEREAS, on April 15, 1993, the California Coastal Commission approved Coastal Development Permit No. A-5-RPV-93-5 (i.e. Coastal Permit No. 103), subject to additional conditions of approval; and,

WHEREAS, on October 5, 1993, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 93-89 approving a second Addendum to Environmental Impact Report No. 36 and adopted Resolution Nos. 93-90, 93-91, 93-92 and 93-93 respectively re-approving Vesting Tentative Tract Map Nos. 50666 and 50667, Tentative Parcel Map Nos. 20970 and 23004, Conditional Use Permit Nos. 162 and 163, and Grading Permit No. 1541 in order to comply with a Court mandate to provide affordable housing in conjunction with the project, pursuant to Government Code Section 65590; and,

WHEREAS, on November 5, 1993, the California Coastal Commission adopted revised and expanded findings in conjunction with the project; and,

WHEREAS, on September 6, 1994, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 94-71 approving a third Addendum to Environmental Impact Report No. 36 and Adopted Resolution Nos. 94-72, 94-73, 94-74, 94-75, 94-76 and 94-77, respectively, approving Revision "A" to the approved Ocean Trails project, including, but not limited to, relocation of the golf course clubhouse from the area southwest of the School District property to an area north of Half Way Point, locating the golf course maintenance facility and four (4) affordable housing units southeast of the corner of Palos Verdes Drive South and Paseo Del Mar, reducing the number of single family residential lots from eighty-three (83) to seventy-five (75) and increasing the height of the golf course clubhouse from thirty (30) feet to forty-eight (48) feet; and,

WHEREAS, on January 12, 1995, the California Coastal Commission approved Coastal Development Permit No. A-5-RPV-93-005A (i.e. Coastal Permit No. 103), thereby approving its first amendment to the permit, subject to revised conditions of approval; and,

WHEREAS, on September 27, 1995, the California Coastal Commission approved Coastal Development Permit No. A-5-RPV-93-005A (i.e. Coastal Permit No. 103), thereby approving its second amendment to the permit; and,

WHEREAS, on February 1, 1996, the California Coastal Commission approved Coastal Development Permit No. A-5-RPV-93-005A (i.e. Coastal Permit No. 103), thereby approving its third amendment to the permit; and,

WHEREAS, on March 11, 1996, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 96-15 approving a fourth Addendum to Environmental Impact Report No. 36 and Adopted Resolution Nos. 96-16, and 96-17, respectively, approving Revision "B" to the approved Ocean Trails project, including, but not limited to, modifying the approved alignment of Paseo del Mar ("A" Street/"J" Bluff Road), revising the Conditions of Approval regarding several public trails, and relocating the golf course clubhouse approximately 80 feet to the west of its previously approved location; and,

WHEREAS, on May 28, 1996, Zuckerman Building Company and Palos Verdes Land Holdings Company submitted an application package to the City of Rancho Palos Verdes requesting approval for certain revisions to the approved Ocean Trails project, including, but not limited to, relocation of two single family residential lots in Vesting Tentative Tract Map No. 50667 from the end of Street "A" to the end of Street "C", revisions to the boundaries of open space Lots B, C, G and H, conversion the split-level lots in Vesting Tentative Tract Map No. 50667 to single-level lots, revisions to the golf course layout, revisions the public trail system, combination of parallel trails easements, construction of a paved fire access road west of the Ocean Terraces Condominiums and amendments to several Conditions of Approval and Mitigation Measures to modify the required timing for compliance; and,

WHEREAS, on July 11, 1996, the California Coastal Commission approved Coastal Development Permit No. A-5-RPV-93-005A (i.e. Coastal Permit No. 103), thereby approving its fourth amendment to the permit, subject to revised conditions of approval; and,

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WHEREAS, on August 13, 1996, after notice issued pursuant to the provisions of the Development Code, the Planning Commission held a public hearing to consider draft Addendum No. 5 to Environmental Impact Report No. 36 and the proposed Revision "C" to the Ocean Trails project, at which time all interested parties were given an opportunity to be heard and present evidence. At the conclusion of the duly noticed public hearing, the Planning Commission adopted P.C. Resolution Nos. 96-22, 96-23, 96-24, 96-25, 96-26 and 96-27, thereby recommending approval of Addendum No. 5 to EIR No. 36 and recommending approval of the revisions to Tentative Tract Map Nos. 50666 and 50667 to the City Council, and approving revisions to Conditional Use Permit Nos. 162 and 163 and Grading Permit No. 1541; and,

WHEREAS, on August 31, 1996, copies of the Addendum No. 5 to Environmental Impact Report No. 36 were distributed to the City Council and prior to taking action on the proposed Revision "C" to the Ocean Trails project, the City Council independently reviewed and considered the information and findings contained in Addendum No. 5 to EIR No. 36 and revised Mitigation Monitoring Program, and determined that the documents were prepared in compliance with the requirements of the California Environmental Quality Act and local guidelines, with respect thereto; and,

WHEREAS, on September 3, 1996, after notice issued pursuant to the provisions of the Development Code, the City Council held a public hearing to consider draft Addendum No. 5 to Environmental Impact Report No. 36 and the proposed Revision "C" to the Ocean Trails project, at which time all interested parties were given an opportunity to be heard and present evidence.

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

Section 1: In considering the proposed revisions to the project, the Planning Commission has determined that the preparation of Addendum No. 5 to Environmental Impact Report No. 36 is appropriate, since the subsequent changes in the project will not result in any new significant environmental impacts which were not previously identified and analyzed in Environmental Impact Report No. 36, that the subsequent changes will not result in an increase in any previously identified significant environmental impacts, that the Addendum does not contain new information of substantial importance to the project and that only minor technical changes or additions are necessary to make Environmental Impact Report adequate under the provisions of the California Environmental Quality Act (CEQA).

This is so, since the revised project will result in no significant change in the impacts identified in the previous EIR. The relocation of two single family residential lots in Vesting Tentative Tract Map No. 50667 from the end of Street "A" (Lot Nos. 34 and 35 on the previously approved plan) to the end of Street "C" (Lot Nos. 8 and 9 on the revised plan) and the revision to the golf course layout for Hole Nos. 3, 4 and 5 does not result in any new or increased impacts to the environment, since these improvements would be located in areas of the subject property that were previously identified as part of the developed and/or graded portion of the project. The reconfiguration to the boundaries of common open space Lots B, C, G and H does not result in any new or increased impacts to the environment, since the minimum required lot sizes of these lots will be maintained and there will be no net decrease in the acreage of protected habitat. The conversion of the split-level lots to single-pad lots in Vesting Tentative Tract Map No. 50667 and the proposed changes to the maximum building heights on some of these lots does not result in any new or increased impacts to the environment, since the views of the ocean, Catalina Island and the coastline from Palos Verdes Drive South would not be adversely impacted.

The proposed changes to the public trails in the project would not result in any new or increased impacts to the environment, since 1) the realignment of the public trail from the La Rotonda parking lot to the Bluff Top Activity Corridor would increase the safety of the public using the lateral trail connection through the golf course to the bluff top; 2) the provision to allow shared use of certain segments of the public trail for golf carts would minimize the amount of pavement in these areas, minimize conflicts caused by crossing paths and would not diminish public enjoyment of these trails; and, 3) the combination of parallel pedestrian and bicycle trails into a single easement would not change the physical configuration of the trails once they have been constructed. The construction of a paved fire access road on the seaward side of the Ocean Terraces Condominiums does not result in any new or increased impacts to the environment, since the paved road would

improve public safety by providing all-weather access to the existing fire hydrants along the south side of the condominium complex. The amendments to the Conditions of Approval and Mitigation Measures would not result in any new or increased impacts to the environment, since these changes will not alter the effectiveness of the Conditions of Approval and/or Mitigation Measures, and will act, instead, to ensure that the project are better monitored and the impacts are fully mitigated.

Therefore, based on the review of Draft Addendum No. 5 to Environmental Impact Report No. 36 prepared in association with the proposed Revision "C" to the Ocean Trails project, as conditioned, the Planning Commission finds that the project still mitigates, or reduces to the extent feasible, significant adverse effects to adjacent properties or the permitted uses thereof. In approving the revised project, the Planning Commission finds that social, recreational, and other benefits of the project continue to outweigh any unavoidable adverse environmental impacts that may occur and that due to overriding benefits and considerations, any unavoidable adverse environmental impacts of the project are acceptable. Accordingly, the Planning Commission recommends that the City Council incorporate, by reference, the Final EIR No. 36, the Supplemental EIR, Addenda Nos. 1, 2, 3 and 4, and Resolution No. 92-115 (which includes, without limitation, the detailed statement of overriding considerations set forth therein).

**Section 2:** The mitigation measures contained in the revised Mitigation Monitoring Program attached as Exhibit "B" to Resolution No. 96-72 are hereby incorporated by reference into the Conditions of Approval for the revisions to Vesting Tentative Tract Map No. 50667.

**Section 3:** That the creation of thirty-six (36) single-family residential lots, golf course with related improvements and public open space, as conditioned, is consistent with the City's General Plan and Coastal Specific Plan.

The General Plan land use map designates almost the entire project site as Residential, with a maximum density of one dwelling unit per acre, and designates the coastal bluffs as hazard areas. The General Plan provides for additional commercial recreational uses within the City as appropriate to a particular location, including golf, equestrian, tennis and other recreational activities, and designates the City's entire coastal area as a specific plan district.

The Coastal Specific Plan land use map shows the following general uses for the project site: (a) Residential (with a maximum density of one dwelling unit per acre) for the vast majority of the property, (b) Hazard areas along the bluffs, the natural drainage course and in certain portions north of Paseo del Mar with extreme slopes (greater than 35% in steepness), (c) a floating Retail Commercial area, and (d) Recreational parking. The text of the Coastal Specific Plan expressly permits visitor-serving uses, such as a golf course, subject to satisfaction of the requirements for granting a conditional use permit under the Development Code.

With 36 residential units on approximately 37.6 acres, the density is slightly below one dwelling unit per acre and, therefore, consistent with the General Plan and Coastal Specific Plan.

**Section 4:** That the creation of thirty-six (36) single-family residential lots, common open space, a public golf course, and public open space, as conditioned, is consistent with the City's Development Code for projects within the RS-1 zoning district under a Residential Planned Development. In addition, a minimum of 30 percent of the site will be maintained within the residential development as common open space, exclusive of the golf course. The 36-Lot Revised Site Plan does not contemplate construction of any structures on land with slopes in excess of 35%, or on land currently zoned Open Space Hazard.

The majority of the subject property is zoned RS-1 (Residential Planned Development) with the bluff face and the natural drainage course and certain areas north of Paseo del Mar being zoned as Open Space Hazard (OH). In compliance with the requirements of the OH zoning district, the applicant will not construct any permanent habitable structures on land that is zoned Open Space Hazard.

The RS-1 (RPD) zone requires a conditional use permit for any type of development (§ 17.06.050) and expressly permits single-family residential development and any other uses permitted under Chapter 17.02, including conditionally-permitted uses under Chapter 17.56, such as golf courses. (§ 17.06.030). Accordingly,

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under Chapter 17.06 and Section 17.56.020 of the Development Code, residential development and a golf course and related facilities are permissible uses, subject to a conditional use permit. The necessary findings with respect to the conditional use permits required in connection with the Residential Planned Development and golf course are contained in Resolutions Nos. 96-75 and 96-76, respectively.

Furthermore, the residential portion of the project provides in excess of thirty percent of the Residential Planned Development as common open space, which open space is sited in a manner that is accessible for viewing and access by the general public from public roads and walkways and preserves views to the coast.

**Section 5:** That the combination of the vacation of the central portion of Paseo del Mar and the realignment of Paseo Del Mar as a long bluff road cul-de-sac taking access off of Palos Verdes Drive South as provided in related applications is consistent with Coastal Specific Plan Subregion 7 Policy No. 16, which states that "Paseo del Mar shall be improved to provide access to residential development and consideration shall be given to relocating Paseo del Mar southward or exchanging it for another access route closer to the bluff edge."

The intent of Coastal Specific Plan, Subregion 7, Policy 19 is further satisfied by the provision of an 8.9 acre Bluff Top Public Access Corridor with a minimum width of one hundred (100) feet located along the bluff top between Half Way Point Park and Shoreline Park. The City Council finds that the Bluff Top Public Access Corridor is similar in average width and area to any coastal bluff road which would otherwise be constructed, if geologically feasible, pursuant to Coastal Specific Plan, Subregion 7, Policy 19.

**Section 6:** That the golf course and related uses are consistent with Coastal Specific Plan, Subregion 7, Policy 7 which states: "Ensure that any proposed commercial activity responds to the needs of the coastal residents and shall not be of an intensity which would purposefully generate a service area external of the coastal region." The City Council finds that the intent of the above policy is to limit traditional commercial development (such as retail and office uses) so as not to create a service area external to the coastal region and that such policy is not intended to apply to commercial recreational uses, which are encouraged by the General Plan and Coastal Specific Plan. The City Council's interpretation of this policy is consistent with other policies in the Coastal Specific Plan and with Resolution No. 82-24, which adopted Coastal Specific Plan Amendment No. 1 and specifically authorized visitor-serving uses, such as golf, in Subregion 7.

**Section 7:** That the trails plan as shown in the revised "Site Plan for Conditional Use Permit Amendment Map No. 2" (dated June 19, 1996) submitted by the applicants is consistent with the Coastal Specific Plan requirements relating to trails.

**Section 8:** That the golf course and related uses are consistent with Coastal Specific Plan policy and Section 17.06.040.C.8 of the Development Code, which require the area seaward of corridor improvements to be improved and either dedicated or permanently maintained through deed restriction for public use. Section 17.06.040.C.6 of the Development Code permits the preservation of open space by dedication, deed restriction or other appropriate methods approved by the City. In compliance with these provisions and policies, the East and West Bluff Preserves, Half Way Point Park, Half Way Point Preserve, the Bluff Top Public Access Corridor, the Bluff Top Wildlife Corridor (located between the West Bluff Preserve and Half Way Point Park) and the public paths, trails, parking and recreational areas associated with these public open space areas will be improved by the applicants and offered to the City for dedication. Furthermore, the golf course area will be improved by the applicants and permanently maintained through deed restriction for public use. The City Council specifically finds that the deed restriction on the golf course land constitutes permanently maintained public open space. Neither the Coastal Specific Plan nor Development Code expressly prohibit active public recreational uses, or require only passive public uses, for the area seaward of the conceptual bluff road.

**Section 9:** For purposes of the Subdivision Map Act, the design of the subdivision, golf course, or the related improvements will not cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat based on compliance with the City's Development Code, General Plan and Coastal Specific Plan and consideration of information contained in Draft, Supplemental, and Addenda of Environmental Impact Report No. 36.

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The City Council acknowledges that there is the difference between the term "significant impact" under CEQA and the term "substantial environmental damage" under the Subdivision Map Act. Draft EIR No. 36, Supplement to EIR No. 36, and Addendum Nos. 1, 2, 3, 4 and 5 to EIR No. 36 are required to base environmental findings on "worst case" basis. As a result, the Final EIR and Addendum No. 1 EIR conclude that significant impacts to biological resources remain after mitigation because of the loss of raptor foraging area and because of the temporal loss of Coastal Sage Scrub. Even with the 2:1 replacement of existing viable Coastal Sage Scrub and the other mitigation measures contained in the Final EIR and Addendum no. 1 to EIR No. 36, the temporal loss of Coastal Sage Scrub, which serves as natural habitat for the California gnatcatcher, is considered significant due to the uncertainty that this species will be able to re-occupy the site after replacement of the Coastal Sage Scrub. These environmental findings are primarily the result of grading for the golf course, which itself has already been minimized through its links-type design. These specific findings and a corresponding statement of overriding considerations are contained in Resolution No. 92-115, which is hereby incorporated by reference.

With the mitigation measures adopted by the City pursuant to Resolution No. 92-115, and recommended to be revised pursuant to Resolution No. 96-72, the project will not result in substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat under the Subdivision Map Act. However, even assuming that the project did result in substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, such damage or injury would be caused primarily by grading for the golf course. The elimination of the golf course is not feasible because it would not satisfy an important objective of the project: to provide visitor-serving public recreational uses, which objective is encouraged by policies in the Coastal Specific Plan. For this reason, this alternative or mitigation measure has been rejected by the City Council. Pursuant to Resolution No. 92-115, the City has made a finding of infeasibility with respect to elimination of the golf course.

**Section 10:** That the subject property is physically suitable to accommodate the revised Vesting Tentative Tract Map No. 50667, as conditioned, in terms of design and density.

**Section 11:** That the creation of the lots, single family residential dwelling units, golf course, public open space, and related improvements will not be materially detrimental to property values, nor will it jeopardize, endanger, or otherwise constitute a menace to the surrounding areas, since physical improvements, dedications and maintenance agreements are required.

**Section 12:** The City Council has considered the effect of the revised tract map on the housing needs of the region as set forth in the City's Housing Element, and balanced these needs against the public service needs of its residents and against available fiscal and environmental resources, and finds that the revised tract map help to achieve those housing needs without unreasonably burdening the public service needs of existing residents and available fiscal and environmental resources.

**Section 13:** The City Council has considered the requirements of Government Code Section 65590, which requires new housing developments located in the coastal zone to provide, where feasible, housing units for persons and families of low or moderate incomes, as defined in Section 50093 of the Health and Safety Code. The Government Code further requires that where it is not feasible to provide these housing units in a proposed new housing development, the local government shall require the developer to provide such housing, if feasible to do so, at another location within the City, either within the coastal zone or within three miles thereof.

Based on the information, analysis and findings included in Environmental Impact Report No. 36, and the subsequent conditions of approval placed on the project by the City of Rancho Palos Verdes and the California Coastal Commission, the City Council finds that the Ocean Trails project site has certain physical and environmental constraints, including geotechnical factors, topographic conditions and requirements for open space, public parks, a trails network and native habitat areas, which limit the amount of land available on-site for the construction of affordable housing units.

In addition, based on information that was gathered by the City with regard to the average number of persons within the low to moderate income ranges that would be expected to be employed on the project site.

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including employees associated with the golf course and the residential lots, the City Council finds that the project will generate a need for affordable housing units.

Therefore, taking into the account the physical constraints, yet recognizing the employment generated housing needs, the City Council finds that a requirement of 10% (currently 8 units) of affordable housing (based on the final total number of buildable lots) is a feasible requirement that would satisfy the intent of Government Code Section 65590.

However, the City Council's finding is in no way intended to preclude future residents or tenants of the project site from providing additional affordable housing opportunities.

**Section 14:** That the division and development of the property will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights-of-way and/or easements within the tract.

**Section 15:** That the discharge of sewage from this land division into the public sewer system will not violate the requirements of the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).

**Section 16:** That the design of the residential subdivision, golf course and associated improvements are not likely to cause serious public health problems.

**Section 17:** That the design of the residential subdivision, golf course, and the type of improvements associated with them, will not conflict with easements acquired by the public at large for access through or use of property within the proposed project. Further, public trail easements which are consistent with the policies of the General Plan and the Coastal Specific Plan are required as a condition of this approval.

**Section 18:** That the design of the revised vesting tentative tract map provides for future passive or natural heating or cooling opportunities in the subdivision to the extent feasible.

**Section 19:** That the revised vesting tentative tract map does not propose to divide land which is subject to a contract entered into pursuant to the California Land Conservation Act of 1965.

**Section 20:** That dedications required by local ordinance are shown on the tentative map and/or are set forth in the conditions of approval attached hereto in Exhibit "A".

**Section 21:** That the City considered the effect of approval of the residential subdivision on the housing needs of the region in which the City is situated and balanced these needs against the public service needs of its residents and available fiscal and environmental resources.

**Section 22:** For the foregoing reasons, and based on information and findings contained in the public record, including staff reports, minutes, records of proceedings and evidence presented at the public hearings, the City Council of the City of Rancho Palos Verdes hereby approves the revisions to Vesting Tentative Tract Map No. 50667, subject to: 1) the conditions of approval attached in Exhibit "A", which are necessary to protect the public health, safety and general welfare; 2) the approval of revisions to Vesting Tentative Tract Map No. 50666, Conditional Use Permit Nos. 162 and 163, and Grading Permit No. 1541; and, 3) approval of Addendum No. 5 to Environmental Impact Report No. 36.



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PASSED, APPROVED, and ADOPTED this 3rd day of September 1996.

/S/ MARILYN LYON  
MAYOR

ATTEST:

/S/ JO PURCELL  
CITY CLERK

STATE OF CALIFORNIA           )  
COUNTY OF LOS ANGELES       )ss  
CITY OF RANCHO PALOS VERDES   )

I, Jo Purcell, City Clerk of the City of Rancho Palos Verdes, hereby certify that the above Resolution No. 96-74 was duly and regularly passed and adopted by the said City Council at a regular meeting held on September 3, 1996.

Jo Purcell, City Clerk  
City of Rancho Palos Verdes

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**RESOLUTION NO. 96-74 EXHIBIT "A"**

**VESTING TENTATIVE TRACT MAP NO. 50667 - REVISION "C"**

**CONDITIONS OF APPROVAL**

**A. GENERAL**

1. Within thirty (30) days of approval of Revision "C" to the Vesting Tentative Tract Map, the developers shall submit, in writing, a statement that they have read, understand, and agree to all of the conditions of approval contained in this exhibit.
2. The City's fee for processing a Final Map shall be paid within six (6) months of approval of the Vesting Tentative Tract Map by the last responsible public agency.
3. All residential lots shall conform to the applicable minimum development standards as specified in Resolution No. 96-75 for Conditional Use Permit No. 162, and Resolution No. 96-77 for Grading Permit No. 1541.
4. The golf course and all related improvements shall conform to the applicable development standards and conditions as specified in Resolution No. 96-76 for Conditional Use Permit No. 163, and Resolution No. 96-77 for Grading Permit No. 1541, which are hereby incorporated herein by reference.
5. Pursuant to Development Code Section 17.67.090, this approval expires twenty-four (24) months from the date that the Coastal Permit associated with this Vesting Tentative Tract Map is approved by the last responsible agency, unless the Final Map has been recorded. Three extensions of up to one (1) year each may be granted by the Planning Commission, if requested in writing prior to expiration.
6. The developer shall supply the City with one mylar and one print of the recorded Final Map within thirty (30) days of the recordation of the Final Map.
7. This approval is conditioned upon the applicant entering into an agreement with the City of Rancho Palos Verdes within twenty (20) days of the date of this approval, subject to approval by the City Attorney, to indemnify and defend the City against all damages, claims, judgements, and litigation costs, including, without limitation, attorney's fees awarded to a prevailing party, arising from the approval of the project and all issues related thereto.
8. In conjunction with Vesting Tentative Tract Map 50666, the developer shall provide a minimum of four (4) dwelling units on-site as rental housing, which shall be affordable to very low to low income households. These units shall be provided on-site in conjunction with development of the clubhouse and/or golf course maintenance facilities. Each unit shall contain at least 850 square foot of living space and two bedrooms. A minimum of two enclosed parking spaces shall be provided for each unit. The units shall be available for rent within one year of the opening of the clubhouse. A covenant which guarantees that the affordable units shall not revert to market rate for a minimum period of thirty years shall be recorded no later than the date of recordation of the final map.

Project management, including tenant selection and income monitoring, shall be provided in a manner to be approved by the City. First priority for the units shall be given to very low to low income employees of the Ocean Trails project. Second priority shall be given to persons within very low to low income levels working within four miles of the City's coastal zone. Third priority shall be given to persons within very low to low income levels, regardless of the location of employment (if employed).

9. The total number of on-site market-rate dwelling units shall be limited to one dwelling unit per buildable acre of land. However, as an incentive to the developer to provide affordable housing, the four (4) affordable dwelling units to be provided on-site, pursuant to Condition A.8 above, shall be allowed to exceed the one dwelling unit per buildable acre maximum. However, in no event shall more than 79 units (both market-rate and affordable) be constructed on the total project site, which includes Vesting Tentative Tract Map Nos. 50666 and 50667.
10. In conjunction with Vesting Tentative Tract Map 50666, the developer shall provide a minimum of four (4) dwelling units off-site as rental housing, which shall be affordable to very low to low income households.

The off-site units shall be located in the City, either within the City's coastal zone or within three miles thereof, and shall not already be designated for or used by persons or families of very low to moderate income levels. The units shall contain at least 850 square feet of habitable space and two bedrooms. The units shall be available for rent at the time when 50% of the market-rate lots are available for sale. The units shall remain affordable to very low to low income households for a period of at least thirty years after initial occupancy at the affordable rate.

Project management, including tenant selection and income monitoring, shall be provided in a manner to be approved by the City. First priority for the units shall be given to very low to low income employees of the Ocean Trails project. Second priority shall be given to persons within very low to low levels working within four miles of the City's coastal zone. Third priority shall be given to persons within very low to low income levels, regardless of the location of employment (if employed).

**B. SUBDIVISION MAP ACT**

1. Prior to recordation of the Final Map, pursuant to Section 66442 of the Government Code, the subdivider shall obtain clearances from all affected departments and divisions, including a clearance from the Director of Public Works for the following items: mathematical accuracy, survey analysis, correctness of certificates and signatures, etc.

**C. COUNTY RECORDER**

1. If signatures of record or title interests appear on the Final Map, the developer shall submit a preliminary guarantee. A final guarantee will be required at the time of filing of the Final Map with the County Recorder. If said signatures do not appear on the final map, a preliminary title report/guarantee is needed that covers the area showing all fee owners and interest holders.
2. The account for the preliminary title report guarantee referenced in Condition C.1, should remain open until the Final Map is filed with the County Recorder.

**D. ARCHAEOLOGY AND PALEONTOLOGY**

1. Prior to issuance of grading permits, the project archaeologist shall submit a protocol to the City for monitoring and for the discovery of archaeological resources. A qualified archaeologist shall be present during all rough grading operations to further evaluate cultural resources on the site. If archaeological resources are found, all work in the affected area shall be temporarily suspended and the resources shall be removed and preserved. All "finds" shall be immediately reported to the Director of Planning, Building and Code Enforcement. All archaeological finds shall be first offered to the City for preservation. At the completion of grading, the project archaeologist shall submit a report detailing findings, if any.

2. Prior to issuance of grading permits, the project paleontologist shall submit a protocol to the City for monitoring and for the discovery of paleontological resources. A qualified paleontologist shall be present during all rough grading operations to further evaluate pre-historic resources on the site. If paleontological resources are found, all work in the affected areas shall be temporarily suspended and the resources shall be removed and preserved. All "finds" shall be immediately reported to the Director of Environmental Resources. All paleontological finds shall be first offered to the City for preservation. At the completion of grading, the project paleontologist shall submit a report detailing findings, if any.

E. **BIOLOGY**

1. Prior to issuance of grading permits, or prior to recordation of the Final Map, whichever occurs first, the developer shall submit a Habitat Conservation Plan (HCP) for review and comment by local wildlife and habitat preservation groups, and subject to approval by the Planning Commission.
2. Prior to issuance of grading permits, the project biological monitor shall submit a protocol to the City for the monitoring of biological resources in conformance with the Habitat Conservation Plan and Environmental Impact Report No. 36. A qualified biologist shall be present during all rough grading operations to verify and ensure compliance with mitigation measures contained in Environmental Impact Report No. 36 for preservation of biological resources, and conformance with the conditions and requirements of the Habitat Conservation Plan (HCP) as described in Condition E.1 above.

F. **SEWERS**

1. Approval of this subdivision of land is contingent upon the installation, dedication and use of local main line sewer and separate house laterals to serve each lot of the land division.
2. If, because of future grading, or for other reasons, it is found that the requirements of the Plumbing Code cannot be met on certain lots, no building permit will be issued for the construction of homes on such lots.
3. Sewer easements are tentatively required, subject to review by the Director of Public Works to determine the final locations and requirements, prior to the recordation of the Final Map.
4. Prior to commencement of construction of the sewer system in each approved phase of the project, the developer shall obtain approval of the sewer improvement plans from the County Engineer Sewer Design and Maintenance Division.
5. Prior to approval of the Final Map, the developer shall submit to the Director of Planning, Building and Code Enforcement a written statement from the County Sanitation District approving the design of the tract with regard to the existing trunk line sewer. Said approval shall state all conditions of approval, if any, and shall state that the County is willing to maintain all connections to said trunk lines.
6. Prior to the recordation of the Final Map or issuance of building permits, whichever occurs first, the developer shall post a bond, cash deposit, or other City approved security to cover costs for construction of a sanitary sewer system, in an amount to be determined by the Director of Public Works.

G. **WATER**

1. There shall be filed with the Director of Public Works a "will serve" statement from the water purveyor indicating that water service can be provided to meet the demands of the proposed development. Said statement shall be required prior to recordation of the Final Map.

2. Prior to recordation of the Final Map or prior to the commencement of work on the water system serving the site, whichever occurs first, the developer must submit a labor and materials bond in an amount to be determined by the Director of Public Works in addition to either:
  - a. An agreement and a faithful performance bond in the amount estimated by the Director of Public Works and guaranteeing the installation of the water system; or
  - b. An agreement and other evidence satisfactory to the Director of Public Works indicating that the subdivider has entered into a contract with the servicing water utility to construct the water system, as required, and has deposited with such water utility security guaranteeing payment for the installation of the water system.
3. A statement from the water purveyor shall be filed with the Director of Public Works indicating that the proposed water mains and any other required facilities will be operated by the purveyor, and that, under normal operating conditions, the system will meet the needs of the developed tracts. Said statement shall be required prior to recordation of the Final Map.
4. At the time the final subdivision improvement plans are submitted for checking, plans and specifications for the water system facilities shall be submitted to the Director of Public Works for checking and approval and shall comply with the Director of Public Works's standards. Approval for filing of the Final Map is contingent upon approval of the plans and specifications mentioned above.
5. All lots and golf course facilities shall be served by adequately sized water system facilities which shall include fire hydrants of the size and type and location as determined by the Los Angeles County Fire Department. The water mains shall be of sufficient size to accommodate the total domestic and fire flows required for the land division. Domestic flow requirements shall be determined by the Director of Public Works. Fire flow requirements shall be determined by the Los Angeles County Fire Department and evidence of approval by the Los Angeles County Fire Chief is required prior to recordation of the Final Map. The developer shall be responsible for installation of any fire hydrants or other improvements required by the Los Angeles County Fire Department at the time the public streets are constructed.
6. Framing of structures shall not begin until after the Los Angeles County Fire Department has determined that there is adequate fire fighting water and access available to the said structures pursuant to Condition G.5.

H. **DRAINAGE**

1. Drainage plans and necessary support documents to comply with the following requirements must be approved prior to the recordation of the Final Map or commencement of work on the drainage system within each approved phase of the project, whichever occurs first:
  - a. Provide drainage facilities in accordance with the Storm Water Pollution Prevention Plan to remove any flood hazard to the satisfaction of the Director of Public Works and dedicate and show easements on the Final Map.
  - b. Eliminate sheet overflow and ponding or elevate the floors of the buildings, with all openings in the foundation walls to be at least twelve inches above the finished pad grade.
  - c. Provide drainage facilities to protect the residential lots and golf course from high velocity scouring action.
  - d. Provide for contributory drainage from adjoining properties.

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- e. Redirect high flow runoff away from the natural drainage courses and retain low flows to maintain adequate soil moisture conditions.
  2. In accordance with Section 1601 and 1602 of the California Fish and Game Code, the State Department of Fish and Game, 350 Golden Shore, Long Beach, California 90802, telephone (310) 435-7741, shall be notified a minimum of two (2) weeks prior to commencement of work within the natural drainage courses crossing the site.
  3. The U.S. Army Corps of Engineers shall be contacted prior to alteration of any drainage courses on-site to determine jurisdiction and permit requirements, if any, with respect to Section 404 of the Clean Water Act (as amended 1984).
  4. All storm drain facilities shall be designed prior to recordation of Final Map and constructed where feasible so as to be accepted for maintenance by the Los Angeles County Public Works Department, Flood Control Division, subject to review and approval by the Director of Public Works. All facilities not in accepted by the County shall comply with Condition H.5.
  5. The City shall form a maintenance district prior to recordation of the Final Map, consisting of the residential property owners and golf course owner(s) within the tract, to cover the maintenance costs associated with all drainage outlet structures that are not accepted for maintenance by the Los Angeles County Public Works Department Flood Control Division, that carry storm water generated by, or passing through, the residential and golf course areas on the site to the ocean. Neither the developer, nor any successor in interest, including but not limited to individual purchasers of any lot within the tract, shall object to the formation of such a maintenance district by the City. All costs associated with establishing any maintenance district shall be borne by the developer. All fees associated with such a maintenance district shall be calculated by the Director of Public Works, and shall be based on a proportionate fair share between the owner(s) of the golf course and owners of each residential property. Written notice of this condition shall be provided to purchasers of the golf course and purchasers of any individual lot within the development. This condition shall also be included in the CC & R's for the tract.
  6. All drainage swales and any other on-grade drainage facilities, including gunite, shall be of earth tone color and shall be reviewed and approved by the Director of Planning, Building and Code Enforcement prior to issuance of grading permits.
  7. Prior to the issuance of grading permits, or prior to recordation of a Final Tract Map, whichever occurs first, the developer shall submit an Storm Water Pollution Prevention Plan. The post-construction Storm Water Pollution Prevention Plan shall be reviewed and approved by the Planning Commission. The Storm Water Pollution Prevention Plan shall incorporate by detail or reference appropriate post-construction Best Management Practices (BMPs) to:
    - a. Implement, to the maximum extent practicable, requirements established by appropriate governmental agencies under CEQA, Section 404 of the Clean Water Act, local ordinances and other legal authorities intended to minimize impacts from storm water runoff on the biological integrity of natural drainage systems and water bodies;
    - b. Maximize to the maximum extent practicable, the percentage of permeable surfaces to allow more percolation of storm water into the ground;
    - c. Minimize, to the maximum extent practicable, the amount of storm water directed to impermeable areas;
    - d. Minimize, to the maximum extent practicable; parking lot pollution through the use of appropriate BMPs, such as retention, infiltration and good housekeeping;

- e. Establish reasonable limits on the clearing of vegetation from the project site including, but not limited to, regulation of the length of time during which soil may be exposed and, in certain sensitive cases, the prohibition of bare soil; and
- f. Provide for appropriate permanent controls to reduce storm water pollutant load produced by the development site to the maximum extent practicable.

Further, the Storm Water Pollution Prevention Plan shall contain requirements to be adhered to during project construction. The pre-construction Storm Water Pollution Prevention Plan shall be reviewed and approved by the Director of Public Works. These practices should:

- a. Include erosion and sediment control practices;
- b. Address multiple construction activity related pollutants;
- c. Focus on BMPs such as source minimization, education, good housekeeping, good waste management, and good site planning;
- d. Target construction areas and activities with the potential to generate significant pollutant loads;
- e. Require retention on the site, to the maximum extent practicable, of sediment, construction waste, and other pollutants from construction activity;
- f. Require, to the maximum extent practicable, management of excavated soil on site to minimize the amount of sediment that escapes to streets, drainage facilities, or adjoining properties;
- g. Require, to the maximum extent practicable, use of structural drainage controls to minimize the escape of sediment and other pollutants from the site; and
- h. Require, to the maximum extent practicable, containment of runoff from equipment and vehicle washing at construction sites, unless treated to remove sediments and pollutants.

**I. STREETS**

- 1. Prior to recordation of the Final Map or commencement of work on the street system for the site, whichever occurs first, the developer shall post a bond, cash deposit, or other City-approved security to cover costs for the full improvements of all proposed on-site and off-site streets and related improvements, in an amount to be determined by the Director of Public Works. The bonding for said improvements may be posted in conjunction with the phasing plan as per Resolution No. 96-75 for Conditional Use Permit No. 162, Condition B.1.
- 2. The proposed on-site streets shall be dedicated for public use on the Final Map and designed to the satisfaction of the Director of Public Works. Prior to recordation of the Final Map, the developer shall submit design specifications for the on-site streets to the Director of Public Works for approval, pursuant to the following specifications:
  - a. "A" and "D" Streets shall be a minimum of thirty four (34) feet in width, measured from flow line to flow line. Parkway widths shall be a minimum of four (4) feet on the northerly side of the street and eight (8) feet on the southerly side of the street. The total right-of-way width shall be forty six (46) feet. The final map shall reflect these standards.

- b. "B" and "C" Streets shall be a minimum of forty (40) feet in width, measured from flow line to flow line. Parkway widths shall be a minimum of eight (8) feet on each side. The total right-of-way width shall be fifty six (56) feet. The final map shall reflect these standards.
- c. A public off-street parking area shall be provided on the southerly side of Palos Verdes Drive South and west of "A" Street. Said parking area shall be at the same grade as Palos Verdes Drive South, shall contain a minimum of six (6) parking spaces, and one (1) parking space shall be reserved for handicapped use. The design of the off-street parking area and any time restrictions shall be submitted for review and approval by the Director of Public Works. Parking and access to this area shall be prohibited after dusk.
- d. A public parking area shall be provided at the terminus of La Rotonda Drive, on the western side of the cul-de-sac. Said parking area shall contain a minimum of fifty (50) parking spaces and five (5) spaces shall be reserved for handicapped use. Construction of the parking area may be phased, with twenty five (25) spaces and a public rest room facility constructed immediately following the rough grading operations for the golf course and the remaining twenty five (25) spaces (if deemed necessary, based on public patronage of the first phase parking area, by the Director of Public Works and the Executive Director of the Coastal Commission) constructed prior to the completion of the finished grading for the residential lots. The design of the parking area, the public rest room facility and any time restrictions shall be submitted for review and approval by the Director of Public Works. Public parking and access to this area shall be prohibited after dusk.
- e. An area for public use as an off-street bicycle rest stop shall be provided in the public right-of-way along the north side of Palos Verdes Drive South between Palos Verdes Drive East and Seacliff Drive, which is located outside the Coastal Zone. No vehicular parking shall be permitted at this rest stop. The design of the area shall be implemented in conformance with proposals by the Seacliff Hills Homeowner's Association as part of the Public Amenities Plan for the tract. The final design of this area is subject to the review and approval by either the City Council or by the Planning Commission as part of the Public Amenities Plan required by Condition G.1 of Resolution No. 96-75 and Condition T.1 of Resolution No. 96-76.
- f. All streets shall have a vertical type curb. The developer may request roll type curbs, subject to the review and approval of the Director of Public Works.
- g. Handicapped access ramps which conform to all standards and specifications in Title 24 of the Uniform Building Code shall be provided at all sidewalks and at all locations where public trails intersect with streets and/or sidewalks in or adjacent to the subject development.
- h. Cul-de-sacs, including La Rotonda Drive, shall be designed to the specifications of the Director of Public Works.
- i. Street and traffic signs shall be placed at all intersections and/or corners as specified by the Director of Public Works, conform to City Standards, and shall be shown on a signage and striping plan to shall be attached to the street plans.
- j. Sidewalks, where required, shall be concrete, a minimum of four (4) feet wide, and located adjacent to the curb.
- k. All proposed streets shall be designed in substantially the same alignment as shown on Vesting Tentative Tract Map No. 50667 revised July 31, 1996, except as otherwise required in these conditions.



3. The developer shall be responsible for the design and construction of the realignment Palos Verdes Drive South from Conqueror Drive to the eastern City limits. Plans for the realignment and reconstruction shall be submitted for review and approval by the Director of Public Works prior to issuance of grading permits or recordation of the Final Map, whichever occurs first and shall include a minimum fourteen (14) foot wide median from Conqueror Drive to Palos Verdes Drive East and a minimum ten(10) foot wide median from Palos Verdes Drive East to La Rotonda Drive. In addition, the developer shall be responsible for the design and construction of curb and gutter and full median improvements adjacent to the Portuguese Bend Club. The construction and realignment shall also include provisions for the future signalization of the intersections at Palos Verdes Drive South and Forrestal Drive and at Palos Verdes Drive South and La Rotonda Drive, including the installation of all necessary underground facilities and utilities during construction so that subsequent installation of signals at either intersection can be accomplished without requiring future road cuts.
4. Prior to recordation of the Final Map, the project shall contribute to the installment of the following street improvements based on a "fair share" of the cost as determined by the Director of Public Works, which will be allotted only to new traffic:
  - a. Construction of a second westbound left-turn lane at the intersection of Hawthorne Boulevard and Palos Verdes Drive West.
  - b. Construction of a second eastbound left-turn lane and a second southbound right-turn lane at the intersection of Western and 25th Street, if approved by the City of Los Angeles. The developer shall be responsible for contacting the appropriate agencies in the City of Los Angeles and shall provide necessary documentation to the City of Rancho Palos Verdes Director of Public Works, including a letter of approval from the City of Los Angeles, for determination of the project's fair share of the cost for improvements to the above intersection.
5. The developer shall be responsible for repairs to any public streets which may be damaged during development of the tract. Prior to issuance of grading permits, the developer shall post a bond, cash deposit or City-approved security, in an amount sufficient to cover the costs to repair any damage to streets and appurtenant structures as a result of this development.
6. The developer shall pay traffic impact fees prior to recordation of the Final Map in an amount determined by the Director of Public Works upon the completion of all on-site public improvements, including, but not limited to, streets, drainage, and utility improvements.
7. Unless already dedicated to the City, the developer shall dedicate to the City vehicular access rights to Palos Verdes Drive South and La Rotonda Drive. A note to this effect shall be placed on the Final Map.
8. Prior to recordation of the Final Map, the developer shall post a security, bond, or cash deposit acceptable to the City in an amount to be determined by the Director of Public Works to cover the project's fair share of the cost of signalizing the intersection of Palos Verdes Drive South and Forrestal Drive at Paseo Del Mar, and the intersection of Palos Verdes Drive South and La Rotonda Drive.
9. Prior to recordation of the Final Map access to Lots 24, 25, 35 and 36 shall be provided by a pole for each lot with a minimum width of twelve (12) feet and access shall be via a shared private driveway, with a maximum width of twenty four (24) feet. A note to this effect shall be placed on the Final Map

10. Prior to recordation of the Final Map or the issuance of grading permits, whichever occurs first, the developer shall process an application for vacation of the portions of the street right-of-way along Paseo del Mar which are to be developed for golf course uses, with the exception of the portion of the undeveloped Paseo del Mar right-of-way seaward of the Ocean Terraces Condominiums, which shall be retained for emergency fire access purposes, pursuant to Condition I.11.
11. Prior to the acceptance of the street improvements by the City, the developer shall construct a paved emergency fire access road in the undeveloped portion of the Paseo del mar right-of-way in compliance with the plan reviewed and approved by the Los Angeles County Fire Department. The Director of Planning, Building and Code Enforcement shall work with the Los Angeles County Fire Department to determine the final material used for the all-weather road surface in order to discourage use of this emergency fire access road by unauthorized users (such as bicyclists, golfers and roller skaters).

**J. UTILITIES**

1. All utilities to and on the lots and golf course shall be provided underground, including cable television, telephone, electrical, gas and water. All necessary permits shall be obtained for their installation. Cable television shall connect to the nearest trunk line at the developer's expense.

**K. GEOLOGY**

1. Prior to recordation of the Final Map or prior to issuance of grading permits, whichever occurs first, a bond, cash deposit, or combination thereof, shall be posted to cover costs for any geologic hazard abatement in an amount to be determined by the Director of Public Works.
2. Prior to recordation of the Final Map or prior to issuance of grading permits, whichever occurs first, a bond, cash deposit, or other City-approved security, shall be posted to cover the costs of grading in an amount to be determined by the Director of Public Works.

**L. EASEMENTS**

1. Easements shall not be granted or recorded within areas proposed to be granted, dedicated, or offered for dedication or other easements until after the Final Map is filed with the County Recorder, unless such easements are subordinated to the proposed grant or dedication. If easements are granted after the date of tentative approval, a subordination must be executed by the easement holder prior to the filing of the Final Map.
2. Prior to the recordation of the Final Map, the developer shall submit design specifications for construction of bike lanes on Palos Verdes Drive South and pedestrian and bicycle trails within the boundaries of the project site for review and approval by the Directors of Planning, Building and Code Enforcement, Public Works, and Recreation and Parks, as well as the City's Recreation and Parks Committee.
3. All easements are subject to review by the Director of Public Works to determine the final locations and requirements.
4. Palos Verdes Drive South On-Street Bicycle Lanes: As part of the roadway improvement required by Condition I.3, the developer shall construct to Conceptual Trails Plan standards, a Class II bicycle lane on both the north and south side of Palos Verdes Drive South. These bicycle lanes shall connect with the bicycle lanes required along the Palos Verdes Drive frontage of Vesting Tentative Tract Map No. 50666. (Cross reference California Coastal Commission, Special Condition 3.B.1)

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5. **La Rotonda Drive On-Street Bicycle Lanes:** The developer shall construct to Conceptual Trails Plan standards, a Class II bicycle lane on both sides of La Rotonda Drive, from Palos Verdes Drive South to the terminus of the cul-de-sac. These bicycle lanes shall connect with the Class II bicycle lanes on Palos Verdes Drive South required above in Condition L.4. (Cross reference California Coastal Commission, Special Condition 3.B.2)
  6. **Palos Verdes Drive South Off-Road Bicycle Path:** As part of the roadway improvements required above by condition I.3, the developer shall construct to Conceptual Trails Plan standards, a Class 1 off-road bicycle path on the south side of Palos Verdes Drive South, along the entire length of the tract frontage. This path shall have a minimum trail width of eight (8) feet and an easy to intermediate level of difficulty. This path shall be separated as much as possible from the roadway by a grade change and/or landscaping. This bicycle path shall connect with the bicycle path required along the Palos Verdes Drive frontage of Vesting Tentative Tract No. 50666. (Cross reference California Coastal Commission Special Condition 3.B.3).
  7. **Palos Verdes Drive South Pedestrian Trail:** As part of the roadway improvements required above by Condition I.3, the developer shall construct to Conceptual Trails standards, a pedestrian trail on the south side of Palos Verdes Drive South, between the roadway and the bicycle path described above in Condition L.6, along the entire length of the tract frontage on Palos Verdes Drive South. This trail shall a soft-footed pedestrian path with a minimum tread width of four (4) feet and an easy to intermediate level of difficulty and be separated as much as possible from the roadway by a grade change and/or landscaping. This pedestrian trail shall connect with the pedestrian trail required along the Palos Verdes Drive South frontage of Vesting Tentative Tract Map No. 50666. (Cross reference California Coastal Commission, Special Condition 3.B.4).
  8. **Paseo Del Mar Off-Road Bicycle Path:** The developer shall construct to Conceptual Trails Plan standards a Class I off-road bicycle path with a minimum tread width of eight (8) feet and an intermediate level of difficulty beginning at the southeast intersection of Palos Verdes Drive South and Paseo Del Mar, along the east side of Paseo Del Mar to the tract boundary and south of the golf course maintenance facility, within Common Open Space Lot D and Golf Course Lot Nos. 37 and 38. This path shall be separated as much as possible from the roadway by a grade change and landscaping. This path shall connect with the off-road bicycle path required along the east side of Paseo Del Mar in Vesting Tentative Tract Map No. 50666.
  9. **Paseo Del Mar Pedestrian Trail:** As part of the roadway improvements required by Condition I.2, the developer shall construct to Conceptual Trails Plan standards, a four (4) foot wide pedestrian trail with an intermediate level of difficulty, beginning at the southeast intersection of Palos Verdes Drive South and Paseo Del Mar, along the east side on Paseo Del Mar to the tract boundary. This trail shall be separated as much as possible from the roadway by a grade change and/or landscaping. This trail shall connect with the trail described in Condition L.6 and L.15. (Cross Reference California Coastal Commission, Special Condition 3.A.9)
  10. **Palos Verdes Drive South Overlook/La Rotonda Drive Parking Lot Pedestrian Trail:** The developer shall construct to Conceptual Trails Plan standards a pedestrian trail with a minimum tread width of two (2) feet and an intermediate to challenging level of difficulty beginning on the east side of the vehicular turn out on Palos Verdes Drive South required in Condition I.2.c, running east through Golf Course Lot No. 38 to the west fork of La Rotonda Canyon and then through Common Open Space Lot C and Golf Course Lot No. 38 along the east side of the the Hole No. 5 tees to La Rotonda Drive and then along the north side of La Rotonda Drive to its terminus at the La Rotonda Drive Parking Lot. This trail may be combined with the golf course cart path that traverses east of Hole No. 4 to Hole No. 5 tees and shall connect to the pedestrian trails required in Conditions L.7 and L.17 in Vesting Tentative Tract Map No. 50666. (Cross reference California Coastal Commission, Special Condition 3.B.5)

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11. **Bluff Top Activity Corridor Pedestrian Trail:** The developer shall construct to Conceptual Trails Plan standards a soft-footed pedestrian trail with a maximum tread width of two (2) feet and an easy to challenging level of difficulty beginning on the east side of the bluff top La Rotonda Canyon bridge, then east along the bluff top through Golf Course Lot No. 38 and then northeast through portions of Lot G (East Bluff Preserve) and Common Open Space Lot H to Street "D". A barrier to prevent the use of the trail by bicycles and motorized vehicles shall be erected at the entrances to the trail at La Rotonda Canyon, at the trail head at Street "D". Signs identifying the trail as crossing through a sensitive habitat area and prohibiting use of the trail by bicycles and motorized vehicles shall be placed on or near each barrier. This trail shall connect to the bluff top pedestrian trail located in Vesting Tentative Tract Map No. 50666. (Cross reference California Coastal Commission, Special Condition 3.B.8)
  12. **Shoreline Park Access Pedestrian Trail:** The developer shall construct to Conceptual Trails Plan standards a soft-footed pedestrian trail connecting the bluff top pedestrian trail required above in Condition L 11, through Lot G (East Bluff Preserve) to the two existing trails in Los Angeles County Shoreline Park. (Cross reference California Coastal Commission, Special Condition 3.B.9)
  13. **East End Pedestrian Trail:** The developer shall construct to Conceptual Trails Plan standards a soft-footed pedestrian trail with a minimum tread width of two (2) feet and an easy to challenging level of difficulty beginning on Palos Verdes Drive South in the extreme northeast corner of the tract, extending south through Lot H (East Bluff Preserve) adjacent to the rear property lines of residential Lot Nos. 1 through 5, then east to connect with the bluff top pedestrian trail required in Condition L.11. The trail shall connect with Street "D" between Lot Nos. 5 and 6. A barrier to prevent the use of the trail by bicycles and motorized vehicles shall be erected at both entrances to the trail on Palos Verdes Drive South and Street "D". Signs identifying the trail as crossing through a sensitive habitat area and prohibiting use of the trail by bicycles and motorized vehicles shall be placed on or near each barrier.
  14. The developer shall be responsible for the construction of all public trails specified in Conditions L.4 through L.13 and shall provide a bond, or other money surety for the construction of such public trails in an amount to be determined by the Director of Public Works. Construction of said trails shall coincide with the rough grading activity within each workable phase and shall be completed upon acceptance of all street improvements by the City. Dedication of the public trails shall occur at the time the Final Map is recorded.
  15. The developer shall dedicate to the City of Rancho Palos Verdes and record on the final map a lateral public access easement for passive recreational use from the twenty-five (25) foot contour line seaward to the tract boundary.
  16. Where pedestrian trails or bicycle paths are located within a common open space lot which is not required to be dedicated to the City of Rancho Palos Verdes or a golf course lot, the developer shall dedicate to the City of Rancho Palos Verdes and record on the Final Map an easement for public trail purposes. Bicycle path easements shall have a minimum width of twelve (12) feet and pedestrian trail easements shall have a minimum width of six (6) feet. Where pedestrian trails and bicycle paths are parallel to each other, the required easements may be combined into a single easement as follows: 1) the minimum separation between the adjacent tread widths shall be three (3) feet; 2) the combined easement shall be a minimum of eighteen (18) feet where there is a four (4) foot wide pedestrian tread width and a minimum of nineteen (19) feet where there is a five (5) foot pedestrian tread width (bicycle tread width is eight (8) feet in all cases).
  17. Where pedestrian trails and/or bicycle paths are combined with golf cart paths, safety measures in addition to signage shall be explored in order to minimize conflicts between pedestrian/bicyclist and golf carts. Measures that may be required by the Director of Public Works may include, but are not limited to the addition of lane striping. If safety problems arise once the pedestrian trails, bicycle paths and golf cart paths are operational, the Planning Commission may impose additional

requirements, including requiring that the pedestrian trails and/or bicycle paths not be combined with golf cart paths.

**M. SURVEY MONUMENTATION**

1. Prior to recordation of the Final Map, a bond, cash deposit, or combination thereof, shall be posted to cover costs to establish survey monumentation, in an amount to be determined by the Director of Public Works.
2. Within twenty-four (24) months from the date of recordation of the Final Map, the developer shall set remaining required survey monuments and center line tie points and furnish the center line tie notes to the Director of Public Works.
3. All lot corners shall be referenced with permanent survey markers in accordance with City Municipal Code. The survey markers shall be inspected and accepted by the City prior to the release of the bond referenced in Condition M.1.

**N. STREET NAMES AND NUMBERING**

1. Any street names and house numbering plans shall be provided to the City by the developer for approval by the Director of Public Works prior to the recordation of the Final Map.

**O. PARK AND OPEN SPACE DEDICATION AND MAINTENANCE**

1. Prior to recordation of the Final Map, the developer shall pay to the City of Rancho Palos Verdes, dedicate land, or a combination thereof to satisfy requirements of the Quimby Act. The land value used to calculate the fee shall be determined through a M.A.I. appraisal prepared and provided to the City within 60 days of City approval of the project.
2. In order to cover the maintenance costs associated with all public parks and trails located within the tract prior to the recordation of the Final Map, the City shall either 1) form a maintenance district consisting of the residential property owners and golf course owner(s) within the tract; or 2) include such areas in a City wide assessment district; or 3) otherwise assume responsibility for the maintenance of such areas. Neither the developer nor any successors in interest, including but not limited to individual purchasers of any individual lot(s), shall object to the formation of any such maintenance district(s) by the City. All fees associated with any such maintenance district(s) shall be calculated by the Director of Public Works and shall be based on a proportionate fair share - between the owner(s) of the golf course and owner of each residential property, or as otherwise deemed appropriate by the City based on the type of maintenance district formed and the allocation of benefits. Written notice of this condition shall be provided to purchasers of the golf course and purchasers of any individual lot within the development. This condition shall also be included in the CC & R's for the tract.
3. The developer shall dedicate to the City of Rancho Palos Verdes and record on the Final Map Lots D, G, I, K and the La Rotonda parking lot as public open space. Lot D (East Vista Park) shall be a minimum of 1.2 acres in size. Lot G (East Bluff Preserve) shall be a minimum of 7.7 acres in size. Lot I (Coastal Bluff Dedication) shall be a minimum of 10.1 acres in size. Lot K (Bluff Top Activity Corridor) shall be a minimum of 4.5 acres in size. The La Rotonda parking lot shall be a minimum of 0.2 acres in size.
4. Prior to the recordation of the Final Map, the boundaries between Lot A and Lot No. 1, and Lot B and Lot Nos. 24, 35 and 36 shall be modified such that the boundary lines are located at the toe of the slope adjacent to the north side of the building pads of Lot Nos. 1, 24, 35 and 36.

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**P. RELATED APPLICATIONS**

1. The approval is conditioned upon compliance with all conditions of approval for Tentative Parcel Map No. 23004, Conditional Use Permit No. 162 and Grading Application No. 1541, which are incorporated herein by reference and are hereby made a part of this approval.
2. This approval is conditioned upon compliance with all mitigation measures contained in Environmental Impact Report No. 36 and the Mitigation Monitoring Program which are incorporated herein by reference and are hereby made a part of this approval.

**Q. COASTAL ZONE RESTRICTION**

1. The Final Map shall clearly delineate and label the "Coastal Setback Zone" line as established in the City's Coastal Specific Plan. A note shall be placed on the map stating that no permanent structures (except for structures associated with public amenities or unless as allowed by another project condition of approval) shall be allowed closer than twenty-five (25) feet to the Coastal Setback Zone. This area shall be designated on the map as "Building Grading Restriction" area. All lots shown of the Final Map shall provide for a minimum buildable area of 3,000 square feet of contiguous area, exclusive of required setbacks and any portions of the lot located seaward of the Building Grading Restriction Line or they shall be eliminated from the Final Map.

**R. MITIGATION MONITORING PROGRAM**

1. All costs associated with implementation of the Mitigation Monitoring Program shall be the responsibility of the developer.

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**RESOLUTION NO. 96-75**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES APPROVING REVISIONS TO CONDITIONAL USE PERMIT NO. 162 FOR A RESIDENTIAL PLANNED DEVELOPMENT IN CONNECTION WITH REVISION "C" TO THE OCEAN TRAILS PROJECT (VESTING TENTATIVE TRACT MAP NOS. 50666 AND 50667 AND TENTATIVE PARCEL MAP NOS. 20970 AND 23004), LOCATED IN COASTAL SUBREGIONS 7 AND 8**

**WHEREAS, an application package was filed by the Zuckerman Building Company and Palos Verdes Land Holdings Company requesting approval of tentative parcel maps, vesting tentative tract maps, conditional use permits, a coastal permit and a grading permit to allow the construction of a Residential Planned Development of 120 single family dwelling units and for development of an 18-hole golf course, a clubhouse and parking facilities on a 258 acre site bounded by Palos Verdes Drive South on the north, Portuguese Bend Club and Community Association on the west, the Pacific Ocean on the south and Los Angeles County Shoreline Park on the east; and,**

**WHEREAS, a Draft Environmental Impact Report (DEIR) was prepared and circulated for 45 days from June 7, 1991 through July 22, 1991 in order to receive written comments on the adequacy of the document from responsible agencies and the public; and,**

**WHEREAS, subsequent to the circulation of the Draft Environmental Impact Report and preparation of written responses, the applicant revised the scope of the project and reduced the number of proposed single family residences to 40 units in Vesting Tentative Tract Map No. 50666 and 43 in Vesting Tentative Tract Map No. 50667, and an 18 hole golf course with related facilities within the boundaries of both Vesting Tentative Tract Maps, and, due to the changes in the project, an Addendum to the Draft Environmental Impact Report (ADEIR) was prepared; and,**

**WHEREAS, based on review of the Addendum to the Draft Environmental Impact Report, the City determined that the information submitted in the AEIR cited potential additional significant environmental impacts that would be caused by the revised project, and directed preparation of a Supplemental Environmental Impact Report (SEIR). The SEIR, which incorporates information and findings set forth in the Addendum to the Draft Environmental Impact Report, was prepared and circulated for 45 days from March 19, 1992 through May 4, 1992, during which time all interested parties were notified of the circulation period and invited to present written comments to the information contained in the SEIR, in conformance with the requirements of the California Environmental Quality Act; and,**

**WHEREAS, on June 1, 1992, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 92-53, certifying Environmental Impact Report No. 36 and adopted Resolution Nos. 92-54, 92-55, 92-56 and 92-57, respectively approving Vesting Tentative Tract Map Nos. 50666 and 50667, Tentative Parcel Map Nos. 20970 and 23004, Conditional Use Permit Nos. 162 and 163, Coastal Permit No. 103 and Grading Permit No. 1541 for a Residential Planned Development consisting of a total of eighty-three (83) single family dwelling units, an 18 hole public golf course and public open space on 261.4 acres in Coastal Subregion Nos. 7 and 8; and,**

**WHEREAS, on August 12, 1992, after finding that an appeal of the City's approval of the project raised substantial issue, the California Coastal Commission denied Coastal Permit No. 103, directed the landowners to redesign the project to address the concerns raised by the Coastal Commission Staff and remanded the project back to the City of Rancho Palos Verdes for reconsideration; and,**

**WHEREAS, on December 7, 1992, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 92-115 approving the Addendum to Environmental Impact Report No. 36 and adopted Resolution Nos. 92-116, 92-117, 92-118 and 92-119 approving Revisions to Vesting Tentative Tract Map Nos. 50666 and 50667, Tentative Parcel Map Nos. 20970 and 23004, Conditional Use Permit Nos. 162 and 163, Coastal Permit No. 103, and Grading Permit No. 1541 in order to address concerns raised by the Coastal**

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Commission with regard to adequate provisions for public open space, public access and habitat preservation; and,

WHEREAS, on April 15, 1993, the California Coastal Commission approved Coastal Development Permit No. A-5-RPV-93-5 (i.e. Coastal Permit No. 103), subject to additional conditions of approval.

WHEREAS, on October 5, 1993, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 93-89 approving a second Addendum to Environmental Impact Report No. 36 and adopted Resolution Nos. 93-90, 93-91, 93-92 and 93-93 respectively re-approving Vesting Tentative Tract Map Nos. 50666 and 50667, Tentative Parcel Map Nos. 20970 and 23004, Conditional Use Permit Nos. 162 and 163, and Grading Permit No. 1541 in order to comply with a Court mandate to provide affordable housing in conjunction with the project, pursuant to Government Code Section 65590; and,

WHEREAS, on November 5, 1993, the California Coastal Commission adopted revised and expanded findings in conjunction with the project; and,

WHEREAS, on September 6, 1994, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 94-71 approving a third Addendum to Environmental Impact Report No. 36 and Adopted Resolution Nos. 94-72, 94-73, 94-74, 94-75, 94-76 and 94-77, respectively, approving Revision "A" to the approved Ocean Trails project, including, but not limited to, relocation of the golf course clubhouse from the area southwest of the School District property to an area north of Half Way Point, locating the golf course maintenance facility and four (4) affordable housing units southeast of the corner of Palos Verdes Drive South and Paseo Del Mar, reducing the number of single family residential lots from eighty-three (83) to seventy-five (75) and increasing the height of the golf course clubhouse from thirty (30) feet to forty-eight (48) feet; and,

WHEREAS, on January 12, 1995, the California Coastal Commission approved Coastal Development Permit No. A-5-RPV-93-005A (i.e. Coastal Permit No. 103), thereby approving its first amendment to the permit, subject to revised conditions of approval; and,

WHEREAS, on September 27, 1995, the California Coastal Commission approved Coastal Development Permit No. A-5-RPV-93-005A (i.e. Coastal Permit No. 103), thereby approving its ~~second~~ amendment to the permit; and,

WHEREAS, on February 1, 1996, the California Coastal Commission approved Coastal Development Permit No. A-5-RPV-93-005A (i.e. Coastal Permit No. 103), thereby approving its third amendment to the permit; and,

WHEREAS, on March 11, 1996, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 96-15 approving a fourth Addendum to Environmental Impact Report No. 36 and Adopted Resolution Nos. 96-16, and 96-17, respectively, approving Revision "B" to the approved Ocean Trails project, including, but not limited to, modifying the approved alignment of Paseo del Mar ("A" Street/"J" Bluff Road), revising the Conditions of Approval regarding several public trails, and relocating the golf course clubhouse approximately 80 feet to the west of its previously approved location; and,

WHEREAS, on May 28, 1996, Zuckerman Building Company and Palos Verdes Land Holdings Company submitted an application package to the City of Rancho Palos Verdes requesting approval for certain revisions to the approved Ocean Trails project, including, but not limited to, relocation of two single family residential lots in Vesting Tentative Tract Map No. 50667 from the end of Street "A" to the end of Street "C", revisions to the boundaries of open space Lots B, C, G and H, conversion the split-level lots in Vesting Tentative Tract Map No. 50667 to single-level lots, revisions to the golf course layout, revisions the public trail system, combination of parallel trails easements, construction of a paved fire access road west of the Ocean Terraces Condominiums and amendments to several Conditions of Approval and Mitigation Measures to modify the required timing for compliance; and,



WHEREAS, on July 11, 1996, the California Coastal Commission approved Coastal Development Permit No. A-5-RPV-93-005A (i.e. Coastal Permit No. 103), thereby approving its fourth amendment to the permit, subject to revised conditions of approval; and,

WHEREAS, on August 13, 1996, after notice issued pursuant to the provisions of the Development Code, the Planning Commission held a public hearing to consider draft Addendum No. 5 to Environmental Impact Report No. 36 and the proposed Revision "C" to the Ocean Trails project, at which time all interested parties were given an opportunity to be heard and present evidence. At the conclusion of the duly noticed public hearing, the Planning Commission adopted P.C. Resolution Nos. 96-22, 96-23, 96-24, 96-25, 96-26 and 96-27, thereby recommending approval of Addendum No. 5 to EIR No. 36 and recommending approval of the revisions to Tentative Tract Map Nos. 50666 and 50667 to the City Council, and approving revisions to Conditional Use Permit Nos. 162 and 163 and Grading Permit No. 1541; and,

WHEREAS, on August 31, 1996, copies of the Addendum No. 5 to Environmental Impact Report No. 36 were distributed to the City Council and prior to taking action on the proposed Revision "C" to the Ocean Trails project the City Council independently reviewed and considered the information and findings contained in Addendum No. 5 to EIR No. 36 and revised Mitigation Monitoring Program, and determined that the documents were prepared in compliance with the requirements of the California Environmental Quality Act and local guidelines, with respect thereto; and,

WHEREAS, on September 3, 1996, after notice issued pursuant to the provisions of the Development Code, the City Council held a public hearing to consider draft Addendum No. 5 to Environmental Impact Report No. 36 and the proposed Revision "C" to the Ocean Trails project, at which time all interested parties were given an opportunity to be heard and present evidence.

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

**Section 1:** In considering the proposed revisions to the project, the City Council has determined that the preparation of Addendum No. 5 to Environmental Impact Report No. 36 is appropriate, since the subsequent changes in the project will not result in any new significant environmental impacts which were not previously identified and analyzed in Environmental Impact Report No. 36, that the subsequent changes will not result in an increase in any previously identified significant environmental impacts, that the Addendum does not contain new information of substantial importance to the project and that only minor technical changes or additions are necessary to make Environmental Impact Report adequate under the provisions of the California Environmental Quality Act (CEQA).

This is so, since the revised project will result in no significant change in the impacts identified in the previous EIR. The relocation of two single family residential lots in Vesting Tentative Tract Map No. 50667 from the end of Street "A" (Lot Nos. 34 and 35 on the previously approved plan) to the end of Street "C" (Lot Nos. 8 and 9 on the revised plan) and the revision to the golf course layout for Hole Nos. 3, 4 and 5 does not result in any new or increased impacts to the environment, since these improvements would be located in areas of the subject property that were previously identified as part of the developed and/or graded portion of the project. The reconfiguration to the boundaries of common open space Lots B, C, G and H does not result in any new or increased impacts to the environment, since the minimum required lot sizes of these lots will be maintained and there will be no net decrease in the acreage of protected habitat. The conversion of the split-level lots to single-pad lots in Vesting Tentative Tract Map No. 50667 and the proposed changes to the maximum building heights on some of these lots does not result in any new or increased impacts to the environment, since the views of the ocean, Catalina Island and the coastline from Palos Verdes Drive South would not be adversely impacted.

The proposed changes to the public trails in the project would not result in any new or increased impacts to the environment, since 1) the realignment of the public trail from the La Rotonda parking lot to the

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Bluff Top Activity Corridor would increase the safety of the public using the lateral trail connection through the golf course to the bluff top; 2) the provision to allow shared use of certain segments of the public trail for golf carts would minimize the amount of pavement in these areas, minimize conflicts caused by crossing paths and would not diminish public enjoyment of these trails; and, 3) the combination of parallel pedestrian and bicycle trails into a single easement would not change the physical configuration of the trails once they have been constructed. The construction of a paved fire access road on the seaward side of the Ocean Terraces Condominiums does not result in any new or increased impacts to the environment, since the paved road would improve public safety by providing all-weather access to the existing fire hydrants along the south side of the condominium complex. The amendments to the Conditions of Approval and Mitigation Measures would not result in any new or increased impacts to the environment, since these changes will not alter the effectiveness of the Conditions of Approval and/or Mitigation Measures, and will act, instead, to ensure that the project are better monitored and the impacts are fully mitigated.

Therefore, based on the review of Draft Addendum No. 5 to Environmental Impact Report No. 36 prepared in association with the proposed revisions to the Ocean Trails project, as conditioned, the City Council finds that the project still mitigates, or reduces to the extent feasible, significant adverse effects to adjacent properties or the permitted uses thereof. In approving the revised project, the City Council finds that social, recreational, and other benefits of the project continue to outweigh any unavoidable adverse environmental impacts that may occur and that due to overriding benefits and considerations, any unavoidable adverse environmental impacts of the project are acceptable. Accordingly, the City Council hereby incorporates into this Resolution, by reference, the Final EIR No. 36, the Supplemental EIR, Addenda Nos. 1 2, 3 and 4, and Resolution No. 92-115 (which includes, without limitation, the detailed statement of overriding considerations set forth therein).

**Section 2:** Pursuant to Sections 17.06.030 and 17.56.060 of the Development Code, the City Council, in approving the revisions to Conditional Use Permit No 162 to implement the Residential Planned Development, finds as follows:

- A. That the proposed uses are consistent with the General Plan and its objectives. The General Plan land use map designates almost the entire project site as Residential, with a maximum density of one dwelling unit per acre, and shows the coastal bluffs as hazard areas. The General Plan provides for additional commercial recreational uses within the City as appropriate to a particular location, including golf, equestrian, tennis and other recreational activities, and designates the City's entire coastal area as a specific plan district.

With 75 residential units on approximately 77.2 acres, the density is below one dwelling unit per acre and, therefore, consistent with the General Plan.

Further, that the project complies with the criteria set forth in the General Plan for the Natural, Socio/Cultural and Urban Overlay Control Districts on the site. As conditioned, the project preserves natural drainage courses and significant geologic, biologic and hydrologic features in compliance with the Natural Overlay Control District, protects areas that have significant historical, archeological or cultural importance in compliance with the Socio/Cultural District and preserves, protects and enhances public views and vistas in compliance with the Urban Overlay Control District.

- B. That the proposed residential use is specifically permitted and the proposed residential density is consistent with the Residential Single Family, One Dwelling Unit Per Acre (RS-1) zoning designation and the requirements of a Residential Planned Development (RPD) special district, as shown on the City's Official Zoning Map.

The project provides a minimum of thirty percent of the Residential Planned Development as common open space, which open space is sited in a manner that is accessible to viewing by the general public from public roads and walkways and preserves views to the coast.

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- C. That given the adjacent land uses and the project's location and design, as modified herein, and conditions imposed through this permit, the 261.4 acre site is adequate in size and configuration to accommodate the proposed uses including a Residential Planned Development, golf course and public open space, and that the Residential Planned Development complies, or is conditioned to be consistent with, the Development Standards contained in Development Code Section 17.06.040.
  - D. That given the adjacent land uses and the project's location and design, as modified herein, and the conditions imposed by Conditional Use Permit No. 163, as revised and attached hereto and incorporated herein by reference, the site is adequate in lot size and configuration to accommodate the golf course, clubhouse and related facilities.
  - E. That the site is served by Palos Verdes Drive South which is an improved street designed to carry the type and quantity of traffic that would be generated by the proposed project.
  - F. That, given the site location, project design, and conditions imposed through this permit and attached hereto as Exhibit "A", including setbacks, heights, lighting, landscaping, fencing and other conditions, the proposed use will not significantly adversely affect the peace, health, safety, or general welfare of the area, nor will it be materially detrimental to property values, jeopardize, endanger, or otherwise constitute a menace to the public health, safety, and welfare of persons in the surrounding area.
  - G. That the proposed project, as conditioned, mitigates or reduces significant adverse effects to adjacent properties or the permitted uses thereof. The City Council finds that the social, recreational, and other benefits of the project outweigh any unavoidable adverse environmental impacts that may occur. The project implements the RS-1/RPD designation of the site as shown in the Official Zoning Map, General Plan, and Coastal Specific Plan, while preserving a minimum of thirty (30) percent of each tract as common open space, exclusive of the golf course uses, with public parking, trails, and vista points that will provide public recreational opportunities and preserve public vistas and habitat areas.

**Section 3:** The mitigation measures contained in the revised Mitigation Monitoring Program attached as Exhibit "B" to Resolution No. 96-72 are hereby incorporated by reference into the Conditions of Approval for the revisions to Conditional Use Permit No. 162.

**Section 4:** For the forgoing reasons, and based on information and findings contained in the public record, including Staff Reports, Minutes, records of proceedings, and evidence presented at the public hearings, the City Council of the City of Rancho Palos Verdes hereby approves revisions to Conditional Use Permit No. 162, subject to: 1) the Conditions of Approval attached in Exhibit "A", which are necessary to protect the public health, safety and general welfare; 2) the approval of revisions to Vesting Tentative Tract Map Nos. 50666 and 50667, Conditional Use Permit No. 163 and Grading Permit No. 1541; and, 3) approval of draft Addendum No. 5 to Environmental Impact Report No. 36.

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PASSED, APPROVED, and ADOPTED this 3rd day of September 1996.

/S/ MARILYN LYON  
MAYOR

ATTEST:

/S/ JO PURCELL  
CITY CLERK

STATE OF CALIFORNIA           )  
COUNTY OF LOS ANGELES       )ss  
CITY OF RANCHO PALOS VERDES   )

I, Jo Purcell, City Clerk of the City of Rancho Palos Verdes, hereby certify that the above Resolution No. 96-75 was duly and regularly passed and adopted by the said City Council at a regular meeting held on September 3, 1996.

Jo Purcell, City Clerk  
City of Rancho Palos Verdes

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RESOLUTION NO. 96-75 EXHIBIT "A"

CONDITIONAL USE PERMIT NO. 162 - REVISION "C"

CONDITIONS OF APPROVAL FOR A RESIDENTIAL PLANNED DEVELOPMENT

I. GENERAL CONDITIONS

A. DEVELOPER AGREEMENT

1. Within thirty (30) days of approval of Revision "C" to the Conditional Use Permit, the developers shall submit, in writing, a statement that they have read, understand and agree to all of the conditions of approval contained in this exhibit.
2. Approval of the revisions to Conditional Use Permit No. 162 is subject to the approval of revisions to Vesting Tentative Tract Map Nos. 50666 and 50667.
3. In compliance with Fish and Game Code Section 711.4, the developer shall submit to the City a cashier's check payable to the Los Angeles County Clerk in the amount of \$850.00 for a filing fee and a cashier's check in the amount of \$25.00 for a documentary handling fee within 48 hours of City approval of these permits. The developer shall also pay any fine imposed by the Department of Fish and Game, if required.
4. This approval is conditioned upon the applicant entering into an agreement with the City of Rancho Palos Verdes within twenty (20) days of the date of this approval, subject to approval by the City Attorney, to indemnify and defend the City against all damages, claims, judgements, and litigation costs, including, without limitation, attorney's fees awarded to a prevailing party, arising from the approval of the project and all issues related thereto.

B. COMPLETION PER APPROVED PLANS

1. The developer shall designate appropriate workable phases (portions of the development to include adjoining clusters of lots, their streets of access, finish grading phases, supporting off-site improvements and on-site drainage and utility improvements) that shall be approved by the Director of Planning, Building and Code Enforcement and the Director of Public Works prior to issuance of grading permits.
2. Any workable phase not under construction which has been scarified through grading operations shall be irrigated and landscaped. Temporary irrigation lines may be approved by the Director of Planning, Building and Code Enforcement.
3. Prior to the issuance of grading permits, the developer shall post a bond, cash deposit, or other City-approved security to guarantee substantial vegetative cover and maintenance of all finish graded lots which have not been sold for development.
4. No building permits shall be issued prior to finish grading within the workable phase of the site in which each lot is located and until the Director of Planning, Building and Code Enforcement has determined that all drainage facilities and common area and off-site improvements in the workable phase of the site and necessary for development of the phase in the approved construction plan and as depicted in the approved construction plan in which the lots or structures are located are completed, to the extent that the lots or structures are accessible and able to support development.
5. All lots within each approved workable phase of the tract shall be graded concurrently.

**C. PERMIT EXPIRATION AND COMPLETION DEADLINE**

1. Pursuant to Development Code Section 17.67.090, this permit shall expire within twenty four (24) months from the date that the Coastal Permit associated with this Conditional Use Permit is approved by the last responsible agency, unless grading permits for the lots within each Vesting Tentative Tract Map have been applied for and are being diligently pursued. Extensions of up to one (1) year each may be granted by the Planning Commission, if requested in writing prior to expiration.
2. If finished grading and construction of the streets and utilities have not been completed and accepted within two (2) years from the date of recordation of each Final Map, Conditional Use Permit No. 162 shall expire and be of no further effect, unless, prior to expiration, a written request for extension pursuant to Section 17.56.080 of the City's Development Code is filed with the Department of Planning, Building and Code Enforcement and is granted by the Planning Commission. Otherwise, a new Conditional Use Permit must be approved prior to further development of the tracts.

**D. AFFORDABLE HOUSING**

1. The developer shall provide a minimum of four (4) dwelling units on-site as rental housing, which is affordable to very low to low income households. These units shall be provided on-site in conjunction with development of the clubhouse and/or golf course maintenance facilities. Each unit shall contain at least 850 square foot of living space and two bedrooms. A minimum of two enclosed parking spaces shall be provided for each unit. The units shall be available for rent within one year of the opening of the clubhouse. A covenant which guarantees that the affordable units shall not revert to market rate for a minimum period of thirty years shall be recorded no later than the date of recordation of the final map.

Project management, including tenant selection and income monitoring, shall be provided in a manner to be approved by the City. First priority for the units shall be given to very low to low income employees of the Ocean Trails project. Second priority shall be given to persons within very low to low income levels working within four miles of the City's coastal zone. Third priority shall be given to persons within very low to low income levels, regardless of the location of employment (if employed).

2. The total number of on-site market-rate dwelling units shall be limited to one dwelling unit per buildable acre of land. However, as an incentive to the developer to provide affordable housing, the four (4) affordable dwelling units to be provided on-site, pursuant to Condition No. D.1 above, shall be allowed to exceed the one dwelling unit per buildable acre maximum. However, in no event shall more than 79 units (both market-rate and affordable) be constructed on the total project site, which includes Vesting Tentative Tract Map Nos. 50666 and 50667.
3. The developer shall provide a minimum of four (4) dwelling units off-site as rental housing, which shall be affordable to very low to low income households. The off-site units shall be located in the City, either within the City's coastal zone or within three miles thereof, and shall not already be designated for or used by persons or families of very low to moderate income levels. The units shall contain at least 850 square feet of habitable space and two bedrooms. The units shall be available for rent at the time when 50% of the market-rate lots are available for sale. The units shall remain affordable to very low to low income households for a period of at least thirty years after initial occupancy at the affordable rate.

Project management, including tenant selection and income monitoring, shall be provided in a manner to be approved by the City. First priority for the units shall be given to very low to low income employees of the Ocean Trails project. Second priority shall be given to persons within very low to low levels working within four miles of the City's coastal zone. Third priority shall be

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given to persons within very low to low income levels, regardless of the location of employment (if employed).

**E. LANDSCAPING**

1. Prior to issuance of grading permits, the developer shall submit a preliminary landscape plan to the Director of Planning, Building and Code Enforcement for review and approval of all common open space areas within the boundaries of the Vesting Tentative Tracts, roadway medians and public trails, which shall include the following:

- a. A minimum of eighty percent (80%) drought tolerant plant materials for all landscaped areas.
- b. Landscaping within all common areas shall be planted in such a manner so that views from adjacent properties and any public right-of-way are not affected and so that solar access to all dwelling units is protected.
- c. All trees selected shall be of a species which reasonably could be maintained at 16 feet. Said trees shall be maintained not to exceed 16 feet in height.
- d. The re-seeding and re-establishment of natural plant species for all of the disturbed common open space areas. Said plan shall include site specific and non-invasive species, and shall be reviewed and commented on by the project biologist and interested parties, and shall be subject to the approval of the Director of Planning, Building and Code Enforcement.
- e. Landscaping and irrigation plans for all rough graded surfaces which have been scarified through grading operations.
- f. The landscaped entries and buffer zones shall meet the standards for Intersection Visibility (Section 17.42.060), as identified in the Development Code.

2. Prior to recordation of the Final Map, the developer shall submit a final landscape and irrigation plan to the Director of Planning, Building and Code Enforcement for review and approval of all common open space areas within the boundaries of the Vesting Tentative Tracts, roadway medians and public trails. The final landscape and irrigation plan shall conform to the California State Model Water Efficient Landscape Ordinance (per State Assembly Bill 325) and shall include the following:

- a. A minimum of eighty percent (80%) drought tolerant plant materials for all landscaped areas.
- b. Landscaping within all common areas shall be planted in such a manner so that views from adjacent properties and any public right-of-way are not affected and so that solar access to all dwelling units is protected.
- c. All trees selected shall be of a species which reasonably could be maintained at 16 feet. Said trees shall be maintained not to exceed 16 feet in height.
- d. The landscaped entries and buffer zones shall meet the standards for Intersection Visibility (Section 17.42.060), as identified in the Development Code.
- e. Irrigation systems shall utilize drip and bubbler systems wherever possible. Controlled spray systems may be used where drip or bubbler systems are not appropriate. All sprinkler heads shall be adjusted to avoid over-spray.

- f. All high water use areas shall be irrigated separately from drought tolerant areas.
- g. Irrigation systems shall be on automatic timers and shall be adjusted for seasonal water needs.

- 3. Within 30 days after Final Map approval, or before sale of any individual lot, whichever occurs first, the developer shall submit to the City a Covenant to Maintain Property to protect views for each lot. All fees associated with recording said covenants shall be paid by the developer.

**F. TRACT FENCING PLANS**

- 1. A complete project fencing plan for each tract included in this approval (including public trails, habitat areas, warning signage, and proposed fence and wall details) shall be reviewed and approved by the Director of Planning, Building and Code Enforcement prior to issuance of grading permits or recordation of the Final Map, whichever occurs first. It shall be the responsibility of the developer to install this fencing prior to sale of any lot within each workable phase. Said fencing plans shall incorporate the following:
  - a. A 42 inch high pipe rail fence or similar fencing of suitable design shall be placed along the length of the bluff top on the seaward side of the bluff top pedestrian trail, subject to the review and approval of the Director of Planning, Building and Code Enforcement. It shall be the responsibility of the developer to install this fencing and warning signage to coincide with the construction of the bluff top pedestrian and bicycle trail.
  - b. A protective fence around the California gnatcatcher habitat areas and around all wildlife corridors adjacent to residential development, or as otherwise required by the Director of Planning, Building and Code Enforcement shall be installed. Fencing of all enhancement areas shall also be required, subject to the review and approval of the Director of Planning, Building and Code Enforcement. Said fencing shall satisfy all requirements of the project biologist, incorporate a method to prevent domesticated animals from entering the habitat areas, include appropriate warning signage, and shall be black or dark green in color. Temporary fencing shall be installed around the existing wildlife corridors and habitat areas prior to the issuance of grading permits and the permanent fencing shall be installed prior to the sale of any lot within adjacent workable phases.
  - c. Vesting Tentative Tract Map No. 50666
    - 1) A decorative fence, minimum height five (5) feet and maximum height six (6) feet, which allows a minimum of 90% light and air to pass through shall be required along all street side setbacks and within all rear setback areas (along the rear and side property lines) of all private residential lots. If not specifically addressed above, said fencing shall be required along all property lines directly abutting common open space lots. Said fencing shall meet the minimum standard design requirements of pool fencing. Any change to this criteria must be approved by the Director of Planning, Building and Code Enforcement. In addition, a solid wall, minimum height five (5) feet and maximum height six (6) feet, shall be required along the west side property line to buffer the public trails in this area from the adjacent residences in the Portuguese Bend Club. The final location, length and configuration of this solid wall shall be reviewed and approved by the City Council prior to the commencement of grading within the phase of the project adjacent to the Portuguese Bend Club.



d. Vesting Tentative Tract Map No. 50667

- 1) Except for Lot Nos. 20 through 23, a decorative, minimum height five (5) feet, maximum height six (6) feet fence which allows a minimum of 90% light and air to pass through shall be required along all street side setbacks and within all rear setback areas (along the rear and side property lines). Said fencing shall also be required along the western side property line of Lot Nos. 34 and 35. If not specifically addressed above, said fencing shall be required for all property lines directly abutting common open space lots or the golf course. Said fencing shall meet the minimum standard design requirements of pool fencing. Any change to this criteria must be approved by the Director of Planning, Building and Code Enforcement.
- 2) A decorative, uniform wall or fence shall be required along the rear property lines of Lot Nos. 20 through 23.
2. Chain link or other wire fencing is prohibited on any portion of any lot within the project, except as otherwise required by the project biologist for habitat protection.
3. Within the front and street side setback areas, fences, walls, or hedges up to a maximum of twenty four (24) inches in height shall be permitted.

G. TRAILS PLAN IMPLEMENTATION/PUBLIC AMENITIES PLAN

1. Prior to issuance of any grading permit, or prior to recordation of any Final Map, whichever occurs first, the developer shall submit a detailed Public Amenities Plan, including signage, specific design standards and placement for all trails, vista points and parking facilities, and other amenities consistent with the Conceptual Trails Plan, subject to the review of the Recreation and Parks Committee, the Directors of Planning, Building and Code Enforcement, Public Works and Parks and Recreation, and approval by the City Council. The Public Amenities Plan shall be in substantial conformance with the program submitted by the developers and described in the "Ocean Trails Conceptual Public Amenities and Coastal Access Program, Rancho Palos Verdes Subregion 7", dated July 1994.
2. The existing remnant from the World War II facilities located at Halfway Point Park shall be preserved as part of the Public Amenities Plan. A plaque commemorating the facility and describing its use shall be placed at the location.
3. Dedication of the public trails and open space lots shall occur at the time any Final Map is recorded.
4. Construction of the public trails and improvements required in the Public Amenities Plan shall be the obligation of the developer. Construction shall coincide with the project grading activity for each approved workable phase within each tract and shall be completed upon acceptance of street improvements within each tract.

H. MITIGATION MEASURES

1. The development shall comply with all mitigation measures of Environmental Impact Report No. 36. Where more restrictive language appears in these conditions of approval, the more restrictive language shall control.
2. All costs associated with implementation of the Mitigation Monitoring Program shall be the responsibility of the Developer.

**II. DEVELOPMENT OF INDIVIDUAL LOTS**

**I. NUMBER OF RESIDENTIAL UNITS**

1. In addition to the four on-site affordable housing units required in Condition D.1, no more than thirty nine (39) single family residential units shall be permitted in Tract No. 50666 and no more than thirty six (36) single family residential units shall be permitted in Tract 50667.

**J. PROJECT DESIGN**

1. Prior to the issuance of grading permits, a final project site plan shall be submitted to the Director of Planning, Building and Code Enforcement for review and approval, identifying the location of all lots, streets and other lot improvements including drainage structures and features, building pad areas and elevations, and utility easements, as depicted on Vesting Tentative Tract Map Nos. 50666 dated as revised on July 31, 1996 and Vesting Tentative Tract Map No. 50667, dated as revised on June 19, 1996.
2. All single family residential development shall conform to the specific standards contained in this permit or, if not addressed herein, the RS-1 (RPD) development standards of the Development Code shall apply.
3. Any significant changes in the development characteristics of the Residential Planned Development, including but not limited to the number of dwelling units, street and lot configuration or modifications to the finished contours, shall require that an application for a major revision to the Conditional Use Permit be filed. The scope of the review shall be limited to the request for modification and any items reasonably related to the request, and shall be subject to approval by the Planning Commission. Before any minor changes are made to the Residential Planned Development, the Director of Planning, Building and Code Enforcement shall report to the Planning Commission a determination of significance.
4. Developers of individual properties shall participate in any Design Review Committee ("DRC") or similar body processes in place at the City at the time development and/or construction plans for each individual residence are submitted to the City for review.
5. No grading or construction of permanent structures on any individual lot shall be allowed closer than twenty-five (25) feet to the Coastal Setback Zone.

**K. COMMON OPEN SPACE BONDS**

1. A minimum of 30% of the acreage of each residential Tract No. 50666 and No. 50667, exclusive of the golf course area, shall remain as common open space. In Tract No. 50666, the lots considered for the purpose of calculating the minimum required common open space are: Lot A (West Vista Park) at 1.5 acres in size; Lot B (Forrestal Canyon) at 5.3 acres in size; Lot D (Portuguese Bend Fire Break) at 1.0 acre in size; Lot C (Forrestal Canyon Fire Break) at 2.4 acres in size; and, Lot J (Palos Verdes Drive South Frontage) at 1.6 acres. In Tract No. 50667, the lots considered for the purpose of calculating the minimum required common open space are: Lot A (La Rotonda Drive Frontage) at 0.6 acres in size; Lot B (Palos Verdes Drive South Frontage) at 3.1 acres in size; Lot C (La Rotonda Canyon) at 4.5 acres in size; Lot D (East Vista Park) at 1.2 acres in size; and, Lot H (East Bluff Preserve Fire Break) at 5.0 acres in size.
2. Prior to recordation of each Final Map or issuance of the grading permit, whichever occurs first, the developer shall post a bond, cash deposit, or other City-approved security to ensure the completion of all common area improvements including: rough grading, landscaping, irrigation, public trails, drainage facilities, and other site features as per approved plans.

**L. CC&Rs**

1. Prior to approval of the final map, copies of Covenants, Conditions and Restrictions (CC&R's) shall be submitted to the Director of Planning, Building and Code Enforcement and the City Attorney for review and approval. Said CC&R's shall reflect standards provided in Chapter 17.14 (Homeowners' Association) of the Development Code, including those items identified herein, and any applicable conditions of Vesting Tentative Tract Map Nos. 50666 and 50667.
2. All necessary legal agreements and documents, including Homeowners' Association, deed restrictions, covenants, dedication of common open space and development rights, public easements, and proposed methods of maintenance and perpetuation of all common open space, on-site drainage facilities and any other hydrological improvements shall be submitted and approved by the City Attorney and the Director of Planning, Building and Code Enforcement prior to approval of each Final Map. Said CC&R's shall include, but not be limited to, the following provisions:
  - a. All provisions required by Section 17.14 (Homeowners' Association) of the City's Development Code.
  - b. Membership in the Homeowners' Association shall be inseparable from ownership in the individual lots.
  - c. The "Development Standards and Design Guidelines" for the project which identifies all materials which affect structure appearance and use restrictions, including but not limited to architectural controls, structure and roof materials, exterior finishes, walls/fences, exterior lighting, and the standards of development contained in subsections M through V of this document (Grading, Development Plans for Construction of Individual Residences, Private Lot Open Space, Setbacks, Minimum Open Space Requirements of Individual Residences, Building Facades and Rooflines, Heights, Lighting, and Appliances). A copy of the "Development Standards and Design Guidelines" shall be provided by the developer and/or Homeowners' Association to each individual landowner upon purchase of any lot or residence.
  - d. All future residential structures, accessory structures, improvements, and/or landscaping shall be subject to review by the Director of Planning, Building and Code Enforcement and/or "DRC" as described below in Condition N.1 and construction and installations of said structures and improvements shall conform to the City-approved plans.
  - e. Dedicate to the City the right to prohibit construction of residential structures on slopes greater than a 3:1 gradient.
  - f. Exterior residential lighting shall be limited to the standards of Environmental Protection set forth in Section 17.54 of the City Development Code.
  - g. Lot coverage, setback, height and private open space shall comply with the requirements for each residential structure as detailed in these Conditions of Approval.
  - h. Requirements for solar installations shall conform to the Development Standards of Section 17.40 and Extreme Slope restrictions of Section 17.57 of the Development Code.
  - i. All landscaping (including parkway trees) shall be selected and maintained so that no trees or group of trees obstructs views from the public right-of-way or adjacent properties consistent with City Council policy regarding street trees.

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- j. No landscaping or accessory structure shall block or significantly obstruct solar access to any lot.
  - k. The outlet structures for the on-site drainage improvements shall be preserved and maintained by the City through the establishment of a maintenance district comprised of the members of the Homeowner's Association. A note to this effect shall be placed on each Final Map.
  - l. Disposal of cuttings of non-native invasive plant species or any ornamental plant species shall be prohibited in common and public open space areas.
  - m. Information detailing covenants prohibiting the developer and any successors in interest of the developer, including but not limited to, any purchaser of an individual lot in this subdivision, from contesting the formation of a maintenance district, referred to in subsection L.2.k. above and in Condition Nos. H.5 and O.2 of Resolution No. 96-73 (Vesting Tentative Tract Map No. 50666) and Condition Nos. H.5 and O.2 of Resolution No. 96-74 (Vesting Tentative Tract Map No. 50667).
  - n. Identification of all public trail easements for pedestrian and bicycle use. The CC&R's shall also prohibit individually owned structures, accessory structures, fences, walls, hedges, landscaping or any other such obstacle within said trail easements without the written approval from the City Council of the City of Rancho Palos Verdes.
  - o. The CC&Rs shall prohibit individual landowners from encroaching into the public right-of-way. The CC&Rs shall specify that all costs incurred to remove hardscape/landscape improvements installed by a landowner in violation of the CC&Rs within the public right-of-way shall be borne by the landowner. At the time improvement plans for an individual residence are submitted to the Homeowner's Association (as required in Condition No. N.7 and the City of Rancho Palos Verdes (as required in Condition No. N.1) for review, the homeowner shall sign a disclosure stating that it is understood that encroachments into the public right-of-way are prohibited and all unlawful improvements constructed within the public right-of-way shall be removed solely at the landowner's expense. This requirement does not apply to mailboxes, provided that the mail boxes do not exceed the minimum requirements of the United States Postal Service.
3. Within thirty (30) days following recordation of the CC&R's, the developer shall submit a recorded copy of the document to the Director of Planning, Building and Code Enforcement.

**M. GRADING FOR CONSTRUCTION OF INDIVIDUAL RESIDENCES**

- 1. Remedial grading, consisting of over-excavation and recompaction for geologic stability which will not alter the contours shown on the approved tract grading plan shall be subject to review and approval by the Director of Planning, Building and Code Enforcement. In addition, grading of up to 1,000 cubic yards for residential use of an individual lot shall be subject to review and approval by the Director of Planning, Building and Code Enforcement. Grading in excess of 1,000 cubic yards, or grading to alter the finished pad elevations shall require approval by the Planning Commission.
- 2. No construction and/or grading on individual lots, shall be permitted on 3:1 or greater slopes.
- 3. All retaining walls shall be subject to review and approval by the Director of Planning, Building and Code Enforcement with subsequent reporting to the Planning Commission, if required, for review and approval pursuant to Section 17.50 of the City Development Code.
- 4. Foundations and floor slabs cast on expansive soils will be designed in accordance with Los Angeles County Code Section 2907-I.

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5. All residential building pad elevations shall substantially conform to the final grading plan for the Final Map in which the lot is located, as approved by the Director of Planning, Building and Code Enforcement. Future landowners are prohibited from raising or lowering the approved building pad elevations, except for excavations to accommodate completely subterranean areas (such as basements, wine cellars and storage areas), as provided for by the Development Code. Within 30 days after Final Map approval, or before sale of any individual lot, whichever occurs first, the developer shall submit to the City a "Covenant to Control Building Pad Elevation" for each residential lot, according to the pad elevations specified on the approved final grading plan. All fees associated with recording said covenants shall be paid by the developer.

**N. DEVELOPMENT PLANS FOR CONSTRUCTION OF INDIVIDUAL RESIDENCES**

1. Prior to issuance of any grading or construction permits for individual lots subsequent to the completion of finished pads, final improvement plans for the particular lot and structure shall be submitted to the Director of Planning, Building and Code Enforcement and/or Design Review Committee ("DRC") or similar body as described below in Condition N.5 for review and approval. Said plans shall include, but are not limited to, plot plan, section and elevation drawings, floor plan, grading and exterior lighting plan. The plot plan shall clearly show existing and proposed topography, all proposed structures, all easements and setbacks. The section and elevation drawings shall clearly indicate maximum proposed height and ridge elevation for all structures, fences, walls, accessory structures, and equipment.
2. Unless otherwise specified in these conditions of approval, all structures and development on individual lots shall comply with RS-1 (RPD) development standards.
3. All fencing along interior side and front property lines, if not otherwise addressed in Sections F.1, F.2, and F.3 above, shall conform with Section 17.42 of the Rancho Palos Verdes Development Code.
4. Chain link or other wire fence is prohibited on any portion of any lot, except as otherwise required by project biologist for habitat protection.
5. Developer's of individual properties shall participate in any Design Review Committee ("DRC") or similar body processes in place at the City at the time development and construction plans for each individual residence are submitted.
6. Development and construction plans for each individual residence shall comply with the standards and conditions set forth in the "Development Standards and Design Guidelines" for the tract and shall be incorporated within the CC&R's for each tract and attached hereto by reference as Exhibit "B" and hereby included as a condition of approval. The final version of the "Development Standards and Design Guidelines" shall be reviewed and approved by the Director of Planning, Building and Code Enforcement prior to the recordation of the CC&Rs. Requests for approval of individual residences shall be reviewed for compliance with said conditions and "Development Standards and Design Guidelines" by the Director of Planning, Building and Code Enforcement and/or any Design Review Committee ("DRC") in place at the time development applications for individual residences are submitted.
7. Upon submittal of proposed development and construction plans for each individual residence to the Director of Planning, Building and Code Enforcement as described above in Condition N.1, individual property owners shall provide written approval of the proposed development obtained from the established Homeowner's Association or any Homeowner's Association Architectural Committee.

**O. PRIVATE LOT OPEN SPACE**

1. Each residential lot shall provide a private outdoor living area in an amount not less than four hundred (400) square feet for each bedroom in the unit. This area shall be adjacent to and provide a private, usable area for each dwelling unit.

**P. SETBACKS**

1. The following setbacks shall apply for all structures located in Vesting Tentative Tract 50666:

- a. The minimum front yard setback for all structures on an individual lot shall be thirty-five (35) feet.
- b. The minimum street side setback on all lots shall be twenty (20) feet.
- c. On lots with a minimum lot size less than 20,000 square feet (Lot Nos. 24, 29 and 32 through 40), the minimum interior side yard setback shall be ten (10) feet on one side, with a minimum total of thirty (30) feet on both sides.
- d. On lots with a minimum lot size between 20,000 and 24,999 square feet (Lots Nos. 1, 2, 6, 13, 14, 20, 22, 23, 25 through 28, 30 and 31), the minimum interior side yard setback shall be fifteen (15) feet on one side, with a minimum total of thirty five (35) feet on both sides.
- e. On lots with a minimum lot size of 25,000 or greater (Lot Nos. 3 through 5, 7 through 12, 15 through 19 and 21), the minimum interior side yard setback shall be fifteen (15) feet on one side, with a minimum total of forty (40) feet on both sides.
- f. The minimum rear yard setback for all structures on an individual lot shall be thirty-five (35) feet.

2. The following setbacks shall apply for all structures located in Vesting Tentative Tract 50667:

- a. Except for Lot Nos. 7 through 16, and 18 through 23, the minimum front yard setback for all structures on an individual lot shall be thirty-five (35) feet. On Lot Nos. 7 through 16, and 18 through 23, the minimum front yard setback for all structures on an individual lot shall be twenty-five (25) feet.
- b. The minimum street side setback on all lots shall be twenty (20) feet.
- c. On lots with a minimum lot size less than 20,000 square feet (Lot Nos. 2-16, 18, 19, 22, 23, 29, 30, 33, 34 and 36), the minimum interior side yard setback shall be ten (10) feet on one side, with a minimum total of thirty (30) feet on both sides.
- d. On lots with a minimum lot size between 20,000 and 24,999 square feet (Lot Nos. 20, 21, 24, 26-28, 31, 32 and 35), the minimum interior side yard setback shall be fifteen (15) feet on one side, with a minimum total of thirty five (35) feet on both sides.
- e. On lots with a minimum lot size of 25,000 (Lot Nos. 1, 17 and 25), the minimum interior side yard setback shall be fifteen (15) feet on one side, with a minimum total of forty (40) feet on both sides.
- f. Except for Lot Nos. 7 through 16, 18, 19, 23, 35 and 36, the minimum rear yard setback for all structures on an individual lot shall be thirty-five (35) feet. On Lot Nos. 7 through 16, 18, 19, 23, 35 and 36, the minimum rear yard setback for all structures on an individual lot shall be twenty-five (25) feet.

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3. Any other architectural features or appurtenances shall conform to Section 17.40.030 (E) of the Rancho Palos Verdes Development Code.
4. Except for driveways, walkways and parking areas, all of the required front and street-side setback areas shall be landscaped. Driveways, walkways, and parking areas shall not cover more than fifty (50) percent of the required front or street side setback areas. "Turf-block" or landscaped areas that are designed to be driven or parked over (such as grass strips between paved strips) shall be counted as a driveway or parking area for the purpose of calculating landscaping in the front or street side setback area.
5. Except as described below in Condition P.6, no minor or accessory structures, including but not limited to pool equipment and trash enclosures, shall be permitted within any required setback area.
6. Trash enclosures and other minor equipment may be permitted within any interior side yard setback area adjacent to the structure, subject to review and approval of a Minor Exception Permit.

**Q. MINIMUM OPEN SPACE REQUIREMENTS OF INDIVIDUAL RESIDENCES**

1. The minimum open space requirement for all lots shall not be less than 60 percent of the lot. Lot coverage shall include the building footprint, driveway and parking area, covered patios, covered walkways, and other accessory structures.
2. In addition, the following limitations apply to habitable area of each structure, dependent on the size of the lot on which the structure is located:

LOT SIZE (RANGE)	MAXIMUM HABITABLE SPACE	MAXIMUM HABITABLE SPACE SQUARE FOOTAGE (RANGE)
less than 20,000 SQUARE FEET	30%	6,000 SQUARE FEET
20,000 - 24,999 SQUARE FEET	30%	7,500 SQUARE FEET
25,000 SQUARE FEET OR GREATER	30%	10,000 SQUARE FEET

**NOTES:**

- a. Lot sizes are based on calculated gross square footage.
- b. Maximum Habitable Space includes the living area of all structures, and does not include garage, access, driveways, hardscape, and non-habitable basements per the Building Code.
- c. No structure on any residential lot(s) shall exceed a maximum of 10,000 square feet.

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3. Requests to modify the permitted habitable square footage per lot size category are subject to a Revision to Conditional Use Permit No. 162.

**R. BUILDING FACADES AND ROOFLINES**

1. In order to avoid solid, two story facades on any structure, no unbroken, vertical two-story facades shall be allowed on the front and rear elevations of the residences. The upper level shall be a minimum of twenty (20) percent smaller than the footprint of the structure. In no case should the setback area on the upper level be less than six (6) feet. This area shall be setback from the lower level on both the front and rear elevation of each structure. The setback may only be used as a roof area or an uncovered deck or balcony.
2. The roof of the main structure on each residence shall have a pitch of at least 2 in 12, except where it is necessary to have small areas with less pitch in order to comply with Building Code criteria.
3. On Lot Nos. 13 through 21 within Vesting Tentative Tract No. 50666, the main ridge of the structure shall be parallel to the side property line and generally perpendicular to Palos Verdes Drive South.
4. On Lot Nos. 24, 25, 35 and 36 within Vesting Tentative Tract No. 50667, the main ridge of the structure shall be perpendicular to Palos Verdes Drive South.
5. Roofing materials shall be Class A and non-combustible.

**S. HEIGHTS**

1. For purposes of identifying lot types and approved heights for all primary structures within Vesting Tentative Tract Map No. 50666, Lot 1 and Lot Nos. 9 through 39 are designated as Lot Type A. and Lot Nos. 2 through 8 are designated Lot Type C.
2. For purposes of identifying lot types and approved heights for all primary structures within Vesting Tentative Tract Map No. 50667, Lot Nos. 1 through 13, 24 and 25 are designated as Lot Type A. Lot Nos. 14 through 23, and 26 through 36 are designated Lot Type C.
3. Building heights for all residential structures are limited as follows:  
  
Lot Type A:     16 feet  
  
Lot Type C:     26 feet
4. All heights shall be measured pursuant to Section 17.02.040 of the Development Code (New Preservation and Restoration Ordinance).
5. The height of all accessory structures shall conform to Section 17.40.050 (C) of the Rancho Palos Verdes Development Code.
6. The subsequent submittal of a Conditional Use Permit Revision to increase the maximum building heights to exceed those specified in Condition S.3 above shall be prohibited. Within 30 days after Final Map approval, or before sale of any individual lot, whichever occurs first, the developer shall submit to the City a "Covenant to Limit Maximum Building Height" for each residential lot, according to the height limits specified in Condition S.3. All fees associated with recording said covenants shall be paid by the developer.

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**T. SOLAR SYSTEM**

1. All dwelling units shall be designed and constructed so that the plumbing and circulation system will allow utilization of solar energy as part of the hybrid system for providing hot water. Solar panels shall not exceed the ridge line of the structure on which they are placed.
2. All proposed solar installation shall be reviewed by the Director of Planning, Building and Code Enforcement for consistency with the provisions of the Development Code.

**U. LIGHTING**

1. Exterior residential lighting shall be limited to the standards of Section 17.54.030 of the Development Code.
2. A typical residential unit lighting plan shall be submitted to the Director of Planning, Building and Code Enforcement for review and approval prior to issuance of building permits, and there shall be no direct off-site illumination from any light source.

**V. APPLIANCES**

1. All units shall be required to install and maintain in proper working order an electronic garage door opener for each garage door.
2. All units shall be required to install and maintain low water use plumbing fixtures including, but not limited to, low flow toilets and shower heads.

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**RESOLUTION NO. 96-76**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES APPROVING REVISIONS TO CONDITIONAL USE PERMIT NO. 163 FOR A PUBLIC GOLF COURSE AND PUBLIC OPEN SPACE IN CONNECTION WITH REVISION "C" TO THE OCEAN TRAILS PROJECT (VESTING TENTATIVE TRACT MAP NOS. 50666 AND 50667 AND TENTATIVE PARCEL MAP NOS. 20970 AND 23004), LOCATED IN COASTAL SUBREGIONS 7 AND 8**

WHEREAS, an application package was filed by the Zuckerman Building Company and Palos Verdes Land Holdings Company requesting approval of tentative parcel maps, vesting tentative tract maps, conditional use permits, a coastal permit and a grading permit to allow the construction of a Residential Planned Development of 120 single family dwelling units and for development of an 18-hole golf course, a clubhouse and parking facilities on a 258 acre site bounded by Palos Verdes Drive South on the north, Portuguese Bend Club and Community Association on the west, the Pacific Ocean on the south and Los Angeles County Shoreline Park on the east; and,

WHEREAS, a Draft Environmental Impact Report (DEIR) was prepared and circulated for 45 days from June 7, 1991 through July 22, 1991 in order to receive written comments on the adequacy of the document from responsible agencies and the public; and,

WHEREAS, subsequent to the circulation of the Draft Environmental Impact Report and preparation of written responses, the applicant revised the scope of the project and reduced the number of proposed single family residences to 40 units in Vesting Tentative Tract Map No. 50666 and 43 in Vesting Tentative Tract Map No. 50667, and an 18 hole golf course with related facilities within the boundaries of both Vesting Tentative Tract Maps, and, due to the changes in the project, an Addendum to the Draft Environmental Impact Report (ADEIR) was prepared; and,

WHEREAS, based on review of the Addendum to the Draft Environmental Impact Report, the City determined that the information submitted in the AEIR cited potential additional significant environmental impacts that would be caused by the revised project, and directed preparation of a Supplemental Environmental Impact Report (SEIR). The SEIR, which incorporates information and findings set forth in the Addendum to the Draft Environmental Impact Report, was prepared and circulated for 45 days from March 19, 1992 through May 4, 1992, during which time all interested parties were notified of the circulation period and invited to present written comments to the information contained in the SEIR, in conformance with the requirements of the California Environmental Quality Act; and,

WHEREAS, on June 1, 1992, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 92-53, certifying Environmental Impact Report No. 36 and adopted Resolution Nos. 92-54, 92-55, 92-56 and 92-57, respectively approving Vesting Tentative Tract Map Nos. 50666 and 50667, Tentative Parcel Map Nos. 20970 and 23004, Conditional Use Permit Nos. 162 and 163, Coastal Permit No. 103 and Grading Permit No. 1541 for a Residential Planned Development consisting of a total of eighty-three (83) single family dwelling units, an 18 hole public golf course and public open space on 261.4 acres in Coastal Subregion Nos. 7 and 8; and,

WHEREAS, on August 12, 1992, after finding that an appeal of the City's approval of the project raised substantial issue, the California Coastal Commission denied Coastal Permit No. 103, directed the landowners to redesign the project to address the concerns raised by the Coastal Commission Staff and remanded the project back to the City of Rancho Palos Verdes for reconsideration; and,

WHEREAS, on December 7, 1992, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 92-115 approving the Addendum to Environmental Impact Report No. 36 and adopted Resolution Nos. 92-116, 92-117, 92-118 and 92-119 approving Revisions to Vesting Tentative Tract Map Nos.

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50666 and 50667, Tentative Parcel Map Nos. 20970 and 23004, Conditional Use Permit Nos. 162 and 163, Coastal Permit No. 103, and Grading Permit No. 1541 in order to address concerns raised by the Coastal Commission with regard to adequate provisions for public open space, public access and habitat preservation; and,

WHEREAS, on April 15, 1993, the California Coastal Commission approved Coastal Development Permit No. A-5-RPV-93-5 (i.e. Coastal Permit No. 103), subject to additional conditions of approval; and,

WHEREAS, on October 5, 1993, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 93-89 approving a second Addendum to Environmental Impact Report No. 36 and adopted Resolution Nos. 93-90, 93-91, 93-92 and 93-93 respectively re-approving Vesting Tentative Tract Map Nos. 50666 and 50667, Tentative Parcel Map Nos. 20970 and 23004, Conditional Use Permit Nos. 162 and 163, and Grading Permit No. 1541 in order to comply with a Court mandate to provide affordable housing in conjunction with the project, pursuant to Government Code Section 65590; and,

WHEREAS, on November 5, 1993, the California Coastal Commission adopted revised and expanded findings in conjunction with the project; and,

WHEREAS, on September 6, 1994, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 94-71 approving a third Addendum to Environmental Impact Report No. 36 and Adopted Resolution Nos. 94-72, 94-73, 94-74, 94-75, 94-76 and 94-77, respectively, approving Revision "A" to the approved Ocean Trails project, including, but not limited to, relocation of the golf course clubhouse from the area southwest of the School District property to an area north of Half Way Point, locating the golf course maintenance facility and four (4) affordable housing units southeast of the corner of Palos Verdes Drive South and Paseo Del Mar, reducing the number of single family residential lots from eighty-three (83) to seventy-five (75) and increasing the height of the golf course clubhouse from thirty (30) feet to forty-eight (48) feet; and,

WHEREAS, on January 12, 1995, the California Coastal Commission approved Coastal Development Permit No. A-5-RPV-93-005A (i.e. Coastal Permit No. 103), thereby approving its first amendment to the permit, subject to revised conditions of approval; and,

WHEREAS, on September 27, 1995, the California Coastal Commission approved Coastal Development Permit No. A-5-RPV-93-005A (i.e. Coastal Permit No. 103), thereby approving its second amendment to the permit; and,

WHEREAS, on February 1, 1996, the California Coastal Commission approved Coastal Development Permit No. A-5-RPV-93-005A (i.e. Coastal Permit No. 103), thereby approving its third amendment to the permit; and,

WHEREAS, on March 11, 1996, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 96-15 approving a fourth Addendum to Environmental Impact Report No. 36 and Adopted Resolution Nos. 96-16, and 96-17, respectively, approving Revision "B" to the approved Ocean Trails project, including, but not limited to, modifying the approved alignment of Paseo del Mar ("A" Street/"J" Bluff Road), revising the Conditions of Approval regarding several public trails, and relocating the golf course clubhouse approximately 80 feet to the west of its previously approved location; and,

WHEREAS, on May 28, 1996, Zuckerman Building Company and Palos Verdes Land Holdings Company submitted an application package to the City of Rancho Palos Verdes requesting approval for certain revisions to the approved Ocean Trails project, including, but not limited to, relocation of two single family residential lots in Vesting Tentative Tract Map No. 50667 from the end of Street "A" to the end of Street "C", revisions to the boundaries of open space Lots B, C, G and H, conversion the split-level lots in Vesting Tentative Tract Map No. 50667 to single-level lots, revisions to the golf course layout, revisions the public trail system, combination of parallel trails easements, construction of a paved fire access road west of the Ocean Terraces

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Condominiums and amendments to several Conditions of Approval and Mitigation Measures to modify the required timing for compliance; and,

WHEREAS, on July 11, 1996, the California Coastal Commission approved Coastal Development Permit No. I-RPV-93-005A (i.e. Coastal Permit No. 102), thereby approving its fourth amendment to the permit, subject to revised conditions of approval; and,

WHEREAS, on August 13, 1996, after notice issued pursuant to the provisions of the Development Code, the Planning Commission held a public hearing to consider draft Addendum No. 5 to Environmental Impact Report No. 36 and the proposed Revision "C" to the Ocean Trails project, at which time all interested parties were given an opportunity to be heard and present evidence. At the conclusion of the duly noticed public hearing, the Planning Commission adopted P.C. Resolution Nos. 96-22, 96-23, 96-24, 96-25, 96-26 and 96-27, thereby recommending approval of Addendum No. 5 to EIR No. 36 and recommending approval of the revisions to Tentative Tract Map Nos. 50666 and 50667 to the City Council, and approving revisions to Conditional Use Permit Nos. 162 and 163 and Grading Permit No. 1541; and,

WHEREAS, on August 31, 1996, copies of the Addendum No. 5 to Environmental Impact Report No. 36 were distributed to the City Council and prior to taking action on the proposed Revision "C" to the Ocean Trails project, the City Council independently reviewed and considered the information and findings contained in Addendum No. 5 to EIR No. 36 and revised Mitigation Monitoring Program, and determined that the documents were prepared in compliance with the requirements of the California Environmental Quality Act and local guidelines, with respect thereto; and,

WHEREAS, on September 3, 1996, after notice issued pursuant to the provisions of the Development Code, the City Council held a public hearing to consider draft Addendum No. 5 to Environmental Impact Report No. 36 and the proposed Revision "C" to the Ocean Trails project, at which time all interested parties were given an opportunity to be heard and present evidence.

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

Section 1: In considering the proposed revisions to the project, the City Council has determined that the preparation of Addendum No. 5 to Environmental Impact Report No. 36 is appropriate, since the subsequent changes in the project will not result in any new significant environmental impacts which were not previously identified and analyzed in Environmental Impact Report No. 36, that the subsequent changes will not result in an increase in any previously identified significant environmental impacts, that the Addendum does not contain new information of substantial importance to the project and that only minor technical changes or additions are necessary to make Environmental Impact Report adequate under the provisions of the California Environmental Quality Act (CEQA).

This is so, since the revised project will result in no significant change in the impacts identified in the previous EIR. The relocation of two single family residential lots in Vesting Tentative Tract Map No. 50667 from the end of Street "A" (Lot Nos. 34 and 35 on the previously approved plan) to the end of Street "C" (Lot Nos. 8 and 9 on the revised plan) and the revision to the golf course layout for Hole Nos. 3, 4 and 5 does not result in any new or increased impacts to the environment, since these improvements would be located in areas of the subject property that were previously identified as part of the developed and/or graded portion of the project. The reconfiguration to the boundaries of common open space Lots B, C, G and H does not result in any new or increased impacts to the environment, since the minimum required lot sizes of these lots will be maintained and there will be no net decrease in the acreage of protected habitat. The conversion of the split-level lots to single-pad lots in Vesting Tentative Tract Map No. 50667 and the proposed changes to the maximum building heights on some of these lots does not result in any new or increased impacts to the environment, since the views of the ocean, Catalina Island and the coastline from Palos Verdes Drive South would not be adversely impacted.

The proposed changes to the public trails in the project would not result in any new or increased impacts to the environment, since 1) the realignment of the public trail from the La Rotonda parking lot to the Bluff Top Activity Corridor would increase the safety of the public using the lateral trail connection through the golf course to the bluff top; 2) the provision to allow shared use of certain segments of the public trail for golf carts would minimize the amount of pavement in these areas, minimize conflicts caused by crossing paths and would not diminish public enjoyment of these trails; and, 3) the combination of parallel pedestrian and bicycle trails into a single easement would not change the physical configuration of the trails once they have been constructed. The construction of a paved fire access road on the seaward side of the Ocean Terraces Condominiums does not result in any new or increased impacts to the environment, since the paved road would improve public safety by providing all-weather access to the existing fire hydrants along the south side of the condominium complex. The amendments to the Conditions of Approval and Mitigation Measures would not result in any new or increased impacts to the environment, since these changes will not alter the effectiveness of the Conditions of Approval and/or Mitigation Measures, and will act, instead, to ensure that the project are better monitored and the impacts are fully mitigated.

Therefore, based on the review of Draft Addendum No. 5 to Environmental Impact Report No. 36 prepared in association with the proposed Revision "C" to the Ocean Trails project, as conditioned, the City Council finds that the project still mitigates, or reduces to the extent feasible, significant adverse effects to adjacent properties or the permitted uses thereof. In approving the revised project, the City Council finds that social, recreational, and other benefits of the project continue to outweigh any unavoidable adverse environmental impacts that may occur and that due to overriding benefits and considerations, any unavoidable adverse environmental impacts of the project are acceptable. Accordingly, the City Council recommends that the City Council incorporate, by reference, the Final EIR No. 36, the Supplemental EIR, Addenda Nos. 1, 2, 3 and 4, and Resolution No. 92-115 (which includes, without limitation, the detailed statement of overriding considerations set forth therein).

**Section 2:** Pursuant to Section 17.56.060 of the Development Code, the City Council, in approving the revisions to Conditional Use Permit No. 163 for the public golf course and related uses, finds as follows:

- A. That the golf course and related uses are consistent with the General Plan and its objectives. The General Plan land use map designates almost the entire project site as Residential, with a maximum density of one dwelling unit per acre, and shows the coastal bluffs as hazard areas. The General Plan provides for additional commercial recreational uses within the City as appropriate to a particular location, including golf, equestrian, tennis and other recreational activities, and designates the City's entire coastal area as a specific plan district.

Further, that the project complies with the criteria set forth in the General Plan for the Natural, Socio/Cultural and Urban Overlay Control Districts on the site. As conditioned, the project preserves natural drainage courses and significant geologic, biologic and hydrologic features in compliance with the Natural Overlay Control District, protects areas that have significant historical, archeological or cultural importance in compliance with the Socio/Cultural District and preserves, protects and enhances public views and vistas in compliance with the Urban Overlay Control District.

- B. That the proposed golf course use is consistent with the City's Development Code as a conditionally permitted use in any district when deemed to be necessary or desirable for the public convenience or welfare and when the use is not contrary to the General Plan or its objectives or contrary to the Coastal Specific Plan or its objectives and requirements. Public recreational uses, such as a golf course, are encouraged by policies of the Coastal Specific Plan and General Plan. A public golf course is necessary and desirable in that it will provide a cash surplus to the City, it will add to the views from adjacent properties and from Palos Verdes Drive South, it will permit expanded public access to the coast. Further, as current demand for golf tee times greatly exceeds supply for existing public golf courses on the Peninsula, many peninsula and City residents must travel great distances to golf.

The City Council hereby finds that the proposed golf course is necessary and desirable for the public convenience and welfare and, as set forth in sections 2(A) & (B) above, it is not contrary to either the General Plan or the Coastal Specific Plan.

- C. That given the adjacent land uses and the project's location and design, as modified herein, and recommended conditions imposed through this permit, the 261.4 acre site is adequate in size and configuration to accommodate the proposed uses including a Residential Planned Development and golf course.
- D. That given the adjacent land uses and the project's location and design, as modified herein, and the recommended conditions imposed by Conditional Use Permit No. 163, attached hereto as Exhibit "A", the site is adequate in lot size and configuration to accommodate the golf course, clubhouse and related facilities.
- E. That the site is served by Palos Verdes Drive South which is an improved street designed to carry the type and quantity of traffic that would be generated by the proposed project.
- F. That, given the site location, project design, and recommended conditions imposed through this permit and attached hereto as Exhibit "A", including setbacks, heights, lighting, landscaping, fencing, hours of operation, and other recommended conditions, the proposed use will not significantly adversely affect the peace, health, safety, or general welfare of the area, nor will it be materially detrimental to property values, jeopardize, endanger, or otherwise constitute a menace to the public health, safety, and welfare of persons in the surrounding area.
- G. That the re-orientation of the service doors for the golf course maintenance facility, away from the residences to the north in the Sea Cliff Hills tract and away from the condominiums to the southeast in the Ocean Terraces complex, and the inclusion of a solid block wall around the facility is intended to further reduce the insignificant noise impacts to these adjacent uses that were previously identified and analyzed in Environmental Impact Report No. 36.
- H. That the proposed project, as conditioned, mitigates or reduces significant adverse effects to adjacent properties or the permitted uses thereof. In recommending approval, the City Council finds that the social, recreational, and other benefits of the project outweigh any unavoidable adverse environmental impacts that may occur. The project provides visitor-serving uses in the coastal zone and, as a floating commercial use, the proposed golf course complies with permitted uses in the RS-1/RPD and zone as shown in the Official Zoning Map, and with permitted single family residential uses as designated in the General Plan, and Coastal Specific Plan, while preserving and enhancing habitat areas and providing passive and active recreational uses with a bluff road, public parking, trails, and vista points that will provide public recreational opportunities and preserve public vistas.

**Section 3:** The mitigation measures contained in the revised Mitigation Monitoring Program attached as Exhibit "B" to Resolution No. 96-72 are hereby incorporated by reference into the Conditions of Approval for the revisions to Conditional Use Permit No. 163.

**Section 4:** For the forgoing reasons, and based on information and findings contained in the public record, including Staff Reports, Minutes, records of proceedings, and evidence presented at the public hearings, the City Council of the City of Rancho Palos Verdes hereby approves revisions to Conditional Use Permit No. 163, subject to: 1) the Conditions of Approval attached in Exhibit "A", which are necessary to protect the public health, safety and general welfare; 2) the approval of revisions to Vesting Tentative Tract Map No. 50666 and 50667, Conditional Use Permit No. 162 and Grading Permit No. 1541 ; and, 3) approval of draft Addendum No. 5 to Environmental Impact Report No. 36.

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PASSED, APPROVED, and ADOPTED this 3rd day of September 1996.

/S/ MARILYN LYON  
MAYOR

ATTEST:

/S/ JO PURCELL  
CITY CLERK

STATE OF CALIFORNIA                    )  
COUNTY OF LOS ANGELES                )ss  
CITY OF RANCHO PALOS VERDES            )

I, Jo Purcell, City Clerk of the City of Rancho Palos Verdes, hereby certify that the above Resolution No. 96-76 was duly and regularly passed and adopted by the said City Council at a regular meeting held on September 3, 1996.

Jo Purcell, City Clerk  
City of Rancho Palos Verdes

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RESOLUTION NO. 96-76 EXHIBIT "A"

CONDITIONAL USE PERMIT NO. 163 - REVISION "C"

CONDITIONS OF APPROVAL FOR A GOLF COURSE DEVELOPMENT

A. DEVELOPER AGREEMENT

1. Within thirty (30) days of approval of Revision "C" to the Conditional Use Permit, the developers shall submit, in writing, a statement that they have read, understand and agree to all of the conditions of approval contained in this exhibit.
2. The developer shall fund an alternative water source study in an amount not to exceed fifty thousand (50,000) dollars. The purpose of the study shall be to investigate the feasibility of developing various alternative water sources for support of the golf course and related facilities including such alternatives as desalinization, reverse osmosis and other similar technologies, water reclamation, use of de-watering wells, etc. However, upon written request, the City Council may waive or delay the requirement to prepare said study.
3. If there are drought conditions at the time the golf course is developed, or if for any other reason the availability of water is scarce, the developer or its successor in interest shall contribute its proportionate share of the cost of developing new water sources for the City, including off-site development, identified in the study required in Condition A.2. The City or other responsible agency shall determine the amount of the proportionate share by conducting the necessary studies. However, upon written request, the City Council may waive or delay the payment of the contribution, contingent on a determination by the City Council that an alternative water source study is necessary pursuant to Condition A.2.
4. Approval of this Conditional Use Permit is conditioned upon the applicant entering into an agreement with the City of Rancho Palos Verdes within twenty (20) days of the date of this approval, subject to approval by the City Attorney, to indemnify and defend the City against all damages, claims, judgements, and litigation costs, including, without limitation, attorney's fees awarded to a prevailing party, arising from the approval of the project and all issues related thereto.

B. PERMIT EXPIRATION AND COMPLETION DEADLINE

1. Pursuant to Development Code Section 17.67.090, this permit shall expire within twenty four (24) months from the date that the Coastal Permit associated with this Conditional Use Permit is approved by the last responsible agency approval, unless a grading permit for the golf course and building permits for the clubhouse structure have been applied for and are being diligently pursued. Extensions of up to one (1) year each may be granted by the Planning Commission, if requested in writing prior to expiration.
2. If rough grading for the golf course and construction to the point of foundation inspection for the clubhouse structure has not been completed within twenty four (24) months from the date of building permit issuance, the Conditional Use Permit shall expire and be of no further effect, unless, prior to expiration, a written request for extension is filed with the Director of Planning, Building and Code Enforcement and is granted by the Planning Commission. Otherwise, a new Conditional Use Permit must be approved prior to further development.

C. GOLF COURSE CLUBHOUSE

1. The golf clubhouse shall be located west of the terminus of Street "A" (Paseo Del Mar extension), in the area generally described as east of Forrestal Canyon, south of the single family Lot Nos. 6, 7, and 8 located on Street "B", and north of Half Way Point Park, as shown on "Site Plan for Conditional Use Permit Amended Map No. 2," dated June 19, 1996, prepared by ESCO



Engineering Service Corporation, and dated as received by the City on August 2, 1996. No portion of the golf course clubhouse shall be located in areas currently zoned Open Space Hazard (OH). A minimum factor of safety of 1.5 shall be demonstrated for the clubhouse structure. If the developer is unable to provide for a minimum factor of safety of 1.5 using mechanical methods, including but not limited to de-watering wells, or if the clubhouse location is modified for any other reason, the developer shall submit an application for a revision to this Conditional Use Permit, for review and approval by the Planning Commission and City Council prior to recordation of any Final Map.

2. The size, height, design and placement of the clubhouse shall substantially conform to the plans reviewed by the Planning Commission which are entitled "Ocean Trails Clubhouse" (site plan, upper floor level, lower floor level and elevations), prepared by Klages Carter Vail and Partners, dated May 1, 1994 and dated as received by the City on August 5, 1994. Prior to issuance of building permits for the clubhouse, the final clubhouse design shall be submitted for review and by the Director of Planning, Building and Code Enforcement and subsequently reviewed and approved by the Planning Commission. As part of the final review, the Director may approve up to a 20% increase in the square footage of the building and up to a 10% increase in the footprint of the building. The developer of the clubhouse shall be required to participate in any Design Review Committee ("DRC") or similar body processes in place at the City at the time development and construction plans for the clubhouse are submitted.
3. The public rest rooms on the lower level of the clubhouse shall be increased in size to include a minimum of four (4) water closets in the women's facility and one (1) water closet and two (2) urinals in the men's facility. The design, orientation and signage of this facility shall clearly encourage use by the public visiting the adjacent park and access trails. The final design of the public rest rooms shall be subject to the review and approval of the Director of Planning, Building and Code Enforcement.
4. The height of the clubhouse shall conform to the requirements of Variance No. 380, as specified in Resolution No. 94-77.

D. AFFORDABLE HOUSING

1. The developer shall provide a minimum of four (4) dwelling units on-site as rental housing, which shall be affordable to very low to low income households. These units shall be provided on-site in conjunction with development of the clubhouse and/or golf course maintenance facilities. Each unit shall contain at least 850 square foot of living space and two bedrooms. A minimum of two-enclosed parking spaces shall be provided for each unit. The units shall be available for rent within one year of the opening of the clubhouse. A covenant which guarantees that the affordable units shall not revert to market rate for a minimum period of thirty years shall be recorded no later than the date of recordation of the final map.

Project management, including tenant selection and income monitoring, shall be provided in a manner to be approved by the City. First priority for the units shall be given to very low to low income employees of the Ocean Trails project. Second priority shall be given to persons within very low to low income levels working within four miles of the City's coastal zone. Third priority shall be given to persons within very low to low income levels, regardless of the location of employment (if employed).

2. The total number of on-site market-rate dwelling units shall be limited to one dwelling unit per buildable acre of land. However, as an incentive to the developer to provide affordable housing, the four (4) affordable dwelling units to be provided on-site, pursuant to Condition D.1 above, shall be allowed to exceed the one dwelling unit per buildable acre maximum. However, in no event shall more than 79 units (both market-rate and affordable) be constructed on the total project site, which includes Vesting Tentative Tract Map Nos. 50666 and 50667.

3. The developer shall provide a minimum of four (4) dwelling units off-site as rental housing, which shall be affordable to very low to low income households.

The off-site units shall be located in the City, either within the City's coastal zone or within three miles thereof, and shall not already be designated for or used by persons or families of very low to moderate income levels. The units shall contain at least 850 square feet of habitable space and two bedrooms. The units shall be available for rent at the time when 50% of the market-rate lots are available for sale. The units shall remain affordable to very low to low income households for a period of at least thirty years after initial occupancy at the affordable rate.

Project management, including tenant selection and income monitoring, shall be provided in a manner to be approved by the City. First priority for the units shall be given to very low to low income employees of the Ocean Trails project. Second priority shall be given to persons within very low to low income levels working within four miles of the City's coastal zone. Third priority shall be given to persons within very low to low income levels, regardless of the location of employment (if employed).

4. The on-site affordable housing units shall be located near the southeast intersection of Palos Verdes Drive South and Paseo Del Mar, provided that mechanical methods including, but not limited to de-watering wells, are utilized to ensure a minimum factor of safety of 1.5 for the affordable housing units. Additionally, no portion of the affordable housing units shall be located in areas currently zoned Open Space Hazard (OH). If the developer is unable to provide for a minimum factor of safety of 1.5 using mechanical methods, or if the location of the affordable housing complex is modified for any other reason, the developer shall submit an application for a revision to this Conditional Use Permit, for review and approval by the Planning Commission and City Council prior to recordation of any Final Map, or issuance of the grading permit, whichever occurs first.
5. The size, height, design and placement of the affordable housing complex shall substantially conform to the plans reviewed by the Planning Commission, which are entitled "Ocean Trails Clubhouse" (site plan, floor plans and elevations), prepared by Klages Carter Vail and Partners, dated May 1, 1994 and dated as received by the City on August 5, 1994. However, the required parking shall be modified to include a minimum of eight (8) enclosed garage spaces, pursuant to Condition D.1 above. Prior to issuance of building permits for the complex, the final design of the affordable housing complex shall be submitted for review and approval by the Director of Planning, Building and Code Enforcement. The developer of the affordable housing complex shall be required to participate in any Design Review Committee ("DRC") or similar body processes in place at the City at the time development and construction plans for the affordable housing units are submitted.

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6. The unenclosed guest parking spaces associated with the affordable housing complex shall be designed in such a manner as to blend with the single family residential appearance of the complex. Prior to the issuance of building permits for the complex, the final design of the guest parking spaces shall be submitted for review and approval of the Director of Planning, Building and Code Enforcement.

**E. GOLF COURSE MAINTENANCE FACILITY**

1. The golf course maintenance facility shall be located near the southeast intersection of Palos Verdes Drive South and Paseo Del Mar and the affordable housing complex, provided that mechanical methods including, but not limited to de-watering wells, are utilized to ensure a minimum factor of safety of 1.5 for the maintenance structure. Additionally, no portion of the golf course maintenance structure shall be located in areas currently zoned Open Space Hazard (OH). If the developer is unable to provide for a minimum factor of safety of 1.5 using mechanical methods, or if the location of the golf course maintenance facility is modified for any other reason, the developer shall submit an application for a revision to this Conditional Use Permit, for review and approval by the Planning Commission and City Council prior to recordation of any Final Map, or issuance of the grading permit, whichever occurs first.
2. The size, height, design and placement of the golf course maintenance facility shall substantially conform to the plans reviewed by the Planning Commission, which are entitled "Ocean Trails Clubhouse" (site plan, floor plans and elevations), prepared by Klages Carter Vail and Partners, dated May 1, 1994 and dated as received by the City on August 5, 1994. Prior to issuance of building permits for the facility, the final design of the maintenance facility shall be submitted for review and approval by the Director of Planning, Building and Code Enforcement. The developer of the golf course maintenance facility shall be required to participate in any Design Review Committee ("DRC") or similar body processes in place at the City at the time development and construction plans for the facility are submitted.
3. In addition to the requirements set forth in Condition E.2 above, the orientation of the golf course maintenance facility shall be rotated by approximately 90 degrees, so that the roll-up doors to the service and equipment storage area are facing the golf course, away from the residential areas to the north across Palos Verdes Drive South and the Ocean Terraces condominium complex to the southeast. The final orientation of the structure shall be subject to the review and approval of the Director of Planning, Building and Code Enforcement, prior to the issuance of building permits for the facility.
4. The golf course maintenance facility shall be enclosed by a maximum six (6) foot high, decorative block wall. The final location of the wall shall be subject to the review and approval of the Director of Planning, Building and Code Enforcement, prior to the issuance of building permits for the facility.

**F. DESIGN OF THE GOLF COURSE**

1. The design and layout of the 18 hole golf course shall substantially conform to the plans reviewed by the Planning Commission, which are entitled "Site Plan for Conditional Use Permit Amended Map No. 2," dated June 19, 1996, prepared by ESCO Engineering Service Corporation, and dated as received by the City on August 2, 1996. Prior to commencement of the construction of the golf course, the final design of the golf course shall be submitted for review by the Director of Planning, Building and Code Enforcement and subsequently submitted for review and approval by the Planning Commission for compliance with the plan referenced in this condition. The final design of

the golf course shall identifying the layout of the golf course holes and other improvements, including drainage structures, utility easements, golf cart paths, public trails and beach access. Wherever possible, the final design of the golf course shall minimize any conflict between the use of the golf holes and the public trails.

2. Any changes in the project which results in significant changes in the development characteristics of the approved conceptual plan per Condition F.1 above, shall require that an application for a revision to the Conditional Use Permit be filed. The scope of the review shall be limited to the request for modification of any items reasonably related to the request, and shall be subject to approval by the Planning Commission. Before any minor changes are made to the development, the Director of Planning, Building and Code Enforcement shall report to the Planning Commission a determination of significance.
3. Prior to issuance of any grading permit, the developer shall submit a final Public Amenities Plan, including signage, specific design standards and placement for all trails, vista points and parking facilities, and other amenities consistent with the Conceptual Trails Plan and subject to the review of the Recreation and Parks Committee, the Director of Planning, Building and Code Enforcement, the Director of Public Works, and the Director of Parks and Recreation, and approval by the City Council. The Public Amenities Plan shall be in substantial conformance with the program described in the "Ocean Trails Conceptual Public Amenities and Coastal Access Program for Rancho Palos Verdes Subregion 7", dated July 1994 and dated as received by the City on July 22, 1994.
4. Prior to recordation of the Final Map, any additional acreage needed to increase the size or area for the golf course and related uses shall be obtained by reducing the acreage currently designated for residential purposes within Tract 50666, Tract 50667, or a combination thereof, provided a minimum of thirty (30) percent of the area within each tract remains for Common Open Space. Any additional acreage needed to increase the area of the golf course shall not result in a reduction in the acreage of land to be dedicated or restricted for public open space uses as shown on the approved Ocean Trails Plan.
5. Any artificial water features (water hazards, fountains, artificial lakes, etc.) associated with the golf course are subject to review and approval by the Director of Planning, Building and Code Enforcement, prior to the issuance of a grading permit. Such features shall be permitted, subject to the conditions that they be lined to prevent percolation of water into the soil and are charged with reclaimed and appropriately treated water when available from related uses after such features are initially established. The reclaimed water stored in any artificial water features shall be used to supplement the irrigation systems required to maintain the golf course. The operation of the water features and reclaimed water shall be subject to all applicable health code requirements. If there are any violations in this condition of approval, or if such features create a public nuisance at any time (visual appearance, odor, etc.), approval of such features may be revoked through a public hearing before the Planning Commission, where mitigation including draining, filling, and re-landscaping may be imposed.
6. Any accessory structures associated with the golf course, including but not limited to a snack shop, convenience and comfort facilities, or similar structures, shall not exceed sixteen (16) feet in height unless a minor revision to the Conditional Use Permit and a Variance are granted by the Planning Commission.

**G. OPERATION OF THE GOLF COURSE**

1. Approval of this Conditional Use Permit is contingent upon the concurrent and continuous operation of the primary components of the project, which are the golf course and clubhouse. If either use is discontinued, this Conditional Use Permit will be null and void. If the landowner or the landowner's successor in interest seeks to change the uses which have been designated, the landowner must file an application for a major modification of the Conditional Use Permit with the City. At that time, the Planning Commission may impose such conditions as it deems necessary upon the proposed use and may consider all issues relevant to the proposed change of use, including, but not limited to, whether the entire Conditional Use Permit should be revoked.
2. The hours of operation of the clubhouse may be limited by the City Council based on the determination that excessive sound is audible from surrounding residential properties.
3. Deliveries utilizing vehicles over forty (40) feet in length shall be limited to the hours of 5:00 a.m. to 9:00 p.m. Monday through Friday, and 7:00 a.m. to 9:00 p.m. on Saturday and Sunday. Other vehicles shall be allowed to make deliveries 24 hours a day.
4. The use of air (leaf) blowers and gardening equipment shall not occur before 8:00 a.m. or after 5:00 p.m. Monday through Friday or before 9:00 a.m. or after 4:00 p.m. on Saturday. Use of such equipment is prohibited on Sunday or national holidays.
5. No on-site repair or delivery of equipment and/or materials shall be permitted before 7:00 a.m. or after 4:00 p.m., except for repair of golf course equipment within enclosed structures.
6. Prior to the installation of landscaping on the golf course, the developer shall submit a green waste management and recycling program for review and approval by the Directors of Planning, Building and Code Enforcement and Public Works.
7. The operator of the golf facilities shall participate in the City's recycling program.
8. The City hereby reserves the right to increase the golf tax established by Ordinance No. 291 on the golf course use to which the developer and any successors in interest to the developer and any owner(s) and/or operator(s) of the golf course shall not object. Written notice of this condition shall be provided to any purchaser(s) prior to the close of escrow and/or operator(s) of the golf course prior to the execution of any lease or contract agreement to operate the golf course.
9. Any future heliport proposed with this development shall be subject to a new and separate Conditional Use Permit. No heliport is permitted with this approval.

**H. MISCELLANEOUS DESIGN STANDARDS**

1. Prior to the issuance of grading permits, all golf course signage, including trail signage, shall be subject to a sign permit and subsequent review and approval by the Director of Planning, Building and Code Enforcement, as part of the landscape plan required in Condition K.1..
2. All trash enclosure walls shall be a maximum of 6 feet in height and designed to accommodate recycling bins and shall have solid, self closing gates and be integrated into the building design.

3. All utilities exclusively serving the site shall be provided underground, including cable television, telephone, electrical, gas, and water. All appropriate permits shall be obtained for their installation. Cable television, if utilized, shall be connected to the nearest trunk line at the developer's expense.
4. No roof mounted mechanical equipment, vents, or ducts, shall be permitted. All other mechanical equipment shall be screened and/or covered as necessary to reduce their visibility from public rights-of-way or adjacent properties. Any necessary screening and covering shall be architecturally harmonious with the materials and colors of the buildings. Use of satellite dish antennae shall be subject to the conditions and requirements of Sections 17.41.140 through 17.41.210 of the Rancho Palos Verdes Development Code.
5. Mechanical equipment shall be housed in enclosures designed to attenuate noise to a level of 45 dBA at the property lines. Mechanical equipment for food service shall incorporate filtration systems to eliminate exhaust odors.
6. No gates or other devices shall be permitted which limit direct access to the site. No freestanding fences, walls, or hedges shall be allowed, unless part of the fencing plan reviewed and approved by the Director of Planning, Building and Code Enforcement as required by Condition No. L.1.
7. All retaining walls are subject to review and approval by the Director of Planning, Building and Code Enforcement, prior to the issuance of grading permits. Unless otherwise provided, retaining walls shall conform to the criteria established in Section 17.50 of the Rancho Palos Verdes Development Code.

I. **PARKING**

1. Prior to the issuance of any grading permit, the developer shall submit a final parking plan reflecting the parking design for the approved project, including calculations for the number of parking spaces required for the golf course, clubhouse and ancillary uses, and any on-site dining facilities. The parking plan shall be subject to review and approval by the Director of Planning, Building and Code Enforcement. Requests for extensions may be granted by the Director of Planning, Building and Code Enforcement for up to one hundred eighty (180) days.
2. As part of the final parking plan required in Condition I.1., a minimum of one hundred fifty (150) parking spaces shall be constructed in a lot on the west side of the clubhouse, as designated in the parking plan, for golf course, clubhouse and public use. A minimum of forty five (45) parking spaces shall be constructed in a lot on the east side of the clubhouse, as designated in the parking plan, for public use only during daylight hours and clubhouse use after dusk. A minimum of seventy five (75) overflow parking spaces and a minimum of twenty five (25) employee parking spaces shall be constructed in a lot adjacent to the golf course maintenance facility, as designated in the parking plan, for golf course, clubhouse and public use.
3. All parking areas shall be designed to mitigate or eliminate non-aesthetic noise and views which may impact surrounding single family and multi-family residences, subject to the review and approval of the Director of Planning, Building and Code Enforcement, prior to the issuance of the grading permit.

J. **LIGHTING**

1. Exterior lighting for the clubhouse, maintenance facility and affordable housing complex shall be limited to the Standards of Section 17.54.030 of the Development Code.

2. Prior to issuance of building permits for any of the structures referenced in Condition No. J.1, a lighting plan shall be submitted to the Director of Planning, Building and Code Enforcement for review and approval and there shall be no direct off-site illumination from any light source.
3. Parking and security lighting shall be kept to minimum safety standards and shall conform to all applicable City requirements. Fixtures shall be shielded to prevent lighting from illuminating on or towards other properties; there shall be no spill-over onto residential properties. A trial period of six (6) months from issuance of certificate of occupancy for assessment of exterior lighting impacts shall be instituted. At the end of the 6 month period, the City may require additional screening or reduction in intensity of any light which has been determined to be excessively bright.
4. No golf course lighting shall be allowed.

**K. LANDSCAPING**

1. Prior to issuance of grading permits, the developer shall submit a preliminary landscape plan to the Director of Planning, Building and Code Enforcement for review and approval of the clubhouse, golf course and appurtenant structures, parking lot, and all open space areas within the boundaries of the parcel maps and/or tract maps, roadway medians and public trails which shall include the following:
  - a. A minimum of eighty percent (80%) drought tolerant plant materials for all landscaped areas.
  - b. Landscaping within the project area shall be planted in such a manner so that views from adjacent properties and any public right-of-way are not affected.
  - c. All trees selected shall be of a species which reasonably could be maintained at 16 feet. Said trees shall be maintained not to exceed 16 feet in height.
  - d. The re-seeding and re-establishment of natural plant species for all of the disturbed open space areas. Said plan shall include site specific and non-invasive species, and shall be reviewed and commented on by the project biologist and interested parties, and shall be subject to the approval of the Director of Planning, Building and Code Enforcement.
  - e. Landscaping and irrigation plans for all rough graded surfaces which have been scarified through grading operations.
  - f. The landscaped entries and buffer zones shall meet the standards for Intersection Visibility (Section 17.42.060), as identified in the Development Code.
2. Prior to installation of the permanent landscaping for the golf course and associated structures, the developer shall submit a final landscape and irrigation plan to the Director of Planning, Building and Code Enforcement for review and approval of the clubhouse, golf course and appurtenant structures, parking lot, and all open space areas within the boundaries of the parcel maps and/or tract maps, roadway medians and public trails. The final landscape and irrigation plans shall conform to California State Model Water Efficient Landscape Ordinance (per State Assembly Bill 325) and shall include the following:
  - a. A minimum of eighty percent (80%) drought tolerant plant materials for all landscaped areas.

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- b. Landscaping within the project area shall be planted in such a manner so that views from adjacent properties and any public right-of-way are not affected.
  - c. All trees selected shall be of a species which reasonably could be maintained at 16 feet. Said trees shall be maintained not to exceed 16 feet in height.
  - d. The landscaped entries and buffer zones shall meet the standards for Intersection Visibility (Section 17.42.060), as identified in the Development Code.
  - e. Irrigation systems shall utilize drip and bubbler systems wherever possible. Controlled spray systems may be used where drip or bubbler systems are not appropriate. All sprinkler heads shall be adjusted to avoid over-spray.
  - f. All high water use areas shall be irrigated separately from drought tolerant areas.
  - g. Irrigation systems shall be on automatic timers and shall be adjusted for seasonal water needs.
  - h. Where practical, transitional landscaping on graded slopes shall screen the project's night lighting as seen from surrounding areas.
3. Within 30 days after Final Map approval, or prior to issuance of building permits, whichever occurs first, the developer shall submit to the City a Covenant to Maintain Property to protect views for each golf course lot. All fees associated with recording said covenant shall be paid by the developer.

**L. FENCING PLANS**

1. A complete project fencing plan (including public trails, habitat areas, warning signage, and proposed fence and wall details) shall be approved by the Director of Planning, Building and Code Enforcement and/or the Design Review Committee ("DRC") or similar body if established, prior to issuance of grading permits or recordation of the Final Map, whichever occurs first. It shall be the responsibility of the developer to install this fencing prior to sale of any lot within each workable phase. Said fencing plans shall incorporate the following:
- a. A 42 inch high pipe rail fence or similar fencing of suitable design shall be placed along the length of the bluff top on the seaward side of the bluff top pedestrian trail, subject to the review and approval of the Director of Planning, Building and Code Enforcement. It shall be the responsibility of the developer to install this fencing and warning signage to coincide with the construction of the bluff top pedestrian and bicycle trail.
  - b. A protective fence around the California gnatcatcher habitat areas and around all wildlife corridors adjacent to residential development, or as otherwise required by the Director of Planning, Building and Code Enforcement shall be installed. Fencing of all enhancement areas shall also be required, subject to the review and approval of the Director of Planning, Building and Code Enforcement. Said fencing shall satisfy all requirements of the project biologist, incorporate a method to prevent domesticated animals from entering the habitat areas, include appropriate warning signage, and shall be black or dark green in color. Temporary fencing shall be installed around the existing wildlife corridors and habitat areas prior to the issuance of grading permits and the permanent fencing shall be installed prior to the sale of any lot within adjacent workable phases.



- c. Protective fencing along all trails and open space areas where there is a potential conflict between golf course uses and public access uses.

**M. ARCHAEOLOGY AND PALEONTOLOGY**

1. Prior to issuance of grading permits, the project archaeologist shall submit a protocol to the City for monitoring and for the discovery of archaeological resources. A qualified archaeologist shall make frequent inspections during the rough grading operation to further evaluate cultural resources on the site. If archaeological resources are found, all work in the affected area shall be stopped and the resources shall be removed or preserved. All "finds" shall be reported to the Director of Planning, Building and Code Enforcement immediately. All archaeological finds shall be first offered to the City for preservation. At the completion of grading, the project archaeologist shall submit a report detailing finds, if any.
2. Prior to issuance of grading permits, the project paleontologist shall submit a protocol to the City for monitoring and for the discovery of paleontological resources. A qualified paleontologist shall be present during all rough grading operations. If paleontological resources are found, all work in the affected area shall be stopped and the resources shall be removed or preserved. All "finds" shall be reported to the Director of Planning, Building and Code Enforcement immediately. All paleontological finds shall be first offered to the City for preservation. At the completion of grading, the project paleontologist shall submit a report detailing finds, if any.

**N. BIOLOGY**

1. Prior to issuance of grading permits, or prior final of any map, whichever occurs first, the developer shall submit a Habitat Conservation Plan (HCP) for review and comment by local wildlife and habitat preservation groups, and subject to approval by the Planning Commission.
2. Prior to issuance of grading permits, the project biological monitor shall submit protocol to the City for the monitoring of biological resources in conformance with the Habitat Conservation Plan and Environmental Impact Report No. 36. A qualified biologist shall be present during all rough grading operations to verify and ensure compliance with mitigation measures contained in Environmental Impact Report No. 36 for preservation of biological resources, and conformance with the conditions and requirements of the Habitat Conservation Plan (HCP) as described in Condition N.1 above.

**O. WATER**

1. Prior to issuance of grading permits, the developer must submit a labor and materials bond in addition to either:
  - a. An agreement and faithful performance bond in the amount estimated by the Director of Public Works and guaranteeing the installation of the water system; or
  - b. An agreement and other evidence satisfactory to the Director of Public Works indicating that the developer has entered into a contract with the servicing water utility to construct the water system, as required, and has deposited with such water utility a security guaranteeing payment for the installation of the water system.
2. There shall be filed with the Director of Public Works a statement from the purveyor indicating that the proposed water mains and any other required facilities will be operated by the purveyor, and that, under normal operating conditions, the system will meet the needs of the development.

3. There shall be filed with the Director of Public Works an unqualified "will serve" statement from the purveyor indicating that water service can be provided to meet the demands of the proposed development. Said statement shall be dated no more than six months prior to issuance of building permits for the clubhouse. Should the developer receive a qualified "will serve" statement from the purveyor, the City shall retain the right to require the developer to use an alternative water source, subject to the review and approval of the City, or the City shall determine that the conditions of the project approval have not been satisfied.
4. The golf course and related facilities shall be served by adequately sized water system facilities which shall include fire hydrants of the size, type, and location as determined by the Los Angeles County Fire Department. The water mains shall be of sufficient size to accommodate the total domestic and fire flows required for the development. Domestic flow requirements shall be determined by the Director of Public Works. Fire flow requirements shall be determined by the Los Angeles County Fire Department, and evidence of approval by the Los Angeles County Fire Department is required prior to issuance of building permits for the clubhouse, maintenance facility or affordable housing complex, whichever occurs first.
5. Framing of structures shall not begin until after the Los Angeles County Fire Department has determined that there is adequate fire fighting water and access available to the said structures pursuant to Condition No. 0.4.

**P. DRAINAGE**

1. Prior to issuance of grading permits, a bond, cash deposit, or combination thereof, shall be posted to cover the costs of construction of drainage improvements in an amount to be determined by the Director of Public Works.
2. Prior to issuance of grading permits, the developer shall submit a hydrology study to the Director of Public Works to determine any adverse impacts to on-site and/or off-site existing flood control facilities generated by this project. Should the Director of Public Works determine that adverse impacts will result, the developer will be required to post a bond, cash deposit, or combination thereof in an amount to be determined by the Director of Public Works, which will cover the cost of all on-site improvements and the project's fair share of the necessary off-site improvements.
3. Drainage plans and necessary support documents to comply with the following requirements must be submitted for approval by the Director of Public Works prior to the issuance of grading permits:
  - a. Provide drainage facilities to remove any flood hazard to the satisfaction of the Director of Public Works and dedicate and show easements on the Final Map.
  - b. Eliminate sheet overflow and ponding or elevate the floors of any structures with no openings in the foundation walls to at least twelve inches above the finished pad grade.
  - c. Provide drainage facilities to protect the property from high velocity scouring action.
  - d. Provide for contributory drainage from adjoining properties.
  - e. All on-site surface drainage shall be directed away from the bluff top to minimize erosion and to protect sensitive plant habitat on the bluff face.

4. All drainage swales and any other on-grade drainage facilities, including gunite, shall be of an earth tone color, as approved by the Director of Planning, Building and Code Enforcement prior to the issuance of grading permit.

**Q. PROJECT COMPLETION BONDS**

1. Prior to recordation of any Final Map and/or issuance of grading permit, whichever occurs first, the developer shall post a bond, cash deposit, or other City-approved security to ensure the completion of all golf course, clubhouse and related improvements, including: rough grading, landscaping, irrigation, public trails, habitat restoration, drainage facilities, and other site features as per approved plans.

**R. PUBLIC OPEN SPACE DEED RESTRICTION**

1. Prior to issuance of grading permits or recordation of any Final Map, whichever occurs first, the landowner shall record a restrictive covenant in favor of the City in a form and on terms acceptable to the City, requiring all land within the golf course, including any permanent structures, for golf course and related recreational uses to be open to the public. Furthermore, the deed restriction shall specify that conversion of any portion of the approved facilities to a private or member-only use or the implementation of any program to allow extended or exclusive use or occupancy of the facilities by an individual or limited group or segment of the public is specifically precluded by this permit and would require an amendment to this permit or a new permit in order to be effective.

**S. COMPLETION PER APPROVED PLANS**

1. The developer shall designate appropriate workable phases (portions of the development to include adjoining areas of grading, construction of the clubhouse and associated improvements, streets of access, finish grading phases, supporting off-site improvements and on-site drainage and utility improvements) that shall be subject to approval by the Director of Planning, Building and Code Enforcement and the Director of Public Works, prior to the issuance of grading permit.
2. Any workable phase not under construction which has been scarified through grading operations shall be irrigated and landscaped within ninety (90) days of grading. Temporary irrigation lines may be approved by the Director of Planning, Building and Code Enforcement.
3. Prior to the issuance of grading permits, the developer shall post a bond, cash deposit, or other City-approved security to guarantee substantial vegetative cover and maintenance of all finish graded lots which have not been sold for development.
4. No building permits shall be issued prior to finish grading within the approved workable phase of the site in which each lot is located and until the Director of Planning, Building and Code Enforcement has determined that all drainage facilities and common area and off-site improvements in the workable phase of the site and necessary for development of the phase in the approved construction plan in which the lots or structures are located are completed, to the extent that the lots or structures are accessible and able to support development.
5. The developer shall participate in any Design Review Committee ("DRC") or similar body processes in place at the City at the time development and construction plans for the clubhouse, golf course, and related facilities are submitted to the City.

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**T. TRAILS PLAN AND PUBLIC AMENITIES IMPLEMENTATION**

1. The developer shall be responsible for implementation and construction of all amenities detailed in the Public Amenities Plan as required per Condition F.3 above, and Condition G.1 of Resolution No. 96-75. Construction of the public amenities shall coincide with the project grading activity and shall be completed upon certification of rough grading.
2. The existing remnant from the World War II facility located at the Halfway Point Park shall be preserved as a part of the Public Amenities Plan. A plaque commemorating the facility and describing its uses shall be placed at the location.
3. Dedication of the public trail and open space lots shall occur at the time the Final Map is recorded.
4. Construction of the public trails and improvements required in the Public Amenities Plan shall be the obligation of the developer. Construction shall coincide with the project grading activity and shall be completed upon certification of rough grading. Dedication of the public trails shall occur at the time any Final Map is recorded.

**U. MITIGATION MEASURES**

1. The development shall comply with all mitigation measures of Environmental Impact Report No. 36. Where more restrictive language appears in these conditions of approval, the more restrictive language shall control.
2. All costs associated with implementation of the Mitigation Monitoring Program shall be the responsibility of the Developer, and/or any successors in interest.

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**RESOLUTION NO. 96-77**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES APPROVING REVISIONS TO GRADING PERMIT NO. 1541 IN CONNECTION WITH REVISION "C" TO THE OCEAN TRAILS PROJECT (VESTING TENTATIVE TRACT MAP NOS. 50666 AND 50667, TENTATIVE PARCEL MAP NOS. 20970 AND 23004 AND CONDITIONAL USE PERMIT NOS. 162 AND 163), LOCATED IN COASTAL SUBREGIONS 7 AND 8.**

**WHEREAS, an application package was filed by the Zuckerman Building Company and Palos Verdes Land Holdings Company requesting approval of tentative parcel maps, vesting tentative tract maps, conditional use permits, a coastal permit and a grading permit to allow the construction of a Residential Planned Development of 120 single family dwelling units and for development of an 18-hole golf course, a clubhouse and parking facilities on a 258 acre site bounded by Palos Verdes Drive South on the north, Portuguese Bend Club and Community Association on the west, the Pacific Ocean on the south and Los Angeles County Shoreline Park on the east; and,**

**WHEREAS, a Draft Environmental Impact Report (DEIR) was prepared and circulated for 45 days from June 7, 1991 through July 22, 1991 in order to receive written comments on the adequacy of the document from responsible agencies and the public; and,**

**WHEREAS, subsequent to the circulation of the Draft Environmental Impact Report and preparation of written responses, the applicant revised the scope of the project and reduced the number of proposed single family residences to 40 units in Vesting Tentative Tract Map No. 50666 and 43 in Vesting Tentative Tract Map No. 50667, and an 18 hole golf course with related facilities within the boundaries of both Vesting Tentative Tract Maps, and, due to the changes in the project, an Addendum to the Draft Environmental Impact Report (ADEIR) was prepared; and,**

**WHEREAS, based on review of the Addendum to the Draft Environmental Impact Report, the City determined that the information submitted in the AEIR cited potential additional significant environmental impacts that would be caused by the revised project, and directed preparation of a Supplemental Environmental Impact Report (SEIR). The SEIR, which incorporates information and findings set forth in the Addendum to the Draft Environmental Impact Report, was prepared and circulated for 45 days from March 19, 1992 through May 4, 1992, during which time all interested parties were notified of the circulation period and invited to present written comments to the information contained in the SEIR, in conformance with the requirements of the California Environmental Quality Act; and,**

**WHEREAS, on June 1, 1992, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 92-53, certifying Environmental Impact Report No. 36 and adopted Resolution Nos. 92-54, 92-55, 92-56 and 92-57, respectively approving Vesting Tentative Tract Map Nos. 50666 and 50667, Tentative Parcel Map Nos. 20970 and 23004, Conditional Use Permit Nos. 162 and 163, Coastal Permit No. 103 and Grading Permit No. 1541 for a Residential Planned Development consisting of a total of eighty-three (83) single family dwelling units, an 18 hole public golf course and public open space on 261.4 acres in Coastal Subregion Nos. 7 and 8; and,**

**WHEREAS, on August 12, 1992, after finding that an appeal of the City's approval of the project raised substantial issue, the California Coastal Commission denied Coastal Permit No. 103, directed the landowners to redesign the project to address the concerns raised by the Coastal Commission Staff and remanded the project back to the City of Rancho Palos Verdes for reconsideration; and,**

**WHEREAS, on December 7, 1992, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 92-115 approving the Addendum to Environmental Impact Report No. 36 and adopted Resolution Nos. 92-116, 92-117, 92-118 and 92-119 approving Revisions to Vesting Tentative Tract Map Nos. 50666 and 50667, Tentative Parcel Map Nos. 20970 and 23004, Conditional Use Permit Nos. 162 and 163, Coastal Permit No. 103, and Grading Permit No. 1541 in order to address concerns raised by the Coastal**

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Commission with regard to adequate provisions for public open space, public access and habitat preservation; and,

WHEREAS, on April 15, 1993, the California Coastal Commission approved Coastal Development Permit No. A-5-RPV-93-5 (i.e. Coastal Permit No. 103), subject to additional conditions of approval; and,

WHEREAS, on October 5, 1993, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 93-89 approving a second Addendum to Environmental Impact Report No. 36 and adopted Resolution Nos. 93-90, 93-91, 93-92 and 93-93 respectively re-approving Vesting Tentative Tract Map Nos. 50666 and 50667, Tentative Parcel Map Nos. 20970 and 23004, Conditional Use Permit Nos. 162 and 163, and Grading Permit No. 1541 in order to comply with a Court mandate to provide affordable housing in conjunction with the project, pursuant to Government Code Section 65590; and,

WHEREAS, on November 5, 1993, the California Coastal Commission adopted revised and expanded findings in conjunction with the project; and,

WHEREAS, on September 6, 1994, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 94-71 approving a third Addendum to Environmental Impact Report No. 36 and Adopted Resolution Nos. 94-72, 94-73, 94-74, 94-75, 94-76 and 94-77, respectively, approving Revision "A" to the approved Ocean Trails project, including, but not limited to, relocation of the golf course clubhouse from the area southwest of the School District property to an area north of Half Way Point, locating the golf course maintenance facility and four (4) affordable housing units southeast of the corner of Palos Verdes Drive South and Paseo Del Mar, reducing the number of single family residential lots from eighty-three (83) to seventy-five (75) and increasing the height of the golf course clubhouse from thirty (30) feet to forty-eight (48) feet; and,

WHEREAS, on January 12, 1995, the California Coastal Commission approved Coastal Development Permit No. A-5-RPV-93-005A (i.e. Coastal Permit No. 103), thereby approving its first amendment to the permit, subject to revised conditions of approval; and,

WHEREAS, on September 27, 1995, the California Coastal Commission approved Coastal Development Permit No. A-5-RPV-93-005A (i.e. Coastal Permit No. 103), thereby approving its second amendment to the permit; and,

WHEREAS, on February 1, 1996, the California Coastal Commission approved Coastal Development Permit No. A-5-RPV-93-005A (i.e. Coastal Permit No. 103), thereby approving its third amendment to the permit; and,

WHEREAS, on March 11, 1996, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 96-15 approving a fourth Addendum to Environmental Impact Report No. 36 and Adopted Resolution Nos. 96-16, and 96-17, respectively, approving Revision "B" to the approved Ocean Trails project, including, but not limited to, modifying the approved alignment of Paseo del Mar ("A" Street/"J" Bluff Road), revising the Conditions of Approval regarding several public trails, and relocating the golf course clubhouse approximately 80 feet to the west of its previously approved location; and,

WHEREAS, on May 28, 1996, Zuckerman Building Company and Palos Verdes Land Holdings Company submitted an application package to the City of Rancho Palos Verdes requesting approval for certain revisions to the approved Ocean Trails project, including, but not limited to, relocation of two single family residential lots in Vesting Tentative Tract Map No. 50667 from the end of Street "A" to the end of Street "C", revisions to the boundaries of open space Lots B, C, G and H, conversion the split-level lots in Vesting Tentative Tract Map No. 50667 to single-level lots, revisions to the golf course layout, revisions the public trail system, combination of parallel trails easements, construction of a paved fire access road west of the Ocean Terraces Condominiums and amendments to several Conditions of Approval and Mitigation Measures to modify the required timing for compliance; and,

WHEREAS, on July 11, 1996, the California Coastal Commission approved Coastal Development Permit No. A-5-RPV-93-005A (i.e. Coastal Permit No. 103), thereby approving its fourth amendment to the permit, subject to revised conditions of approval; and,

WHEREAS, on August 13, 1996, after notice issued pursuant to the provisions of the Development Code, the Planning Commission held a public hearing to consider draft Addendum No. 5 to Environmental Impact Report No. 36 and the proposed Revision "C" to the Ocean Trails project, at which time all interested parties were given an opportunity to be heard and present evidence. At the conclusion of the duly noticed public hearing, the Planning Commission adopted P.C. Resolution Nos. 96-22, 96-23, 96-24, 96-25, 96-26 and 96-27, thereby recommending approval of Addendum No. 5 to EIR No. 36 and recommending approval of the revisions to Tentative Tract Map Nos. 50666 and 50667 to the City Council, and approving revisions to Conditional Use Permit Nos. 162 and 163 and Grading Permit No. 1541; and,

WHEREAS, on August 31, 1996, copies of the Addendum No. 5 to Environmental Impact Report No. 36 were distributed to the City Council and prior to taking action on the proposed Revision "C" to the Ocean Trails project, the City Council independently reviewed and considered the information and findings contained in Addendum No. 5 to EIR No. 36 and revised Mitigation Monitoring Program, and determined that the documents were prepared in compliance with the requirements of the California Environmental Quality Act and local guidelines, with respect thereto; and,

WHEREAS, on September 3, 1996, after notice issued pursuant to the provisions of the Development Code, the City Council held a public hearing to consider draft Addendum No. 5 to Environmental Impact Report No. 36 and the proposed Revision "C" to the Ocean Trails project, at which time all interested parties were given an opportunity to be heard and present evidence.

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

Section 1: In considering the proposed revisions to the project, the City Council has determined that the preparation of Addendum No. 5 to Environmental Impact Report No. 36 is appropriate, since the subsequent changes in the project will not result in any new significant environmental impacts which were not previously identified and analyzed in Environmental Impact Report No. 36, that the subsequent changes will not result in an increase in any previously identified significant environmental impacts, that the Addendum does not contain new information of substantial importance to the project and that only minor technical changes or additions are necessary to make Environmental Impact Report adequate under the provisions of the California Environmental Quality Act (CEQA).

This is so, since the revised project will result in no significant change in the impacts identified in the previous EIR. The relocation of two single family residential lots in Vesting Tentative Tract Map No. 50667 from the end of Street "A" (Lot Nos. 34 and 35 on the previously approved plan) to the end of Street "C" (Lot Nos. 8 and 9 on the revised plan) and the revision to the golf course layout for Hole Nos. 3, 4 and 5 does not result in any new or increased impacts to the environment, since these improvements would be located in areas of the subject property that were previously identified as part of the developed and/or graded portion of the project. The reconfiguration to the boundaries of common open space Lots B, C, G and H does not result in any new or increased impacts to the environment, since the minimum required lot sizes of these lots will be maintained and there will be no net decrease in the acreage of protected habitat. The conversion of the split-level lots to single-pad lots in Vesting Tentative Tract Map No. 50667 and the proposed changes to the maximum building heights on some of these lots does not result in any new or increased impacts to the environment, since the views of the ocean, Catalina Island and the coastline from Palos Verdes Drive South would not be adversely impacted.

The proposed changes to the public trails in the project would not result in any new or increased impacts to the environment, since 1) the realignment of the public trail from the La Rotonda parking lot to the

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Bluff Top Activity Corridor would increase the safety of the public using the lateral trail connection through the golf course to the bluff top; 2) the provision to allow shared use of certain segments of the public trail for golf carts would minimize the amount of pavement in these areas, minimize conflicts caused by crossing paths and would not diminish public enjoyment of these trails; and, 3) the combination of parallel pedestrian and bicycle trails into a single easement would not change the physical configuration of the trails once they have been constructed. The construction of a paved fire access road on the seaward side of the Ocean Terraces Condominiums does not result in any new or increased impacts to the environment, since the paved road would improve public safety by providing all-weather access to the existing fire hydrants along the south side of the condominium complex. The amendments to the Conditions of Approval and Mitigation Measures would not result in any new or increased impacts to the environment, since these changes will not alter the effectiveness of the Conditions of Approval and/or Mitigation Measures, and will act, instead, to ensure that the project are better monitored and the impacts are fully mitigated.

Therefore, based on the review of Draft Addendum No. 5 to Environmental Impact Report No. 36 prepared in association with the proposed Revision "C" to the Ocean Trails project, as conditioned, the City Council finds that the project still mitigates, or reduces to the extent feasible, significant adverse effects to adjacent properties or the permitted uses thereof. In approving the revised project, the City Council finds that social, recreational, and other benefits of the project continue to outweigh any unavoidable adverse environmental impacts that may occur and that due to overriding benefits and considerations, any unavoidable adverse environmental impacts of the project are acceptable. Accordingly, the City Council recommends that the City Council incorporate, by reference, the Final EIR No. 36, the Supplemental EIR, Addenda Nos. 1, 2, 3 and 4, and Resolution No. 92-115 (which includes, without limitation, the detailed statement of overriding considerations set forth therein).

Section 2: Pursuant to Section 17.50.070 of the Development Code, the City Council, in approving the revisions to Grading Permit No. 1541, finds as follows:

- A. That the grading associated with the project is not excessive beyond that necessary for the permitted primary use of the property, since the grading has been limited to that necessary to (i) create the residential lots in such a fashion that development of homes on the lots will not adversely impact public and private views, (ii) construct a links-style golf course in which preservation of natural open space is maximized and (iii) make improvements to Palos Verdes Drive South which are necessary for safety reasons. In addition, grading will be balanced on the site with no export of excavated material.
- B. That the grading and/or construction does not significantly adversely effect the visual relationships with, nor the views from neighboring sites, since the 18-hole golf course is designed to conform with existing topography, to the fullest extent possible, and the grading for the residential lots will lower pad elevations to preserve views from adjacent properties and visual corridors identified in the Coastal Specific Plan when viewed from Palos Verdes Drive South and adjacent properties.
- C. That the nature of the grading minimizes disturbance to the natural contours, and finished contours are reasonably natural, since the majority of the project site will conform with the existing gently sloping topography, with a significant portion remaining as undeveloped open space.

Section 3: The mitigation measures contained in the revised Mitigation Monitoring Program attached as Exhibit "B" to Resolution No. 96-72 are hereby incorporated by reference into the Conditions of Approval for the revisions to Grading Permit No. 1541.

Section 4: For the forgoing reasons, and based on information and findings contained in the public record, including Staff Reports, Minutes, records of proceedings, and evidence presented at the public hearings, the City Council of the City of Rancho Palos Verdes hereby approves revisions to Grading Permit No. 1541, subject to: 1) the Conditions of Approval attached in Exhibit "A", which are necessary to protect the public health, safety and general welfare: 2) the approval of revisions to Vesting Tentative Tract Map No. 50666 and

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50667 and Conditional Use Permit Nos. 162 and 163; and, 3) approval of draft Addendum No. 5 to Environmental Impact Report No. 36.

PASSED, APPROVED, and ADOPTED this 3rd day of September 1996.

/s/ MARILYN LYON  
MAYOR

ATTEST:

/s/ JO PURCELL  
CITY CLERK

STATE OF CALIFORNIA                    )  
COUNTY OF LOS ANGELES            )ss  
CITY OF RANCHO PALOS VERDES        )

I, Jo Purcell, City Clerk of the City of Rancho Palos Verdes, hereby certify that the above Resolution No. 96-77 was duly and regularly passed and adopted by the said City Council at a regular meeting held on September 3, 1996.

Jo Purcell, City Clerk  
City of Rancho Palos Verdes

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**RESOLUTION NO. 96-77 EXHIBIT "A"**  
**GRADING PERMIT NO. 1541 -REVISION "C"**  
**CONDITIONS OF APPROVAL**

**A. GENERAL**

1. Within thirty (30) days of approval of Revision "C" to the Grading Permit, the developers shall submit, in writing, a statement that they have read, understand and agree to all the conditions or approval contained in this exhibit.

**B. GRADING PLAN**

1. Prior to recordation of each Final Map or prior to issuance of grading permits, whichever occurs first, a final grading plan shall be approved by the Director of Public Works and City Geologist, by manual signature. This grading plan shall be based on a detailed engineering, geology and/or soils engineering report(s) and shall specifically be approved by the City Geologist and/or soils engineer and comply with all recommendations submitted by them. It shall also be consistent with the vesting tentative tract maps and conditions, as approved by the City.
2. All geologic hazards associated with this proposed development shall be eliminated or the City Geologist shall designate a Restricted Use Area on each Final Map, in which the erection of buildings or other structures shall be prohibited.
3. Prior to issuance of grading permits, a bond, cash deposit, or combination thereof, shall be posted to cover costs for any geologic hazard abatement in an amount to be determined by the Director of Public Works.
4. Prior to issuance of grading permits and/or recordation of the Final Map, whichever occurs first, written approval must be obtained from the owners of adjacent properties within the City where off-site grading for trails is proposed or may result.
5. A note shall be placed on the approved grading plan that requires the Director of Planning, Building and Code Enforcement's approval of rough grading prior to final clearance. The Director (or a designated staff member) shall inspect the graded sites for accuracy of pad elevations, created slope gradients, and pad size. The developer or its designee shall provide certification for all grading related matters.
6. All of the recommendations made by the Director of Public Works and City Geologist during their on-going review of the project shall be incorporated into the approved grading plans.
7. All of the recommendations of the project geologist, except as modified by the City Geologist, will be incorporated into the approved grading plan and design of any structures.
8. All natural and created slopes greater than 3:1 shall be designated as Restricted Use Areas with a note on the Final Map.
9. Prior to issuance of a building permit, an independent Geology and/or Soils Engineer's report on the expansive properties of soils on all building sites shall be submitted to and approved by the City Geologist in conformance with accepted City practice. Such soils are defined by Building Code Section 2904(b).
10. Prior to issuance of a building permit, an as-graded soils and geologic report(s), complete with geologic map shall be submitted for review and approval by the City Geologist in conformance with accepted City practice.

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11. Prior to issuance of a building permit, an as-built geological report(s) for structures founded on bed rock and an as-built soils and compaction report for structures founded on fill and all engineered fill areas shall be submitted for review and approval by the City Geologist in conformance with accepted City practice.
12. Foundations and floor slabs cast on expansive soils shall be designed in accordance with Los Angeles County Code Section 2907-i.
13. All grading shall conform to Chapter 29, "Excavations, Foundations, and Retaining Walls," and Chapter 70, "Excavation and Grading" of the Uniform Building Code.
14. Unless otherwise provided in these conditions of approval or permitted by the Director of Planning, Building and Code Enforcement, the project shall comply with all appropriate provisions of the City's grading ordinance (Chapter 17.50 Grading).
15. All grading shall be balanced on-site. However, should earth, rock or other material be required to be hauled from the project site, a revision to the grading permit, pursuant to requirements of the Development Code, shall be obtained.
16. No construction of permanent structures shall be allowed closer than twenty-five (25) feet landward of the Coastal Setback Zone (except for structures associated with public amenities or unless allowed by another project condition of approval). Grading within the Coastal Setback Zone shall be limited to that required for construction of approved trails, parks, vista points, and golf course holes, as indicated on the approved site plans.
17. Where feasible, and subject to the review and approval of the Director of Planning, Building and Code Enforcement all graded slopes shall be "landform" graded so as to closely reflect naturally occurring topographic contours. Slope gradients shall be natural and no abrupt changes between natural and graded slopes shall be permitted.
18. All proposed retaining walls to be constructed shall be subject to review by the Director of Planning, Building and Code Enforcement with subsequent review by the Planning Commission, if required, for review and approval pursuant to Section 17.50 of the Rancho Palos Verdes Development Code.
19. No created slopes within the tract shall exceed 2:1, unless approved by the Director of Planning, Building and Code Enforcement.
20. Prior to the issuance of grading permits, or prior to recordation of a Final Tract Map, whichever occurs first, the developer shall submit an Storm Water Pollution Prevention Plan. The post-construction Storm Water Pollution Prevention Plan shall be reviewed and approved by the Planning Commission. The Storm Water Pollution Prevention Plan shall incorporate by detail or reference appropriate post-construction Best Management Practices (BMPs) to:
- a. Implement, to the maximum extent practicable, requirements established by appropriate governmental agencies under CEQA, Section 404 of the Clean Water Act, local ordinances and other legal authorities intended to minimize impacts from storm water runoff on the biological integrity of natural drainage systems and water bodies;
  - b. Maximize to the maximum extent practicable, the percentage of permeable surfaces to allow more percolation of storm water into the ground;

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- c. Minimize, to the maximum extent practicable, the amount of storm water directed to impermeable areas;
  - d. Minimize, to the maximum extent practicable; parking lot pollution through the use of appropriate BMPs, such as retention, infiltration and good housekeeping.
  - e. Establish reasonable limits on the clearing of vegetation from the project site including, but not limited to, regulation of the length of time during which soil may be exposed and, in certain sensitive cases, the prohibition of bare soil; and
  - f. Provide for appropriate permanent controls to reduce storm water pollutant load produced by the development site to the maximum extent practicable.

Further, the Storm Water Pollution Prevention Plan shall contain requirements to be adhered to during project construction. The pre-construction Storm Water Pollution Prevention Plan shall be reviewed and approved by the Director of Public Works. These practices include:

- a. Include erosion and sediment control practices;
- b. Address multiple construction activity related pollutants;
- c. Focus on BMPs such as source minimization, education, good housekeeping, good waste management, and good site planning;
- d. Target construction areas and activities with the potential to generate significant pollutant loads;
- e. Require retention on the site, to the maximum extent practicable, of sediment, construction waste, and other pollutants from construction activity;
- f. Require, to the maximum extent practicable, management of excavated soil on site to minimize the amount of sediment that escapes to streets, drainage facilities, or adjoining properties;
- g. Require, to the maximum extent practicable, use of structural drainage controls to minimize the escape of sediment and other pollutants from the site.
- h. Require, to the maximum extent practicable, containment of runoff from equipment and vehicle washing at construction sites, unless treated to remove sediments and pollutants.

**C. CONSTRUCTION PLAN**

- 1. Prior to the issuance of grading permits, a construction plan shall be submitted to the Director of Planning, Building and Code Enforcement for review and approval. Said plan shall include, but not be limited to a phasing plan, limits of grading, estimated length of time for rough grading and construction of improvements, location of construction trailers, construction signs and equipment storage areas and the location and type of temporary utilities.
- 2. Prior to the issuance of grading permits and/or building permits, a program to control and prevent dust and windblown earth problems shall be submitted to the Director of Planning, Building and Code Enforcement for review and approval. Methods may include, but shall not be limited to, on-site watering and vegetative planting.

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3. As part of the control plan required in Condition C.2, if feasible, the water used to control fugitive dust shall not be taken from primary potable water sources. Instead, the developer shall explore other options such as using reclaimed "grey water" or other non-potable water to control dust on the site during construction, subject to the review and approval of the Director of Planning, Building and Code Enforcement and the Los Angeles County Health Department.
  4. The hours of operation for grading and construction activities shall be limited from Monday to Friday, 7:00 a.m. to 7:00 p.m. and Saturday, 7:00 a.m. to 5:00 p.m. No grading or construction activities shall be conducted on Sunday or legal holidays recognized by the City. No on-site maintenance of equipment or vehicles shall be permitted before or after the hours indicated. No truck or construction vehicle queuing shall occur before 7:00 a.m.
  5. Flagmen shall be used during all construction activities, as required by the Director of Public Works.
  6. The use of a rock crusher on the site is prohibited.
  7. Noncompliance with the above construction and/or grading restrictions (Conditions C.1 through C.6) shall be grounds for the City to stop work immediately on the property.

**D. GRADING/CONSTRUCTION ACTIVITY**

1. All grading shall be monitored by a licensed engineering geologist and/or soils engineer in accordance with applicable provisions of the Municipal Code and the recommendations of the Director of Public Works.
2. All grading activity on the site shall occur in accordance with all applicable City safety standards.
3. Areas of the site that are not to be disturbed during grading or construction, or that are to be protected in accordance with the mitigation monitoring program established in Environmental Impact Report No. 36, shall be temporarily fenced during construction, subject to the review and approval of the Director of Planning, Building and Code Enforcement.
4. All graded slopes shall be properly planted and maintained. Within ninety (90) days of being graded, all open space/slope areas and all areas that will remain undeveloped shall be hydroseeded and/or planted. Plants shall be selected that are drought tolerant, capable of developing deep root systems and shall generally consist of low ground cover to impede water flow on the surface. Watering for establishment of said plant material shall be done in cycles that will promote deep rooting. Watering shall be diminished or stopped just prior to and during the rainy season or upon establishment of the plant material, whichever occurs first. To provide greater slope protection against scour and erosion, all graded slopes shall be covered with a jute mat to provide protection while the ground cover is being established. If appropriate, the Director of Planning, Building and Code Enforcement may approve an alternative material or method to control erosion.

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**RESOLUTION NO. 96-94**

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

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

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

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

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

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

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

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

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

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

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

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

**First Stage**

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

**Trail Improvements:**

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

**Second Stage**

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

**Park Improvements:**

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

**Trail Improvements:**

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



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

### **Third Stage**

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

#### **Park Improvements;**

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

#### **Trail Improvements:**

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

### **Fourth Stage**

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

**Park Improvements:**

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

**Trail Improvements:**

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

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/S/ MARILYN LYON  
MAYOR

**ATTEST:**

/S/ JO PURCELL  
CITY CLERK

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) ss  
CITY OF RANCHO PALOS VERDES )

I, Jo Purcell, City Clerk of the City of Rancho Palos Verdes, hereby certify that the above Resolution No. 96-94 was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on October 15, 1996.

**CITY CLERK**

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**Resolution No. 96-94**  
**Page 6 of 6**

97 1929840

P.C. RESOLUTION NO. 97-44

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RANCHO PALOS VERDES APPROVING REVISION "D" TO CONDITIONAL USE PERMIT NO. 162 FOR A RESIDENTIAL PLANNED DEVELOPMENT IN CONNECTION WITH THE OCEAN TRAILS PROJECT (VESTING TENTATIVE TRACT MAP NO. 50667 AND TENTATIVE PARCEL MAP NO. 23004), LOCATED IN COASTAL SUBREGIONS 7 AND 8**

WHEREAS, the City approved the Ocean Trails project, including Conditional Use Permit No. 162, in June 1992, re-approved the project in December 1992, and approved subsequent revisions to the project in October 1993, September 1994 (Revision "A"), March 1996 (Revision "B") and September 1996 (Revision "C"), respectively; and,

WHEREAS, several of the residential lots in Vesting Tentative Tract Map No. 50667 are located on the south side of La Rotonda Drive and will back onto the East Bluff Preserve. The East Bluff Preserve is a 7.7 acre parcel that will be dedicated to the City in order to preserve and enhance Coastal Sage Scrub habitat, which supports the California gnatcatcher and several other sensitive native plant and animal species. Since many of the plant species found in Coastal Sage Scrub are also highly combustible and, therefore, a fuel source for brush fires, the project was conditioned in December 1992 to required a fire break to be created between the residential lots and the preserve area. Common Open Space Lot H, was added to the project prior to the City's approval of the project in December 1992 to provide the fire break area. It was believed at the time that the Los Angeles County Fire Department had reviewed and approved the revised design of the subdivision. However, during subsequent review of the tract layout as part of the issuance of the grading permit for the project, the Fire Department raised a concern that the width of the fire break was not adequate to buffer the proposed residences from potential brush fires that may occur in the adjacent habitat area; and,

WHEREAS, in order to provide the minimum 100 foot buffer between the flammable Coastal Sage Scrub plants and the proposed residences, Staff, the developer and the Fire Department have agreed that the best course of action to satisfy the Fire Department's concerns at this time was to seek an amendment the Conditions of Approval for Conditional Use Permit No. 162 to increase the minimum rear yard setback requirements for Lot Nos. 6 through 9; and,

WHEREAS, on September 9, 1997, after notice issued pursuant to the provisions of the Development Code, the Planning Commission held a public hearing to consider the proposed Revision "D" to Conditional Use Permit No. 162, at which time all interested parties were given an opportunity to be heard and present evidence.

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

Section 1: The language of Conditional Use Permit No. 162 Condition No. P.2.f is hereby amended as follows (new text is shown as underlined and deleted text is shown as ~~strike-out~~):

Except for Lot Nos. 7 ~~6~~ through 16, 18, 19, 23, 35 and 36, the minimum rear yard setback for all structures on an individual lot shall be thirty-five (35) feet. On Lot Nos. 7 through ~~10~~, 16, 18, 19, 23, 35 and 36, the minimum rear yard setback for all structures on an individual lot shall be twenty-five (25) feet. On Lot Nos. 6 through 9, the minimum rear yard setback for all structures on an individual lot shall be fifty (50) feet, except for Lot No. 8, as shown on Exhibit "A", where an adequate fuel modification zone is available within Lot H and the adjacent East Bluff Preserve to provide the minimum one hundred (100) foot setback from the area of high fuel, however, in no case shall the rear yard setback be less than twenty-five (25) feet. On Lot Nos. 6 through 9 the fuel modification zone setback may be reduced at the time that individual residences are proposed on these lots, provided that alternative fire suppression systems and/or building techniques are incorporated into the design of the residence, such as water sprinkler systems, fire walls, fire retardant materials, etc., to the satisfaction of the Los Angeles County Fire Department and City Building Official. If the fuel modification zone setback is reduced through this subsequent approval, the rear yard setback shall not be less than 25 feet.

Section 2: The adoption of this Resolution is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303.

Section 3: Any interested person aggrieved by this decision or by any portion of this decision may appeal to the City Council. Pursuant to Section 17.60.060 of the Rancho Palos Verdes Municipal Code, any such appeal must be filed with the City, in writing, and with the appropriate appeal fee, no later than fifteen (15) days following September 9, 1997, the date of the Planning Commission's final action.

Section 4: For the forgoing reasons, and based on information and findings contained in the public record, including Staff Reports, Minutes, records of proceedings, and evidence presented at the public hearings, the Planning Commission of the City of Rancho Palos Verdes hereby approves Revision "D" to Conditional Use Permit No. 162.

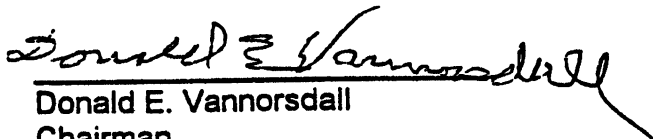
PASSED, APPROVED, and ADOPTED this 9th day of September 199 by the following vote:


AYES: Commissioners Alberio, Cartwright, Clark, Ng, Slayden,  
Vice Chairman Whiteneck and Chairman Vannorsdall

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

  
Donald E. Vannorsdall  
Chairman

  
Carolynn Petru, AICP  
Director of Planning, Building  
and Code Enforcement and Secretary  
to the Planning Commission

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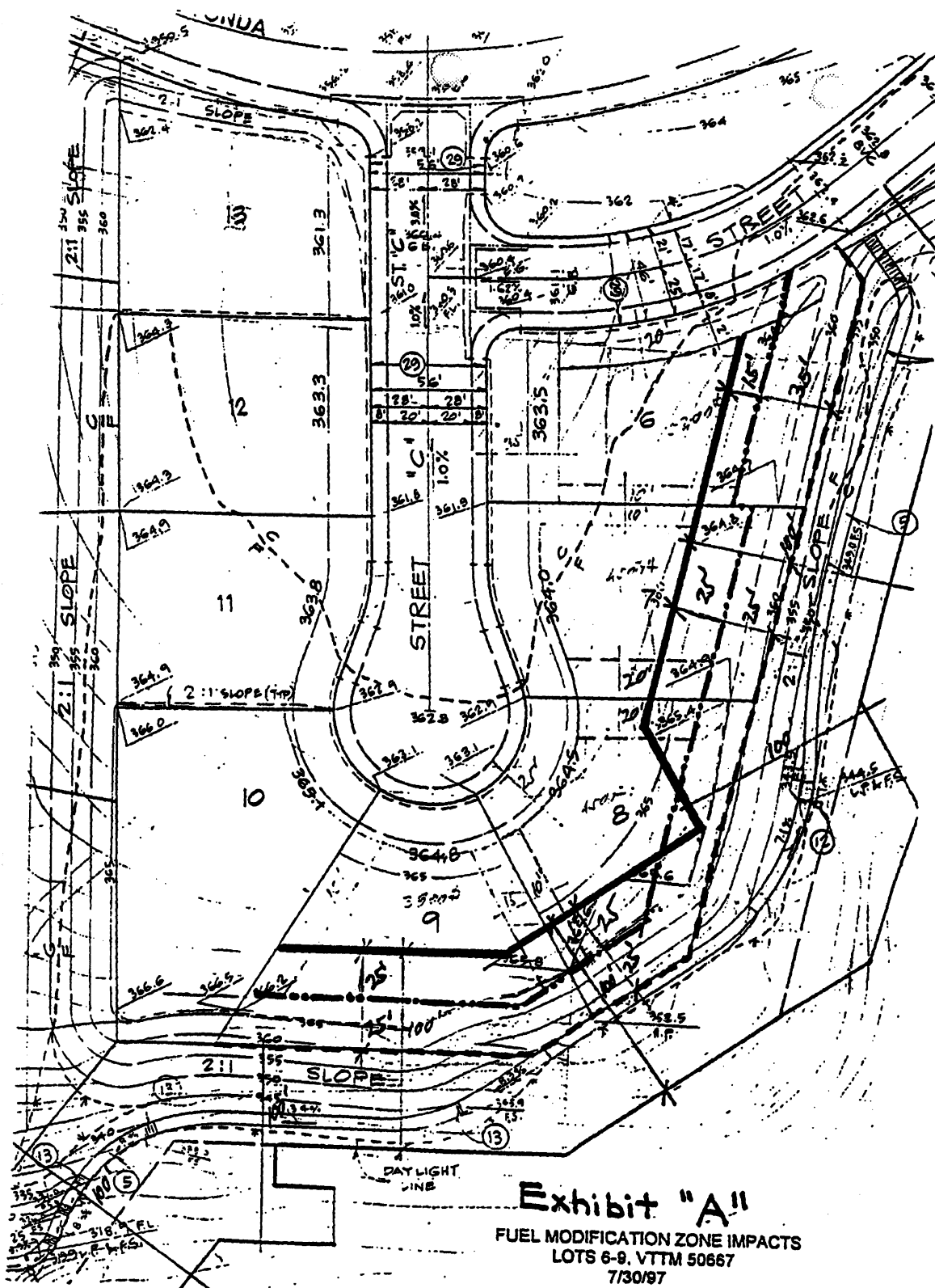


Exhibit "A"

**FUEL MODIFICATION ZONE IMPACTS  
LOTS 6-9, VTTM 50667  
7/30/97**

- - - - lot boundary  
 - - - - Previous Rear Yard Setback Line  
 - - - - Revised Rear Yard Setback Line  
 (except Lot 2 as noted)

P.C. Resolution No. 37-44  
Exhibit "A"

97 1929840

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EXHIBIT "D"

MAP DEPICTING ALL OF THE PUBLIC AMENITIES



**EXHIBIT "D"****OCEAN TRAILS DEVELOPMENT AGREEMENT****MAPS DEPICTING ALL OF THE PUBLIC AMENITIES  
INCLUDING, WITHOUT LIMITATION,  
PARKS, TRAILS AND HABITAT AREAS**

1. Ocean Trails Habitat Conservation Plan and Implementing Agreement dated July 1996 and approved by the City Council on September 17, 1996.
2. Ocean Trails Site Plan and Vesting Tentative Tract Map Nos. 50666 and 50667 prepared by Robert Bein, William Frost and Associates and Engineering Service Corporation - CV ("ESCO") dated April 2, 1996 and approved by City Council pursuant to Revision "C" on September 3, 1996.
3. Ocean Trails Master Drainage Plan prepared by ESCO and approved by the City on September 27, 1996.
4. Public Amenities Plan approved by City Council on October 15, 1996 pursuant to Resolution No. 96-94, amended by the California Coastal Commission on October 7, 1997, and subject to final approval by the City, currently includes:
  - "Ocean Trails Palos Verdes: Conceptual Public Amenities and Coastal Access Program, Rancho Palos Verdes Sub Region No. 7" prepared by Forteza Designs
  - "Ocean Trails Public Amenities Plan, Trails and Signage Plan" prepared by ESCO
  - "Ocean Trails Public Amenities Plan, Public Parks Plan" prepared by ESCO
5. Ocean Trails Fencing Plan prepared by ESCO and approved by the City on December 19, 1996.
6. Ocean Trails Parking Plan prepared by ESCO and approved by the City on December 19, 1996.
7. Preliminary Landscaping Plan prepared by ESCO and Dudek and Associates and approved by the City on July 25, 1997, but which will require update prior to issuance of Phase I mass grading permit.

M:\USERS\CAROLYN\NWP\WIN60\OCEANTR\DEVAGREE\DEVAGR.EXD

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EXHIBIT "E"

AGREEMENT TO BE RECORDED AGAINST THE GOLF COURSE PARCELS

RECORDING REQUESTED BY, AND  
WHEN RECORDED, MAIL TO:

CITY CLERK  
CITY OF RANCHO PALOS VERDES  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, CA 90275-5391

---

(Space Above for Recorder's Use)

**DECLARATION OF RESTRICTIONS**

This Declaration of Restrictions ("Declaration") is made as of \_\_\_\_\_, by the entities listed on the signature pages hereto under the heading "ZUCKERMAN ENTITIES", and PALOS VERDES LAND HOLDINGS COMPANY, L.P., a California limited partnership (hereinafter referred to collectively as ("Owners")), who are all of the Owners of that certain real property more particularly described on Exhibit "A", attached hereto and incorporated herein by this reference (the "Property").

**RECITALS**

A. Owners anticipate constructing and operating a golf course on the Property.

B. In connection with the development of the project which Owners contemplate developing (of which the Property is a part) (the "Project"), Owners desire to enter into a Development Agreement with the City of Rancho Palos Verdes, California (the "City").

C. The City is requiring, as a condition to entering into the Development Agreement, that Owners record a restrictive covenant in favor of the City imposing restrictions on the Property, all as more specifically set forth below.

D. Owners have elected to comply with such condition being imposed by the City by executing and causing to be recorded this Declaration.

**DECLARATION**

NOW, THEREFORE, Owners hereby create the following restrictions on the use and enjoyment of the Property.

1. Agreement to Maintain Amenities. Owners (while they are the fee owners of those parcels of the Property which comprise the golf course) and any subsequent owner(s) of those parcels of the Property which comprise the golf course:

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(a) Shall pay to City the tax imposed pursuant to City Ordinance No. 291 (Chapter 3.40 of the Rancho Palos Verdes Municipal Code, Exhibit "B", hereto), even if said tax is determined by a court of competent jurisdiction to be invalid by virtue of Proposition 62 or any other applicable law; and

(b) Shall maintain to City's reasonable satisfaction the trails, parks, and open space areas located on the Property as described in Resolution No. 96-94, which approved the Final Public Amenities Plan for the Project, and any improvements located thereon, including, without limitation, fences, signs, landscaping, furniture, trash cans, drinking fountains, etc., and shall maintain the two on-site public parking lots, the public restroom at the golf course clubhouse, the storm drains that will not be accepted by Los Angeles County, the fire access lane abutting the Ocean Terraces Condominiums, and the trails located on City's Shoreline Property that Owners were required by the California Coastal Commission to construct and improve; and

(c) Shall fully implement as soon as is reasonably possible, as determined by City in its reasonable discretion, all recommendations of the City Geologist regarding the geologic stability of the Property and the "Geologic and Geotechnical Recommendations For Ocean Trails Grading Plan" prepared by Converse Consultants West, including, without limitation:

(i) Establishing and implementing a regular maintenance and review schedule which includes quarterly monitoring of the level of the ground water, quarterly inspection of the water hazards on the golf course to detect any leakage from the lake liners, quarterly inspections of the flow from each horizontal drain cluster, and monthly inspections of the pressure of the golf course irrigation system, all of which are to be recorded and submitted to City within fifteen (15) days of each inspection (the maintenance and observation records shall be evaluated on a biannual basis by a Certified Engineering Geologist licensed by the State of California, unless required more often as determined by City in its reasonable discretion);

(ii) If, after measurement, the groundwater rises more than ten feet above the upper or lower bentonite bed in any well, immediate review shall be required by a Certified Engineering Geologist licensed by the State of California;

(iii) During the biannual review, the geologist shall visit the Property and visually assess the stability of Slides A, B and C to evaluate their relative stability; if any slide should move or cause distress, immediate review shall be required by a Certified Engineering Geologist licensed by the State of California;

(iv) Five years after the date of installation, the horizontal drains will be inspected for blockage and general condition; a Certified Engineering Geologist licensed by the State of California will coordinate and review the five-year inspection, will prepare summary reports and recommendations to mitigate potential surface or groundwater problems for submittal to and review by the City and any other applicable agency, and based on the results of the inspection, will establish a schedule for the next inspection;

(v) Maintaining and operating all monitoring and dewatering wells located on the Property (and upon request of City, shall convert such monitoring wells into dewatering wells) and other devices located on-site to control the level of the ground water or enhance the geologic stability of the Property; and

(vi) Prepare a complete manual of the maintenance and monitoring requirements, including a copy of the "As Graded Geologic Map" and revise said manual in accordance with any directive of the City Geologist, in his or her reasonable discretion, to reflect any changes in the conditions on the Property.

If Owners or any subsequent owner(s) of those parcels of the Property which comprise the golf course disagree with a recommendation of the City Geologist, Owners shall raise their objection in writing and submit it to the City Manager or Director of Public Works within thirty calendar days of written notice of said recommendation. City then shall cause at least one other geologist who is/are chosen by Owners and City to review the disputed issue and render a decision thereon. The decision of the reviewing geologist(s) shall be final.

If Owners or any subsequent owner(s) of those parcels of the Property which comprise the golf course do not fulfill their maintenance obligations with respect to said improvements to City's reasonable satisfaction, then, after providing Owners with the notice and opportunity to cure the default as set forth in Section 16.1 of the Development Agreement between the parties, City may commence proceedings to revoke or impose additional conditions to ensure said maintenance on the conditional use permit which was issued by City for the golf course (Conditional Use Permit No. 163), in accordance with the notice and hearing requirements set forth in the Rancho Palos Verdes Municipal Code. This paragraph shall not limit any other rights, remedies, or causes of action that City may have at law or equity to address said breach or to protect the public health and safety, including, but not limited to, stopping the water supply to the golf course.

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2. Long Term Maintenance of Habitat Areas and Monetary Contribution. In conjunction with processing this Project and obtaining other permits required by other appropriate governmental agencies, including, but not limited to, the U.S. Fish and Wildlife Service, Owners have caused to be prepared and processed a mitigation/restoration program for the preservation of and enhancement of certain areas both on-site and on properties located near the Property which are owned by City ("habitat conservation areas"). The habitat conservation areas located on the Property and off-site are discussed at length in a Habitat Conservation Plan which has been approved by City and the applicable resource agencies. The Habitat Conservation Plan ("Plan") provides that it is initially the Owners' responsibility, for a minimum period of five years, to ensure that the habitat is planted and established. Under the Plan, after the first five years pass and the habitat is established, the City is to perform the long term maintenance of the habitat. It is the intent of this Agreement that in addition to the initial maintenance of the Habitat for the first five years, the Owners shall perform City's long term maintenance responsibilities, to City's reasonable satisfaction. If Owners or any subsequent owner(s) of those parcels of the Property which comprise the golf course do not fulfill the maintenance obligations with respect to the habitat conservation areas to City's reasonable satisfaction, then, after providing Owners with the notice and opportunity to cure the default as set forth in Section 16.1 of the Development Agreement between the parties, City shall assume that maintenance obligation, and in addition to the tax to be paid pursuant to Section 1(a) above, Owners or said subsequent owner(s) of such parcels shall pay a fee to City in the amount of One Dollar (\$1.00) per round of golf (or any portion thereof) played on the golf course to be developed as part of the Project.

3. Duration. (a) Subject to the remaining provisions of this Section, this Declaration shall remain in full force and effect during the longer of: (i) the period that the Development Agreement remains effective; or (ii) the period that the development contemplated by the Development Agreement or any modification of said development remains in existence in or upon any part of, and thereby confers benefit upon, the Property described herein, and shall bind Owners and all of their assigns or successors in interest. Notwithstanding the foregoing, this Declaration shall not become effective as to any portion of the Property until a final tract map or a final parcel map is recorded against such portion of the Property for development purposes, or Owners or their successors or assigns commence grading operations on such portion of the Property.

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(b) Within five (5) business days after request from Owners from time to time, Owners and the City shall enter into amendments of this Declaration terminating this Declaration as to all portions of the Property upon which a final tract map or a final parcel map has been recorded solely for purposes of development of one or more residential dwelling units.

(c) In the event that the Development Agreement expires or is otherwise terminated prior to the recordation of any final tract map or final parcel map for development purposes within the Property or the commencement of grading operations on the land included within such map, the City will, within five (5) business days of request from Owners or their successor or assign, execute, acknowledge and cause to be recorded an appropriate document terminating this Declaration as to such portion of the Property.

4. Subordination. The holder of any mortgage, deed of trust or any other monetary lien encumbering the Property shall execute the form of Subordination which is attached to this Declaration of Restrictions.

IN WITNESS WHEREOF, the undersigned have executed this Declaration as of the date hereinabove provided.

Dated: \_\_\_\_\_, 19\_\_

"OWNERS"

PALOS VERDES LAND HOLDINGS COMPANY,  
L.P., a California limited  
partnership

By: COASTAL GOLF CORPORATION,  
a California corporation,  
general partner

By: \_\_\_\_\_

Its: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

[SIGNATURES CONTINUE]

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**"ZUCKERMAN ENTITIES":**

ANNA ZUCKERMAN-VDOVENKO, as  
successor trustee of the Zuckerman  
Family Trust (Edward K. Zuckerman  
and Ola Zuckerman) No. 301 created  
pursuant to a declaration of trust  
dated September 11, 1953

---

**ANNA ZUCKERMAN-VDOVENKO**

ANNA ZUCKERMAN-VDOVENKO, as  
successor trustee of the Zuckerman  
Family Trust (Edward K. Zuckerman  
and Ola Zuckerman) No. 303 created  
pursuant to a declaration of trust  
dated September 11, 1953

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**ANNA ZUCKERMAN-VDOVENKO**

ANNA ZUCKERMAN-VDOVENKO, as  
successor trustee of the Zuckerman  
Family Trust (Edward K. Zuckerman  
and Ola Zuckerman) No. 304 created  
pursuant to a declaration of trust  
dated September 11, 1953

---

**ANNA ZUCKERMAN-VDOVENKO**

ANNA ZUCKERMAN-VDOVENKO, as  
successor trustee of the Zuckerman  
Family Trust (Edward K. Zuckerman  
and Ola Zuckerman) No. 305 created  
pursuant to a declaration of trust  
dated September 11, 1953

---

**ANNA ZUCKERMAN-VDOVENKO**

[SIGNATURES CONTINUE]



ANNA ZUCKERMAN-VDOVENKO, as  
successor trustee of the Zuckerman  
Family Trust (Edward K. Zuckerman  
and Ola Zuckerman) No. 306 created  
pursuant to a declaration of trust  
dated September 11, 1953

---

ANNA ZUCKERMAN-VDOVENKO

ANNA ZUCKERMAN-VDOVENKO, as  
successor trustee of the Zuckerman  
Family Trust (Edward K. Zuckerman  
and Ola Zuckerman) No. 307 created  
pursuant to a declaration of trust  
dated September 11, 1953

---

ANNA ZUCKERMAN-VDOVENKO

ANNA ZUCKERMAN-VDOVENKO, as  
successor trustee of the Zuckerman  
Family Trust (Edward K. Zuckerman  
and Ola Zuckerman) No. 308 created  
pursuant to a declaration of trust  
dated September 11, 1953

---

ANNA ZUCKERMAN-VDOVENKO

ANNA ZUCKERMAN-VDOVENKO, as  
successor trustee of the Zuckerman  
Family Trust (Edward K. Zuckerman  
and Ola Zuckerman) No. 310 created  
pursuant to a declaration of trust  
dated September 11, 1953, as  
tenants in common

---

ANNA ZUCKERMAN-VDOVENKO

[SIGNATURES CONTINUE]

KENNETH A. ZUCKERMAN, a married man  
as his sole and separate property

---

KENNETH A. ZUCKERMAN

STEPHEN D. ZUCKERMAN, an unmarried  
man

---

STEPHEN D. ZUCKERMAN

BRUCE E. ZUCKERMAN, a married man  
as his sole and separate property

---

BRUCE E. ZUCKERMAN

ANNA E. ZUCKERMAN-VDOVENKO,  
a married woman as her sole and  
separate property

---

ANNA E. ZUCKERMAN-VDOVENKO

REZINATE RPV, INC., a California  
corporation

By: \_\_\_\_\_

Its: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

[SIGNATURES CONTINUE]

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ALTO LAND CO., a California  
corporation

By: \_\_\_\_\_

Its: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Attorneys for Developer

STATE OF CALIFORNIA                    )  
  )   ss.  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_ before me,  
\_\_\_\_\_, a notary public in and for said  
State, personally appeared \_\_\_\_\_ and  
\_\_\_\_\_, personally known to me (or  
proved to me on the basis of satisfactory evidence) to be the  
person(s) whose name(s) is/are subscribed to the within  
instrument and acknowledged to me that he/she/they executed the  
same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the  
instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

STATE OF CALIFORNIA                    )  
  )   ss.  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_ before me,  
\_\_\_\_\_, a notary public in and for said  
State, personally appeared \_\_\_\_\_ and  
\_\_\_\_\_, personally known to me (or  
proved to me on the basis of satisfactory evidence) to be the  
person(s) whose name(s) is/are subscribed to the within  
instrument and acknowledged to me that he/she/they executed the  
same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the  
instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_ before me,  
\_\_\_\_\_, a notary public in and for said  
State, personally appeared \_\_\_\_\_ and  
\_\_\_\_\_, personally known to me (or  
proved to me on the basis of satisfactory evidence) to be the  
person(s) whose name(s) is/are subscribed to the within  
instrument and acknowledged to me that he/she/they executed the  
same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the  
instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_ before me,  
\_\_\_\_\_, a notary public in and for said  
State, personally appeared \_\_\_\_\_ and  
\_\_\_\_\_, personally known to me (or  
proved to me on the basis of satisfactory evidence) to be the  
person(s) whose name(s) is/are subscribed to the within  
instrument and acknowledged to me that he/she/they executed the  
same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the  
instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_ before me,  
\_\_\_\_\_, a notary public in and for said  
State, personally appeared \_\_\_\_\_ and  
\_\_\_\_\_, personally known to me (or  
proved to me on the basis of satisfactory evidence) to be the  
person(s) whose name(s) is/are subscribed to the within  
instrument and acknowledged to me that he/she/they executed the  
same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the  
instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_ before me,  
\_\_\_\_\_, a notary public in and for said  
State, personally appeared \_\_\_\_\_ and  
\_\_\_\_\_, personally known to me (or  
proved to me on the basis of satisfactory evidence) to be the  
person(s) whose name(s) is/are subscribed to the within  
instrument and acknowledged to me that he/she/they executed the  
same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the  
instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

STATE OF CALIFORNIA                    )  
  )    ss.  
COUNTY OF \_\_\_\_\_ )

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proved to me on the basis of satisfactory evidence) to be the  
person(s) whose name(s) is/are subscribed to the within  
instrument and acknowledged to me that he/she/they executed the  
same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the  
instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

STATE OF CALIFORNIA                    )  
  )    ss.  
COUNTY OF \_\_\_\_\_ )

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proved to me on the basis of satisfactory evidence) to be the  
person(s) whose name(s) is/are subscribed to the within  
instrument and acknowledged to me that he/she/they executed the  
same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the  
instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

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STATE OF CALIFORNIA                    )  
  )    ss.  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_ before me,  
\_\_\_\_\_, a notary public in and for said  
State, personally appeared \_\_\_\_\_ and  
\_\_\_\_\_, personally known to me (or  
proved to me on the basis of satisfactory evidence) to be the  
person(s) whose name(s) is/are subscribed to the within  
instrument and acknowledged to me that he/she/they executed the  
same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the  
instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

STATE OF CALIFORNIA                    )  
  )    ss.  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_ before me,  
\_\_\_\_\_, a notary public in and for said  
State, personally appeared \_\_\_\_\_ and  
\_\_\_\_\_, personally known to me (or  
proved to me on the basis of satisfactory evidence) to be the  
person(s) whose name(s) is/are subscribed to the within  
instrument and acknowledged to me that he/she/they executed the  
same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the  
instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_



STATE OF CALIFORNIA                    )  
  )    ss.  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_ before me,  
\_\_\_\_\_, a notary public in and for said  
State, personally appeared \_\_\_\_\_ and  
\_\_\_\_\_, personally known to me (or  
proved to me on the basis of satisfactory evidence) to be the  
person(s) whose name(s) is/are subscribed to the within  
instrument and acknowledged to me that he/she/they executed the  
same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the  
instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

STATE OF CALIFORNIA                    )  
  )    ss.  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_ before me,  
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State, personally appeared \_\_\_\_\_ and  
\_\_\_\_\_, personally known to me (or  
proved to me on the basis of satisfactory evidence) to be the  
person(s) whose name(s) is/are subscribed to the within  
instrument and acknowledged to me that he/she/they executed the  
same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the  
instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

219

STATE OF CALIFORNIA                    )  
  )    ss. .  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_ before me,  
\_\_\_\_\_, a notary public in and for said  
State, personally appeared \_\_\_\_\_ and  
\_\_\_\_\_, personally known to me (or  
proved to me on the basis of satisfactory evidence) to be the  
person(s) whose name(s) is/are subscribed to the within  
instrument and acknowledged to me that he/she/they executed the  
same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the  
instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

STATE OF CALIFORNIA                    )  
  )    ss.  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_ before me,  
\_\_\_\_\_, a notary public in and for said  
State, personally appeared \_\_\_\_\_ and  
\_\_\_\_\_, personally known to me (or  
proved to me on the basis of satisfactory evidence) to be the  
person(s) whose name(s) is/are subscribed to the within  
instrument and acknowledged to me that he/she/they executed the  
same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the  
instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

STATE OF CALIFORNIA                    )  
  )  
COUNTY OF \_\_\_\_\_ )     ss.

On \_\_\_\_\_ before me,  
\_\_\_\_\_, a notary public in and for said  
State, personally appeared \_\_\_\_\_ and  
\_\_\_\_\_, personally known to me (or  
proved to me on the basis of satisfactory evidence) to be the  
person(s) whose name(s) is/are subscribed to the within  
instrument and acknowledged to me that he/she/they executed the  
same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the  
instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

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Order No. 264001 - D

## EXHIBIT A

## Parcel 1:

That portion of Lot "H" of the Rancho Los Palos Verdes, in the City of Rancho Palos Verdes, County of Los Angeles, State of California, Alloted to Jotham Bixby by Decree of partition in the action "Bixby et al., vs. Bent et al.," Case No. 2373, in the District Court of the 17th Judicial District of said State of California, in and for County of Los Angeles and entered in Book 4 Page 57 of Judgments, in the Superior Court of said County, Described as follows:

Beginning at the Southwesterly corner of Parcel 92, as shown on L.A.C.A. Map No. 51, recorded in Book 1 Page 1 of Assessor's Maps, in the office of the County Recorder of said County; thence South 9° 03' 10" West 25.00 feet to the center line of Palos Verdes Drive South as shown on said Map; thence South 80° 56' 50" East along said center line 953.10 feet to the beginning of a tangent curve concave to the South and having a radius of 500.00 feet; thence Easterly along said curve 150.00 feet to a point, the radial line to said point bearing North 26° 14' 29" East; thence South 28° 27' 25" West 637.88 feet, thence South 56° 48' 36" West 494.64 feet to the true point of beginning of the Parcel being hereby described; thence North 38° 28' 00" West 1054.66 feet; thence South 53° 58' 21" West 408.04 feet; thence South 14° 55' 53" West 155.24 feet; thence South 62° 14' 52" West to the ordinary high tide line of the Pacific Ocean; thence following said ordinary high tide line in a general Southeasterly direction to the intersection with a line described as: Beginning at the said true point of beginning; thence South 56° 48' 36" West 300.00 feet to point "A" hereinafter referred to; thence South 45° 20' 20" West, to the said ordinary high tide line; thence continuing along the boundary lines of the parcel being hereby described, North 45° 20' 20" East to said Point "A"; thence North 56° 48' 36" East 300.00 feet to the true point of beginning.

Except any portion of said land lying outside of the patent lines of the Rancho Los Palos Verdes, as such lines existed at the time of the issuance of the patent, which was not formed by the deposit of alluvion from natural causes and by imperceptible degrees.

Said land is a portion of Parcel 102, as shown on said L.A.C.A. Map No. 51.

## Parcel 2:

That portion of Lot "H" of the Rancho Los Palos Verdes, in the City of Rancho Palos Verdes, County of Los Angeles, State of California, allotted to Jotham Bixby by Decree of partition in the Action "Bixby et al., vs. Bent et al.," Case No. 2373, in the District Court of the 17th Judicial District of said State of California, in and for County of Los Angeles and entered in Book 4 Page 57 of Judgments, in the Superior Court of said County, Described as follows:

Beginning at the Southwesterly corner of Parcel 92, as shown on L.A. C.A. Map No. 51, recorded in Book 1 Page 1 of Assessor's Maps, in the office of the County Recorder of said County; thence South 9° 03' 10" West 25.00 feet to the center line of Palos Verdes Drive, South as shown on said map; thence South 80° 56' 50" East along said center line 684.82 feet to the true point of beginning of the parcel being hereby described; thence South 80° 56' 56" East along said center line 268.28 feet to the beginning of a tangent curve concave to the South and having a radius of 500.00 feet; thence Easterly along said curve 150.00 feet to a point, the radial line to said point bearing North 26° 14' 29" East, said point being designated as point "B" for the purpose of this description; thence continuing Southeasterly along said curve 381.55 feet; thence South 20° 02' 10" East 113.33 feet; thence South 43° 16' 43" West to the ordinary high tide line of the Pacific Ocean; thence in a general Northwesterly direction along said high tide line to the intersection with a line described as beginning at the above described point "B"; thence South 28° 27' 25" West 637.88 feet; thence South 56° 48' 36" West 794.64 feet to a point "A" hereinafter referred to; thence South 45° 20' 48" West to the ordinary high tide line of the Pacific Ocean; thence continuing

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Order No. 264001 - D

along the boundary line of the Parcel being hereby described, North 45° 20' 20" East to the hereinbefore described point "A"; thence North 56° 48' 36" East 300.00 feet thence North 38° 28' 00" West 351.49 feet; thence North 56° 48' 36" East 438.55 feet; thence North 28° 27' 25" East 290.84 feet; thence North 9° 03' 10" East 150.00 feet to said true point of beginning.

Except therefrom that portion within the boundary lines of Palos Verdes Drive South, as shown on map CSB-1082-3 on file in the office of the County engineer of said County, and as described in deed to the County of Los Angeles, recorded on December 23, 1952 as Instrument No. 3469 in Book 40587 Page 284, Official Records of said County.

Also except therefrom that portion of said land, included within the land as described in the deed to Palos Verdes Properties, recorded March 3, 1972 as Instrument No. 1865 Official Records of said County.

Also except any portion of said land lying outside of the patent lines of the Rancho Los Palos Verdes, as such lines existed at the time of the issuance of the patent, which was not formed by the deposit of alluvion from natural causes and by imperceptible degrees.

Said land is a portion of Parcels 101 and 102 as shown on said L.A.C.A. Map No. 51.

Parcel 3:

That portion of Lot "H" of the Rancho Los Palos Verdes, in the City of Rancho Palos Verdes, County of Los Angeles, State of California, allotted to Jotham Bixby by Decree of partition in the action "Bixby et al., vs. Bent et al., "Case No. 2373, in the District Court of the 17th Judicial District of said State of California, in and for County of Los Angeles and entered in Book 4 Page 57 of Judgments, in the Superior Court of said County, Described as follows:

Beginning at the Southwesterly corner of Parcel 92, as shown on L.A. C.A. Map No. 51, recorded in Book 1 Page 1 of Assessor's Maps, in the office of the County Recorder of said County; thence South 9° 03' 10" West 25.00 feet to the center line of Palos Verdes Drive, South as shown on said Map; thence South 80° 56' 50" East along said center line 953.10 feet to the beginning of a tangent curve concave to the South and having a radius of 500.00 feet; thence Easterly along said curve 531.55 feet; thence South 20° 02' 10" East 113.33 feet to the beginning of a tangent curve concave to the Northeast and having a radius of 1200 feet, the beginning of said last mentioned curve being the true point of beginning of the Parcel being hereby described; thence Southeasterly along said curve 1051.00 feet thence South 70° 15' 35" East 461.13 feet to the beginning of a tangent curve concave to the Southwest and having a radius of 2000.00 feet; thence Southeasterly along said curve 1175.00 feet; thence non-tangent to said curve South 48° 21' 42" West 719.45 feet; thence South 80.00 feet; thence South 23° 00' 00" West to the ordinary high tide line of the Pacific Ocean; thence in a general Westerly and Northwesterly direction along said high tide line to the intersection with a line bearing South 43° 16' 43" West from the true point of beginning; thence North 43° 16' 43" East to the true point of beginning.

Except therefrom that portion of said land included within the land as described in a Parcel A in the final order of condemnation entered on Los Angeles County Superior Court Case No. 884831, a certified copy of which was recorded January 4, 1968 as Instrument No. 2021, Official Records of said County, said Parcel A was amended by a order nunc pro tunc entered in said Los Angeles County Superior Court Case No. 884831, a certified copy of which was recorded June 27, 1968 as Instrument No. 3089.

Also except therefrom that portion of said land, included within the land as described in the deed to Palos Verdes Properties, recorded March 3, 1972 as Instrument No. 1865 Official Records of said County.

Also except any portion of said land lying outside of the patent lines of the Rancho Los Palos Verdes, as such lines existed at the time of the issuance of the patent, which was not formed

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Order No. 264001 - D

by the deposit of alluvion from natural causes and by imperceptible degrees.

Said land is a portion of Parcels 100, 101 and 102 as shown on said L.A.C.A. Map No. 51.

Parcel 4:

A Strip of land 12.00 feet wide, measured at right angles, in Lot 102 of L.A.C.A. No. 51, in the City of Rancho Palos Verdes, County of Los Angeles, State of California, as per map recorded in Book 1 Page 1 of Assessor's Maps, in the office of the County Recorder of said County, extending from the Southwesterly line of Palos Verdes Drive South, as shown on said map, in a Southerly direction to the Northeasterly boundary of the land described in a deed recorded as Document No. 1801 on September 4, 1956, in Book 52202 Page 21 Official Records of said County, bounded on the West by the Easterly boundary of Tract No. 16540, as per map recorded in Book 625 Pages 76 and 77 of Maps, records of said County and bounded on the East by a line that is parallel with said Easterly boundary and 12.00 feet, measured at right angles, Easterly therefrom.

Assessors Parcel No: 7564-021-006,004,003

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That portion of Lot 102 of L.A.C.A. Map No. 51, in the City of Rancho Palos Verdes, in the County of Los Angeles, State of California, as per map recorded in Book 1 Page 1 of Assessor's Maps, in the office of the County Recorder of said County, Described as follows:

Beginning at the intersection of a line that is parallel with and 12.00 feet, measured at right angles, Easterly of the Easterly boundary of Tract No. 16540, as per map recorded in Book 625, Pages 76 and 77 of Maps, records of said County, with the Southwesterly line of Palos Verdes Drive South, 132 feet wide, as shown on said map; thence along said parallel line, South 15° 32' 46" West 122.01 feet and South 15° 20' 00" West 105.52 feet to the intersection thereof with the Northeasterly boundary of the land described in a deed recorded as Document No. 1801 on September 4, 1956, in Book 52201 Page 21 of Official Records of said County; thence South 38° 28' 00" East along said Northeasterly boundary, a distance of 688.30 feet to the most Westerly corner of the land described as Parcel 2 in a deed recorded as Document No. 1826 on July 18, 1956, in Book 51769 Page 241 of said Official Records; thence along the Northwesterly boundary of said Parcel 2, North 56° 48' 36" East 438.55 feet, North 28° 27' 25" East 290.84 feet and North 9° 03' 10" East 100.00 feet to the Southwesterly line of Palos Verdes Drive South, 100 feet wide, as described in a deed to said County of Los Angeles, Recorded as Document No. 3469 on December 23, 1952, in Book 40587, Page 284 of said Official Records; thence Northwesterly along said Southwesterly line North 80° 56' 50" West 684.82 feet and North 9° 03' 10" East 10.00 feet to the Southwesterly line of Palos Verdes Drive South, 132 feet wide as shown on map of said Tract No. 16540; thence Northwesterly along said last mentioned line, being a curve concave Northeasterly and having a radius of 2040 feet, an arc distance of 219.19 feet to the point of beginning.

Assessors Parcel No: 7564-021-005



Order No. 264003 - E

**Parcel 1:**

That portion of Lot H of the Rancho Los Palos Verdes, in the City of Palos Verdes, County of Los Angeles, State of California, allotted to Jotham Bixby by Decree of Partition in the action "Bixby et al. vs. Bent et al" Case No. 2373 in the District Court of the 17th Judicial District of said State, in and for said County and entered in Book 4 Page 57 of Judgments, in the Superior Court of said County, and together with all of Tract 30583, in the City of Rancho Palos Verdes, County of Los Angeles, State of California, as per map recorded in Book 813 Pages 32 to 34 inclusive of Maps, in the office of the County Recorder of said County. Described as a whole as follows:

Beginning at the intersection of the ordinary high tide line of the Pacific Ocean with the Southeasterly line of Lot 99 of L.A.C.A. No. 51 or the Southwesterly prolongation of said Southeasterly line, as said Lot is shown on map recorded in Book 1 Page 1 Assessors Maps, in said recorders office; thence along said prolongation and or Southeasterly line North  $46^{\circ} 00' 00''$  East to an angle point in the Easterly boundary of said Parcel 99; thence along said Easterly boundary North  $15^{\circ} 00' 00''$  East to the Southwesterly line of the land described in the deed to Pacific Telephone and Telegraph Co., a corporation, recorded April 2, 1958 as Instrument No. 591, in Book D68 Page 550, Official Records of said County; thence along the boundary of the land described in said deed; as follows:

North  $54^{\circ} 18' 50''$  West 105.93 feet and North  $35^{\circ} 41' 10''$  East 100 feet to most Westerly corner of the land described in deed to the Pacific Telephone and Telegraph Company, a corporation, recorded April 2, 1958 as Instrument No. 518 in Book D60 Page 546, of Official Records of said County; thence along the Northwesterly boundary of the land described in the last mentioned deed North  $35^{\circ} 41' 10''$  East to the Northerly boundary of Lot 98 of said L.A.C.A. Map No. 51 thence in a general Westerly direction along the Northerly boundaries of lots 98, 99, 100, 101 and 102 as shown on said L.A.C.A. Map No. 51 to the beginning of a non-tangent curve concave Southwesterly and having a radius of 500 feet; thence Southeasterly along said curve to the centerline of Paseo Del Mar, as described in Parcel 2-1 part A in the deed to the City of Rancho Palos Verdes recorded October 10, 1975 as Instrument No. 5051, in Book D6830 Page 354, Official Records of said County; thence along said centerline as follows:

South  $9^{\circ} 25' 15''$  West 81.63 feet; Southeasterly along a tangent curve concave Northeasterly and having a radius of 650 feet an arc distance of 904.04 feet South  $70^{\circ} 16' 05''$  East 906.84 feet and Southeasterly along a tangent curve concave Southwesterly and having a radius of 2000 feet an arc distance 1175 feet to the Northerly boundary of said Tract No. 30583; thence along the Northerly boundary of said Tract 30583 and along the boundary lines of the land as described in Parcel 1 the deed to Adams Land Co., et al., recorded July 18, 1956 as Instrument No. 1826, in Book 51769 Page 241, Official Records of said County as follows:

South  $48^{\circ} 21' 42''$  West 719.45 feet, South 80 feet and South  $23^{\circ} 00' 00''$  West to the ordinary high tide line of the Pacific Ocean; thence Easterly and Southeasterly along said ordinary high tide line to the point of beginning.

Except therefrom that portions of said land included within the Lot 1, of Tract No. 31530, in the City of Rancho Palos Verdes, County of Los Angeles, State of California, as per map recorded in Book 852, Pages 73 and 74 of Maps, in said recorders office.

**Parcel 2:**

Those portion of Lots 98 and 99 of L.A.C.A. No. 51, as per map recorded in Book 1 Page 1 of Assessors Map, in the office of the County Recorder of said County, Described as follows:

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Order No. 264003 - E

Beginning at a point in the Northerly boundary of said 98, distant thereon Westerly 29.05 feet from the Easterly end of a curve therein which is concave Northerly and has a radius of 1030.00 feet, a radial line of said curve passing through said point of beginning bears South 13° 05' 18" East; thence Westerly along said curve 383.45 feet; thence South 35° 41' 10" West 523.40 feet to the most Westerly corner of the herein described Parcel; thence South 54° 18' 50" East 150.00 feet; thence North 75° 22' 00" East 234.92 feet; thence North 35° 41' 10" East 577.91 feet to the point of beginning.

Parcel 3:

Those portions of Lots 98 and 99 of L.A.C.A. No. 51, as per map recorded in Book 1 Page 1 of Assessors maps, in the office of the County Recorder of said County, Described as follows:

Commencing at the point in the Northerly boundary of said Lot 98, distant thereon Westerly 29.05 feet from the Easterly end of a curve therein which is concave Northerly and has a radius of 1030.00 feet, a radial line of said curve passing through said point of beginning bears South 13° 05' 18" East; thence Westerly along said curve 383.45 feet; thence South 35° 41' 10" West 523.40 feet to the true point of beginning of this description; thence South 54° 18' 50" East 150.00 feet; thence North 75° 22' 00" East 234.92 feet; thence South 35° 41' 10" West 280.80 feet; thence North 54° 18' 50" West 300.00 feet; thence North 35° 41' 10" East 100.00 feet to the true point of beginning.

Assessors Parcel No: 7564-019-003,001,004,Ptn 002  
7564-020-101,102,103,104,105

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**Leasehold interest in:**

That portion of Lot 100 of Los Angeles, County Assessor's Map No. 51, in the City of Rancho Palos Verdes, County of Los Angeles, State of California, recorded in Book 1 Page 1 of Assessor's Maps, in the office of the Recorder of the County of Los Angeles, State of California, described as follows:

Beginning at the Northwesterly terminus of that certain curve in the proposed centerline of Paseo Del Mar 100 feet wide shown on Los Angeles County Surveyor's Map No. B1156 revised January, 1965, as having a radius of 2000.00 feet and a length of 1801.62 feet; thence Southeasterly along said curve a distance of 1175.00 feet, through a central angle of  $33^{\circ} 39' 41''$  to the Easterly line of the land described in the deed recorded in Book D 3522, Pages 577 to 580 inclusive of Maps in the Office of the County Recorder of said County; thence along said Easterly line South  $48^{\circ} 21' 12''$  West 50.20 feet to a point on the sideline of said Paseo Del Mar a radial to which bears North  $53^{\circ} 31' 22''$  East being also the true point of beginning of this description; thence continuing along said Easterly line South  $48^{\circ} 21' 12''$  West 525.68 feet; thence North  $41^{\circ} 38' 48''$  West 661.96 feet, to a point on a non-tangent curve concave Northwesterly and having a radius of 392.00 feet, a radial to said point bears South  $42^{\circ} 51' 21''$  East; thence Northeasterly along said curve through a central angle of  $18^{\circ} 12' 42''$ , a distance of 124.60 feet; thence tangent to said curve North  $28^{\circ} 55' 57''$  East 302.10 feet to the beginning of a tangent curve concave Southerly having a radius of 27.00 feet; thence Easterly and Southeasterly along said curve through a central angle of  $91^{\circ} 45' 29''$ , a distance of 43.24 feet to a point on the Southwesterly sideline of said Paseo Del Mar; thence Southeasterly along the Southwesterly sideline of said Paseo Del Mar on a curve having a radius of 1950.00 feet, concave Southwesterly, through a central angle of  $22^{\circ} 49' 56''$ , a distance of 777.07 feet to the true point of beginning.

Assessor's Parcel No: 7564-021-901 and 7564-021-902

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**EXHIBIT "F"**

**CHAPTER 3.40 OF THE RANCHO PALOS VERDES MUNICIPAL CODE**

## Chapter 3.40

## GOLF TAX

## Sections:

3.40.010	Title.
3.40.020	Definitions.
3.40.030	Tax imposed.
3.40.040	Tax collection.
3.40.050	Reporting and remitting.
3.40.060	Failure to remit tax.
3.40.070	Failure to collect and report tax—Determination of tax by tax administrator.
3.40.080	Appeal.
3.40.090	Records.
3.40.100	Refunds.
3.40.110	Actions to collect.
3.40.120	Penalty for violation.
3.40.130	Exemptions.
3.40.140	Legislative review.

## 3.40.010 Title.

The ordinance codified in this chapter shall be known as the uniform golf tax ordinance of the city. (Ord. 291 § 2 (part), 1993)

## 3.40.020 Definitions.

Except where the context otherwise requires, the definitions given in this section govern the construction of this chapter:

A. "Golf course" means any large course having a series of holes spaced considerably apart designed for the playing of the game of golf. For the purpose of this chapter, a golf course includes a driving range.

B. "Golf fees" means the consideration charged, whether or not received, for the use of a golf course or driving range, whether to be received in money, or in any other form including, without limitation, services, credits, goods, or labor of any kind or nature, without any deduction therefrom.

C. "Operator" means the person who is proprietor of the golf course, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his/her functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purpose of this chapter and shall have the same duties and liabilities as the principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall, however, be considered compliance by both.

D. "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

E. "Tax administrator" means the director of finance of the city or other person designated by the city manager.

F. "User" means any person who exercises use of or is entitled to use a golf course by reason of concession, permit, right of access, membership, license or other agreement. (Ord. 291 § 2 (part), 1993)

## 3.40.030 Tax imposed.

For the opportunity of playing golf in the city, each user is subject to and shall pay a tax in the amount of ten percent of the golf fees charged by the operator. The tax constitutes a debt owed by the user to the city which is extinguished only by payment to the operator or the city. (Ord. 291 § 2 (part), 1993)

## 3.40.040 Tax collection.

Each operator shall collect the tax imposed by this chapter to the same extent and at the same time as the golf fees are collected from every user. The amount of tax shall be separately stated from the amount of the golf fees charged, and each user shall receive a receipt for payment from the operator. If the golf fees are paid in installments, a proportionate share of the tax shall be paid with each installment; any unpaid tax shall be due upon the user's ceasing use of the golf course. If golf fees are paid as part of any membership fee or dues, the operator shall collect a tax on an amount thereof that is fairly allocable to the golf fees for the number of rounds the person paying such membership fee or dues is entitled to play under the terms of the membership, or the average number of rounds played by persons paying such membership fees or dues, whichever is greater. (Ord. 291 § 2 (part), 1993)

## 3.40.050 Reporting and remitting.

Each operator shall, on or before the twentieth day of the month following the close of the prior calendar month, make a return to the tax administrator, on forms provided by the tax administrator, of the total golf fees charged and received and the amount of the tax collected. At the time the return is filed, the full amount of the tax collected shall be remitted to the tax administrator. The tax administrator may establish shorter reporting periods for any operator if the tax administrator deems it necessary in order to insure collection of the tax, and the tax administrator may require additional information in the

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return. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this chapter shall be held in trust for the account of the city until payment thereof is made to the tax administrator. (Ord. 291 § 2 (part), 1993)

**3.40.060 Failure to remit tax.**

A. **Original Delinquency.** Any operator who fails to remit any tax imposed by this chapter within the time required shall pay a penalty of ten percent of the amount of the tax in addition to the amount of the tax.

B. **Continued Delinquency.** Any operator who fails to remit any delinquent remittance within thirty days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of ten percent of the amount of the tax in addition to the amount of the tax and the ten percent penalty first imposed.

C. **Fraud.** If the tax administrator determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty-five percent of the amount of the tax shall be added thereto in addition to the penalties stated in subsections A and B of this section.

D. **Interest.** In addition to the penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay interest at the rate of one and one-half percent per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

E. **Penalties Merged With Tax.** Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the tax which is required to be paid. (Ord. 291 § 2 (part), 1993)

**3.40.070 Failure to collect and report tax—  
Determination of tax by tax  
administrator.**

A. If any operator fails or refuses to collect the tax and to make, within the time provided in this chapter, any report and remittance of the tax or any portion thereof required by this chapter, the tax administrator shall proceed in such manner as he or she may deem best to obtain facts and information on which to base his or her estimate of the tax due.

B. As soon as the tax administrator procures such facts and information as he or she is able to obtain upon which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect the same and to make such report and remittance, the tax administrator shall proceed to determine and assess against such operator the tax, interest and

penalties provided for by this chapter. When such a determination is made, the tax administrator shall give a notice of the amount so assessed by personal service to the operator or the operator's representative, or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his last known place of address. Such operator may within ten days after the service or mailing of such notice make application in writing to the tax administrator for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the tax administrator shall become final and conclusive and immediately due and payable. If such application is timely made, the tax administrator shall give not less than five days' written notice, in the manner prescribed in this section, to the operator of the time and place fixed for a hearing. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After such hearing, the tax administrator shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed in this section of such determination and the amount of such tax, interest and penalties so determined. The amount determined to be due shall thereupon be due and payable. (Ord. 291 § 2 (part), 1993)

**3.40.080 Appeal.**

Any operator aggrieved by any decision of the tax administrator made at or following such a hearing with respect to the amount of such tax, interest and penalties, if any, may appeal to the city council by filing a notice of appeal with the city clerk within fifteen days after the serving or mailing of notice of a determination by the tax administrator of the tax which is due. The city council shall set a time and place for hearing such appeal, and the city clerk shall give notice of the time and place of such hearing in writing to such operator at his/her last known place of address. The findings of the city council shall be final and conclusive and notice thereof shall be served upon the appellant in the manner prescribed in Section 3.40.070 for service of notice of hearing. Any amount found to be due, together with interest at the rate prescribed in Section 3.40.060 from the date such tax accrued and penalty, shall be immediately due and payable upon the service of notice. (Ord. 291 § 2 (part), 1993)

**3.40.090 Records.**

It shall be the duty of every operator required by this chapter to collect and pay to the city any tax imposed by this chapter, to keep and preserve, for a period of three

years from the date of payment to the city, all records as may be necessary to determine the amount of such tax as the operator may have been responsible for the collection of and payment to the city, which records the tax administrator shall have the right to inspect at all reasonable times. If any operator fails to maintain such records, the tax administrator shall make a determination of the amount of tax due using such information and criteria as the tax administrator deems to be reasonable and relevant. (Ord. 291 § 2 (part), 1993)

#### 3.40.100 Refunds.

A. Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the city under this chapter it may be refunded as provided in subsections B and C of this section provided a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the tax administrator within three years of the date of payment. The claim shall be on a form or forms furnished by the tax administrator.

B. An operator may claim a refund, or take as a credit against taxes due and not yet remitted, the amount overpaid, paid more than once or erroneously or illegally collected or received when it is established in a manner prescribed by the tax administrator that the person from whom the tax has been collected was not a user; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the user or credited to any golf fees subsequently payable by the user to the operator.

C. A user may obtain a refund of taxes overpaid or paid more than once or erroneously or illegally collected or received by the city by filing a claim in the manner provided in subsection A of this section, but only when the tax was paid by the user directly to the tax administrator, or when the user having paid the tax to the operator, establishes to the satisfaction of the tax administrator that the user has been unable to obtain a refund from the operator who collected the tax.

D. No refund shall be paid under the provisions of this section unless the claimant establishes his right thereto by written records and/or other evidence to the satisfaction of the tax administrator. (Ord. 291 § 2 (part), 1993)

#### 3.40.110 Actions to collect.

Any tax required to be paid by any user under the provisions of this chapter shall be deemed a debt owed by the user to the city. Any tax collected by an operator which has not been paid to the city shall be deemed a

debt owed by the operator to the city. The amount of any tax the operator refuses or fails to collect, and which has been assessed against the operator pursuant to Section 3.40.070 shall be deemed a debt owed by the operator to the city. Any person owing money to the city under any provision of this chapter shall be liable for the amount of tax owed, plus interest and penalty, if any, in a civil action brought in the name of the city for the recovery of such amount. (Ord. 291 § 2 (part), 1993)

#### 3.40.120 Penalty for violation.

A. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punishable therefor by a fine of not more than one thousand dollars or by imprisonment in the county jail for a period of not more than six months or by both such fine and imprisonment.

B. Any operator or other person who fails or refuses to furnish any return required to be made by this chapter, or who fails or refuses to furnish a supplemental return or other data required by the tax administrator, or who renders a false or fraudulent return or claim, is guilty of a misdemeanor, and is punishable as set forth in subsection A of this section. Any person required to make, render, sign or verify any report or claim who makes any false or fraudulent report or claim with intent to defeat or evade the determination of any amount due required by this chapter to be made, is guilty of a misdemeanor and is punishable as set forth in subsection A of this section. (Ord. 291 § 2 (part), 1993)

#### 3.40.130 Exemptions.

A. No tax shall be imposed upon any person as to whom it is beyond the power of the city to impose the tax provided in this chapter.

B. No tax shall be imposed upon any user of a golf course owned and/or operated by a governmental entity. (Ord. 291 § 2 (part), 1993)

#### 3.40.140 Legislative review.

Beginning in January, 1996, and every four years thereafter, the city manager shall submit for consideration by the city council an analysis of the revenues derived from the taxes imposed by this chapter. Based on the needs of the city, the city council shall determine if any modifications to the rate is necessary or if the tax imposed by this chapter should be repealed. Said review shall be completed by the city council prior to the adoption of the budget being prepared for the next fiscal year. This chapter shall be repealed if the city council does not conduct the review required by this Section 3.40.140. (Ord. 291 § 2 (part), 1993)

**ORDINANCE/RESOLUTION NO.** ORD 328      **FILE:** 1203 x 1411  
**SUBJECT:** APPROVING A DEVELOPMENT AGREEMENT WITH THE DEVELOPER OF THE OCEAN  
TRAILS PROJECT

**INTRODUCED:** 10/23/97      **ADOPTED:** 11/5/97      **POSTED/PUBLISHED** 11/12/97

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