

February 6, 2015

NOTICE OF DECISION

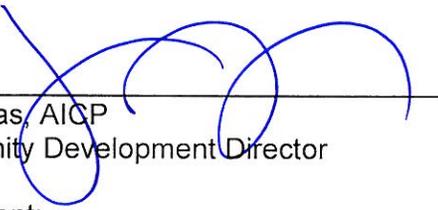
NOTICE IS HEREBY GIVEN that on February 6, 2015, the City of Rancho Palos Verdes has approved a request for a Grading Permit (Case No. ZON2015-00040).

PROJECT: Waterfall Removals
APPLICANT/LANDOWNER: VH Property Corp.
LOCATION: Trump National Golf Club
1 Trump National Drive

Said decision allows for the removal of three separate waterfalls located at hole nos. 1 and 17 and Lot 38 of Tract 50667 (east of hole no. 4) with 19,487yd³ of grading. The waterfall areas will be filled to pre-waterfall conditions and contoured to match the surrounding contours.

This decision may be appealed, in writing, to the Planning Commission. The appeal shall set forth the grounds for appeal and any specific action being requested by the appellant. Any appeal letter must be filed within fifteen (15) calendar days of the date of this notice, or by 5:30 PM on Monday, February 23, 2015. A \$2,275.00 appeal fee must accompany any appeal letter. If no appeal is filed timely, the Director's decision will be final at 5:30 PM on Monday, February 23, 2015.

If you have any questions regarding this permit, please contact So Kim, Senior Planner, at (310) 544-5228 or sok@rpv.com.



Joel Rojas, AICP
Community Development Director

Attachment:
Exhibit "A" – Conditions of Approval

cc: VH Property Corp.
Properties within the 500' radius of the project site

MEMORANDUM

TO: JOEL ROJAS, COMMUNITY DEVELOPMENT DEPARTMENT
FROM: SO KIM, SENIOR PLANNER
DATE: FEBRUARY 5, 2015
SUBJECT: GRADING PERMIT (CASE NO. ZON2015-00040) FOR PROPERTY LOCATED AT 1 TRUMP NATIONAL DRIVE (APPLICANT/PROPERTY OWNER – VH PROPERTY CORP.)

RECOMMENDATION

Approve Case No. ZON2015-00040 (Grading Permit), subject to the conditions in Exhibit "A", allowing the demolition of three separate waterfalls (hole nos. 1 and 17 and Lot 38 of Tract 50667) with 19,487yd³ of related grading (9,705yd³ of cut and 9,782yd³ of fill).

BACKGROUND

In June 1992, the City Council approved the Ocean Trails project (now known as Trump National), which, included an 18-hole golf course, clubhouse, public open space and 83 single-family residential lots. Since June 1992, the project has been revised several times. Today, the approved project includes an 18-hole golf course, Clubhouse, Driving Range, public open space and 59 single-family residential lots. The 59 single-family residential lots are within two different tracts; 21 lots within Tract No. 50666 and 36 lots within Tract No. 50667. Tract No. 50666 is still a Vesting Tentative Tract Map, while Tract No. 50667 has been finalized and recorded.

On January 22, 2015, the applicant and property owner of Trump National Golf Club (VH Property Corp.) submitted an application requesting approval to demolish three separate waterfalls existing on the golf course. After completing an initial review of the application and supplemental plans submitted on January 29th, the project was deemed complete on February 4th.

PROJECT DESCRIPTION

The proposed project involves the demolition of waterfalls located at hole numbers 1 and 17 and Lot 38 of Tract 50667. Specifics of the proposal are detailed below.

Waterfall on Hole No. 1

There is an existing waterfall with ponds facing south at the northern end of fairway no. 1 supported by a tall retaining wall. The existing retaining wall measuring approximately 35' from the bottom of the footing to the top of the wall serves as the face of the waterfall, while supporting earthen mound planted with habitat to the north. The applicant is proposing to demolish the top 25' of the existing retaining wall, remove the earthen mound retained by this wall to the north, and bury the remaining 10' of wall with the ponds to the south. As a result, the proposed ground surface will gradually transition from the northern areas to the southern fairway areas. A balanced grading of 15,800yd³ is

proposed (7,900yd³ of cut and 7,900yd³ of fill) with 20' maximum depth of cut to the north and 20' maximum depth of fill to the south of the existing retaining wall.

Waterfall on Hole No. 17

There is an existing waterfall with ponds facing southeast at the west end of fairway no. 17 supported by a retaining wall. The existing retaining wall measuring approximately 35' from the bottom of the footing to the top of the wall serves as the face of the waterfall, while supporting an earthen mound planted with habitat to the northwest. The applicant is proposing to demolish the top 15' of the existing retaining wall, remove a portion of earthen mound retained by this wall to the northwest, and bury the remaining 20' of wall with the ponds to the southeast. As a result, the proposed ground surface will gradually transition from the northwest habitat areas to the southeastern fairway areas of hole no. 17. A balanced grading of 3,600yd³ is proposed (1,800yd³ of cut and 1,800yd³ of fill) with 15' maximum depth of cut to the northwest and 20' maximum depth of fill to the southeast of the existing retaining wall.

Waterfall on Lot 38 of Tract 50667

There is a small waterfall near the west end of Emerald View Drive cul-de-sac, located on a slope facing west, towards hole no. 4, surrounded by landscaping. There are three separate retaining walls measuring 10', 20' and 7' from the top to the bottom of the waterfall area. The applicant is proposing to remove the 10' uppermost and 7' bottom retaining walls. Additionally, the top half of the middle 20' tall retaining wall will be removed while the remaining 10' will be buried with the ponds. A total of 87yd³ of grading is proposed (5yd³ of cut and 82yd³ of fill) with a 5' maximum depth of cut and 15' maximum depth of fill. Recently, a temporary stockpile permit was issued to the applicant for the stockpiling of 2,000yd³ of earth over two separate vacant lots at the end of Emerald View Drive cul-de-sac. The 77yd³ of fill for this waterfall will be transferred from the stockpile to fill this waterfall area. As a result, the finished grades will match the existing adjacent slopes.

DISCUSSION

Pursuant to Municipal Code Section No. 17.76.040, a Major Grading Permit is required for all earthwork projects which involve an excavation or fill of 50yd³ or more. When a Major Grading application proposes earth movement involving 1,000yd³ or more, the application shall be referred to the Planning Commission for a decision. While normally the proposed grading involving 19,487yd³ would require Planning Commission review, the City Council approved a revision to the Golf Course Layout in 2003 and determined a review process for a variety of future improvements on the subject site, as shown in the table below.

City Council Determination of Review Process for Proposed Improvements to the Ocean Trails (now known as Trump National) Project Adopted May 20, 2003			
Request	Decision to be made by:		
	Director	Planning Commission	City Council
Hole 1: revise fairway, revise green, add new waterfall			X

Hole 2: add new tee	X		
Hole 3: add new tee	X		
Hole 4: add new tee	X		
Hole 4: add new waterfall and lot line adjustment between residential lot and golf course property			X
Hole 5: add new tee and lot line adjustment between open space lot and golf course property	X		
Hole 7: add new tee	X		
Hole 9: add new tee	X		
Hole 16: add new tee	X		
Hole 17: add new waterfall			X
Landslide C area course modifications creating new back tees for Holes #1 and #12	X		
Driving Range/Hole 11 modifications/VTTM No. 50666			X
Clubhouse Improvements: additions to the building		X	
Clubhouse Improvements: minor improvements such as new tile, painting, small architectural features, etc.	X		
Changes to the Development Standards of Tract No. 50667			X

The table above was presented to the City Council at the time when the existing waterfalls were originally proposed on hole nos. 1 and 17 and lot 38 of tract 50667 (referred as hole no. 4 in the table). The Council determined that the new waterfalls require Council review and approval since they had potential to cause view impacts to existing residential tracts located north of the subject site. All other changes to the golf course such as the addition of new tees were considered minor as those changes would not cause adverse impacts and would be in substantial compliance with the originally approved 1996 plan, and thus the City Council agreed that that they could be approved by the Director. The proposed demolition of the water features would result in grade elevations lower than the existing waterfalls and similar to pre-waterfall conditions. More specifically, for hole no. 1, the finished elevations would be approximately 10' lower than the existing grade. For hole no. 17, the finished elevations will be approximately 5' lower than the existing grade. For lot 38 of tract 50667, all improvements above adjacent grade would be removed and the finished grades would match the adjacent slope. Additionally, Grading Permit 1541 for the subject property has a condition of approval requiring a revision, subject to City Council review and approval if export is proposed. As discussed earlier, no export is proposed and thus a revision to Grading Permit 1541 is not required for this project. Based on the discussion above, the proposed improvements are consistent with the review process approved by the City Council in 2003. Therefore, the proposed project will be subject to Director's review and approval. Municipal Code Section No. 17.76.040(E) sets forth the criteria (in **bold** type) required in order for the Director to approve a Major Grading application:

1. The grading does not exceed that which is necessary for the permitted primary use of the lot;

As mentioned in the background section of this report, the City Council approved the Trump National project in 1992 along with subsequent revisions. Today, the approved project includes an 18-hole golf course, Clubhouse, Driving Range, public open space and 59 single-family residential lots. The proposed project involves the removal of three separate waterfalls located at hole nos. 1 and 17 and lot 38 of tract 50667. The demolished areas will be filled and returned back to grade elevations lower than existing, similar to pre-waterfall levels. Staff does not believe that removing water

features and returning the area back to pre-waterfall conditions so that it is in substantial compliance with the originally approved 1996 plan for the project is in excess of what has been permitted on the subject site. As such, this criterion can be met.

2. The proposed grading and/or related construction does not significantly adversely affect the visual relationships with, nor the views from the viewing area of neighboring properties.

At the time the original waterfalls were approved, the City Council made a determination that the height of these structures would not result in significant view impairment. The proposed demolition and re-contouring of the existing waterfall areas would result in grade elevations lower than the existing grades and similar to the pre-waterfall grades. More specifically, the finished grades of hole no. 1 will be approximately 10' lower, hole no. 17 will be approximately 5' lower, and all improvements above existing adjacent grade of lot 38 of tract 50667 will be removed. As a result, the views from the residential tracts located north of the subject site will be improved. Therefore, this criterion can be met.

3. The nature of the grading minimizes disturbance to the natural contours and finished contours are reasonably natural;

The proposed grading is for the removal of three separate waterfalls to return the area back to the pre-waterfall grades. The applicant will be filling the existing waterfall areas so that the finished contours will gradually transition and blend in with the surrounding grade elevations. Therefore, this criterion can be met.

4. The grading takes into account the preservation of natural topographic features and appearances by means of land sculpturing so as to blend any man-made or manufactured slope into the natural topography;

As discussed earlier, proposed grading is for the removal of three separate waterfalls and return the area back to the pre-waterfall grades. More specifically, the existing waterfall areas will be filled and artificially sculpted to transition and match with the surrounding grade elevations. Therefore, this criterion can be met.

5. For new single-family residences, the grading and/or related construction is compatible with the immediate neighborhood character;

No new structures are proposed, and therefore this criterion does not apply.

6. In new residential tracts, the grading includes provisions for the preservation and introduction of plant materials so as to protect slopes from soil erosion and slippage and minimize the visual effects of grading and construction on hillside areas;

No new tracts are proposed, and therefore this criterion does not apply.

7. The grading utilizes street designs and improvements which serve to minimize grading alternatives and harmonize with the natural contours and character of the hillside;

The proposed grading is not over, abutting or adjacent to any streets that may impact any related improvements. Therefore, this criterion does not apply.

8. The grading would not cause excessive and unnecessary disturbance of the natural landscape or wildlife habitat through removal of vegetation;

The proposed demolition for hole nos. 1 and 17 will cause temporary impacts to existing coastal sage scrub (CSS) habitat. There is no habitat in the proposed grading area of lot 38 of tract 50667. More specifically, for hole no. 1, a total of 11,480ft² of habitat will be temporarily removed and 13,200ft² of habitat will be re-vegetated, resulting in a net increase of 1,720ft² of habitat. For hole no. 17, a total of 9,900ft² of habitat will be temporarily removed and put back in the same location, resulting in no net loss of habitat. The proposed re-vegetation will be done using the same seed mix used for the subject site. The applicant plans to use container plants as well as obtain seeds on-site and from the Palos Verdes Peninsula Land Conservancy and S&S Seeds. Although habitat will be removed as part of the proposed demolition, there will be a net increase as the applicant plans to vegetate additional areas with habitat. Thus, Staff believes that this criterion can be met.

9. The grading conforms to the following standards:

Development Standard	Grading Criteria	Does the Proposed Project meet the standard
a) Grading on slopes over 35% steepness	Permitted on vacant lots created prior to the City's incorporation, not zoned OH, based upon a finding that the grading will not threaten public health, safety and welfare	Yes, see finding below
b) Maximum finished slopes	35% steepness, unless next to a driveway where 67% steepness is permitted	No, over 35%
c) Maximum depth of cut or fill	5' depth, unless based upon a finding that unusual topography, soil conditions, previous grading or other circumstances make such grading reasonable and necessary	No, 20' cut and fill
d) Restricted grading areas	No grading on slopes over 50% steepness	Yes
e) Retaining walls	3½'-tall upslope wall within the front setback	n/a
	One 3½'-tall downslope wall	n/a
	One 3½'-tall up- or downslope wall in each side yard	n/a
	One 5'-tall up- or downslope wall adjacent to driveway	n/a
	Retaining walls within building footprint may exceed 8'	n/a

f) Driveways	20% maximum slope permitted, with a single 10'-long section up to 22%	n/a
	67% slopes permitted adjacent to driveways	n/a

- a. Grading on slopes equal to or exceeding 35% shall be allowed on recorded and legally subdivided lots existing as of November 25, 1975 or if within Eastview, existing as of January 5, 1983, which are not currently zoned open space/hazard, if the Director finds that such grading, as conditioned, will not threaten the public health, safety and welfare.**

The subject site is a recorded and legally subdivided lot existing as of November 25, 1975 and is not zoned Open Space/Hazard. Once the pending Grading Permit is approved, the applicant will be required to submit grading plans and structural plans to the Building & Safety Division prior to building permit issuance. Additionally, the City's Geotechnical Consultant has reviewed the geotechnical reports that were prepared for the proposed parcel map and has conditionally approved them accordingly. Furthermore, more detailed site and project-specific geotechnical reports will be required at the time a future development proposal is submitted on the vacant lots, which must then be reviewed and approved by the City's Geotechnical consultant. With these requirements, proposed grading will not threaten the public health, safety and welfare. Therefore, this standard can be met.

Based on the table above, the proposed project does not meet standards b and c related to the maximum allowed finished slopes and maximum depth of cut/fill. However, the Director may grant a grading permit in excess of the standards in Criterion No. 9 upon making the following findings:

10a. The criteria of subsections 1 through 8 are satisfied;

As discussed above, subsections 1 through 8 of the grading criteria has been satisfied.

10b. The approval is consistent with the purposes set forth in the grading section of the Municipal Code (17.76.040.A);

The intent of the grading section includes permitting reasonable development of land to ensure the maximum preservation of the natural scenic character of the area consistent with reasonable economic use of the property and that the development of each parcel occurs in a manner harmonious with adjacent lands. The subject site has been developed and operated as a golf course. The proposed project involves the demolition of three separate waterfalls and filling the area to pre-waterfall conditions. The finished grades will be contoured to blend and match the surrounding areas. As discussed earlier, the finished grade elevations will be lower than the existing elevations and similar to pre-waterfall grades. As a result, the views from the residential tracts located north of the subject site would improve. Therefore, Staff believes that allowing a maximum depth of cut and fill in excess of 5' (up to 20' proposed) in height and allowing finished grades greater than 35% to restore the area back to pre-waterfall elevations is reasonable. Therefore, this finding can be met.

10c. Departure from the standards in subsection 9 of this section will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity; and

The subject site is unique in that a golf course was approved and improved over an area with a land use and zoning designation of residential. There is no other property similar in use in close vicinity or elsewhere in the City. It should be emphasized that the proposed project is a request to demolish existing waterfalls and fill the area back to pre-waterfall conditions, which would be in substantial compliance with the originally approved 1996 plan. As such, Staff does not believe allowing a depth of cut/fill in excess of 5' and creating finished slopes exceeding 35% to allow the demolition of the waterfalls constitute a grant of special privileges. Therefore, this finding can be met.

10d. Departure from the standards of subsection 9 of this section will not be detrimental to the public safety nor to other property.

Prior to any demolition or grading activities on the subject property, the applicant will be required to submit appropriate plans and other related documents to the Building & Safety Division to ensure compliance with the California Building Code. Additionally, a detailed site and project-specific geotechnical reports will be required, which must then be reviewed and approved by the City's Geotechnical consultant. Therefore, Staff believes that this finding can be met.

10e. Notice of decision shall be given to the applicant and to all owners of property adjacent to the subject property. Notice of denial shall be given to only the applicant.

Once a decision is rendered, Staff will notify the proper parties. Therefore, this finding can be met.

ADDITIONAL INFORMATION

Environmental Assessment

Staff has reviewed the proposed application for compliance with the California Environmental Quality Act (CEQA). Categorical Exemptions are projects, which have been determined not to have a significant effect on the environment and have been exempted from the requirements of the California Environmental Quality Act. Section 15301 (Class 1 Exemption) allows demolition and removal of individual small structures. Upon completion of this review, it has been determined that the proposed project is categorically exempt from CEQA, pursuant to Guideline Section No. 15301 (Existing Facilities).

CONCLUSION

Based upon the discussion above, Staff recommends approval of the requested Grading Permit application (Case No. ZON2015-00040), subject to the conditions contained in Exhibit "A".

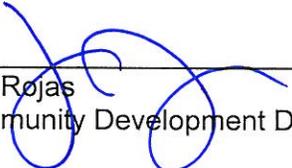
ALTERNATIVES

In addition to Staff's recommendation, the following alternatives are available for the Director to consider:

1. Approve the requested Grading Permit application (Case No. ZON2015-00040), subject to revised or additional conditions of approval.
2. Deny the requested Grading Permit application (Case No. ZON2015-00040).

Approved pursuant to Alternative No. 1.

Accepted:



Joel Rojas
Community Development Director

Dated

2-6-15

ATTACHMENTS

- Exhibit "A" – Conditions of Approval

Exhibit "A"
Conditions of Approval
Case No. Case No. ZON2015-00040 (Waterfall Removals)
1 Trump National Drive

General Conditions:

1. Prior to the submittal of plans into Building and Safety plan check, the applicant and the property owner shall submit to the City a statement, in writing, that they have read, understand, and agree to all conditions of approval contained in this exhibit. Failure to provide said written statement within thirty (30) days following the date of this approval shall render this approval null and void.
2. Prior to conducting any work in the public right of way, such as for curb cuts, dumpsters, temporary improvements and/or permanent improvements, the applicant shall obtain an encroachment permit from the Director of Public Works.
3. Approval of this permit shall not be construed as a waiver of applicable and appropriate zoning regulations, or any Federal, State, County and/or City laws and regulations. Unless otherwise expressly specified, all other requirements of the City of Rancho Palos Verdes Municipal Code shall apply.
4. The Community Development Director is authorized to make minor modifications to the approved plans and any of the conditions of approval if such modifications will achieve substantially the same results as would strict compliance with the approved plans and conditions. Otherwise, any substantive change to the project shall require approval of a revision by the final body that approved the original project, which may require new and separate environmental review.
5. The project development on the site shall conform to the specific standards contained in these conditions of approval or, if not addressed herein, shall conform to the conditions of approvals for Grading Permit 1541 and Conditional Use Permit 163 that govern the site.
6. Failure to comply with and adhere to all of these conditions of approval may be cause to revoke the approval of the project pursuant to the revocation procedures contained in Section 17.86.060 of the City's Municipal Code.
7. If the applicant has not submitted an application for a building permit for the approved project or not commenced the approved project as described in Section 17.86.070 of the City's Municipal Code within 180-days of the final effective date of this decision, approval of the project shall expire and be of no further effect unless, prior to expiration, a written request for extension is filed with the Community Development Department and approved by the Director.
8. In the event that any of these conditions conflict with the recommendations and/or requirements of another permitting agency or City department, the stricter standard shall apply.

9. The construction site and adjacent public and private properties and streets shall be kept free of all loose materials resembling trash and debris in excess of that material used for immediate construction purposes. Such excess material may include, but not be limited to: the accumulation of debris, garbage, lumber, scrap metal, concrete asphalt, piles of earth, salvage materials, abandoned or discarded furniture, appliances or other household fixtures.
10. Permitted hours and days for construction activity are 7:00 AM to 6:00 PM, Monday through Friday, 9:00AM to 5:00PM on Saturday, with no construction activity permitted on Sundays or on the legal holidays specified in Section 17.96.920 of the Rancho Palos Verdes Development Code. During demolition, construction and/or grading operations, trucks shall not park, queue and/or idle at the project site or in the adjoining street rights-of-way before 7AM Monday through Friday and before 9AM on Saturday, in accordance with the permitted hours of construction stated in this condition. When feasible to do so, the construction contractor shall provide staging areas on-site to minimize off-site transportation of heavy construction equipment. These areas shall be located to maximize the distance between staging activities and neighboring properties, subject to approval by the building official.
11. All grading, landscaping and construction activities shall exercise effective dust control techniques, either through screening and/or watering.
12. All construction sites shall be maintained in a secure, safe, neat and orderly manner, to the satisfaction of the City's Building Official. All construction waste and debris resulting from a construction, alteration or repair project shall be removed on a weekly basis by the contractor or property owner. Existing or temporary portable bathrooms shall be provided during construction. Portable bathrooms shall be placed in a location that will minimize disturbance to the surrounding property owners, to the satisfaction of the City's Building Official.

Project Specific Conditions

13. The approval is for the following:
 - a. Hole No. 1 – Demolition of waterfall, removal of top 25' (approx.) of the supporting retaining wall, excavation of 7,900yd³ (max. 20' of cut) of earthen mound north of the existing retaining wall, and fill (max. 20' of fill) the existing ponds with 7,900yd³ of earth.
 - b. Hole No. 17 – Demolition of waterfall, removal of top 15' (approx.) of the supporting retaining wall, excavation of 1,800yd³ (max. 15' of cut) of earthen mound northwest of the existing retaining wall, and fill (max. 20' of fill) the existing ponds with 1,800yd³ of earth.
 - c. Lot 38 of Tract 50667 – Demolition of waterfall, remove 10' uppermost and 7' bottom retaining walls, remove top half (approx. 10') of center retaining wall, 5yd³ of excavation (max. 5' of cut) and 82yd³ of fill (max. 15' of fill).
14. Prior to transferring earth from the temporary stockpile located at 31925 and 31929 Emerald View Drive to fill Lot 38 Tract 50667, the applicant shall comply with all

conditions of approval related to the stockpile permit no. ZON2015-00029.

15. Unless otherwise designated in these conditions, all construction shall be completed in substantial conformance with the plans stamped APPROVED by the City with the effective date of this decision, prepared by Sawaya Engineering Consultants, Inc., dated January 2015.
16. Prior to Building Permit Issuance, a detailed site and project-specific geotechnical reports will be required for review and approval by the City's Geotechnical consultant.
17. Prior to any landscaping work (removal and installation of habitat and other landscaping), the applicant must obtain the City's Landscape Consultant's approval and comply with all recommendations.
18. No landscaping shall be planted on the project area that exceeds the following:
 - a. Elevation of the proposed cart bridge for hole no. 1
 - b. Elevation 223' for hole no. 2
 - c. Elevation 355' for Lot 38 of Tract 50667

These elevations are based on the approved plans prepared by Sawaya Engineering Consultants, Inc., dated January 2015.

19. Prior to Building Permit Issuance, the unpermitted ficus species on Lot D shall be removed.
20. Prior to Building Permit Issuance, a construction plan shall be submitted to the Community Development and Public Works Department for review and approval. Said plan shall include, but not be limited to a phasing plan, limits of grading, estimated length of time, location of construction trailers, construction signs and equipment storage areas and the location and type of temporary utilities. The applicant shall comply with all recommendations and requirements to the satisfaction of both the Community Development and Public Works Director.
21. Prior to Building Permit Issuance, the applicant shall demonstrate to the Community Development Director that the proposed project has been approved by U.S. Fish & Wildlife Service and California Department of Fish and Wildlife.
22. The City has informed the Applicant and the Applicant acknowledges awareness that the proposed grading and temporary loss of habitat related to the removal of the waterfalls hereby approved by the City does not eliminate the Applicant's obligation to obtain approval from the California Coastal Commission for said work.
23. Pursuant to City Council Resolution 2014-62 Condition of Approval No. C6, the use of rockcrusher on the site is prohibited.
24. Non-compliance with the above conditions shall be grounds for the City to stop work immediately on the property.