



RANCHO PALOS VERDES

PUBLIC HEARING

Date: August 7, 2012

Subject: Revision "BBB" to the Trump National Golf Course Project

Subject Property: One Ocean Trails Drive

1. **Declare the Hearing Open:** Mayor Misetich
2. **Report of Notice Given:** City Clerk Morreale
3. **Staff Report & Recommendation:** Gregory Pfost, Deputy Community Development Director
4. **Public Testimony:**

Appellants: N/A

Applicant: Trump National Golf Club

5. **Council Questions:**
6. **Rebuttal:**
7. **Declare Hearing Closed:** Mayor Misetich
8. **Council Deliberation:**
9. **Council Action:**

MEMORANDUM

TO: HONORABLE MAYOR & CITY COUNCIL MEMBERS
FROM: JOEL ROJAS, COMMUNITY DEVELOPMENT DIRECTOR
DATE: AUGUST 7, 2012
SUBJECT: REVISION "BBB" TO THE TRUMP NATIONAL GOLF COURSE PROJECT
REVIEWED: CAROLYN LEHR, CITY MANAGER

Project Manager: Gregory Pfost, AICP, Deputy Community Development Director

RECOMMENDATION

(1) Adopt Resolution No. 2012-___, adopting Addendum No. 45 to Environmental Impact Report No. 36; (2) adopt Urgency Ordinance No. ___, AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES APPROVING AMENDMENT NO. 14 TO THE TRUMP NATIONAL DEVELOPMENT AGREEMENT, AUTHORIZING AN EXTENSION TO THE DEVELOPMENT AGREEMENT TO SEPTEMBER 21, 2014, AND DECLARING THE URGENCY THEREOF; (3) authorize the Mayor and the City Clerk to execute the documents on behalf of the City; (4) extend Vesting Tentative Tract Map No. 50666 consistent with the term of the Development Agreement; and (5) adopt Resolution No. 2012-___, amending Grading Permit No. 1541 to allow an extension to the operation of the driving range to September 21, 2014.

BACKGROUND

In June 1992, the City Council approved the Ocean Trails project (now known as Trump National), which, at that time, 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; 23 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 November 20, 1997, the City entered into a Development Agreement with the former property owner (Zuckerman) regarding the project site. The purpose of the Development Agreement was to define the responsibilities and obligations of each party as they pertain to a variety of development and operational aspects of the project, including, but not limited to the maintenance of habitat areas and other public improvements, the golf tax associated with the project, and the Developer's need to purchase easements on portions of the City's property (Switchbacks and Shoreline Park) to address habitat mitigation required of the project. The term of the Development Agreement was set at 10 years. As such, the Development Agreement was set to expire on November 20, 2007. The rights and obligations of the Development Agreement were transferred to the Trump Organization when they took ownership of the property in 2002. Starting on November 20, 2007, the City Council has adopted Urgency Ordinances extending the term of the Development Agreement, the latest of which extended the Agreement to September 21, 2012. Past extensions were granted to allow the Trump Organization additional time to address the geologic issues associated with the project and to allow the City and the Trump Organization time to discuss and incorporate various changes and updates to the Development Agreement.

On December 20, 2005, upon recognizing that not all of the items necessary for the Applicant to complete prior to the permanent opening of the golf course and Driving Range would be completed, the City Council approved Revision "Y" to the Trump National Golf Club, authorizing a 3-month temporary opening of the golf course and Driving Range. The Golf Course officially "temporarily" opened on January 20, 2006. At the May 1, 2007 Council meeting, Staff was pleased to report that all of the outstanding items necessary for allowing permanent opening of the Golf Course had been completed, including approval by the City Geologist. As such, on May 1, 2007, the City Council acknowledged that the Golf Course was officially permanently opened. The Council also approved the Applicant's request to allow the Driving Range to remain open on a "temporary" basis, while the outstanding geologic issues related to the Driving Range are worked out in addition to other construction related items. On March 6, 2012, the Council approved the latest extension to the operation of the Driving Range – permitting it to remain open until September 21, 2012.

Since the terms of the current Development Agreement and Driving Range extension are about to expire, Staff is bringing this item back to the City Council for further extension as requested by the Trump Organization.

DISCUSSION

For ease of review, below, Staff has separated the discussion of the extension request for the Development Agreement and the extension request for the Driving Range into two separate sections.

Driving Range Extension Request:

Due to un-resolved geologic issues and related disputes between the developer's geologist (Converse) and the City geologist (Cotton Shires) pertaining to existing Landslide A and its

potential impacts to the project site if Landslide A were to fail, the Trump Organization had been attempting to obtain geologic approval for the Clubhouse Expansion, the Driving Range, and the residential development of Vesting Tentative Tract Map No. 50666 for quite some time. Progress was made when the disputes were finally settled by a third party Peer Panel primarily in support of the Cotton Shires recommendation. Subsequently, after following Cotton Shires/Peer Panel recommendation, more progress was made in summer 2008, when the Driving Range and Residential Lots located between the Driving Range and Palos Verdes Drive South were approved from a geotechnical standpoint. Then, more progress was made when in December 2008, Cotton Shires gave conditional geotechnical approval of the Clubhouse Expansion and the development of the residential homes north of the Clubhouse. Resolution of these geologic issues was a major turning point for this project, for after 8 years of geologic review and dispute, there are no longer any major outstanding geologic issues pertaining to the project.

Based upon the agreed upon geologic model, the developer's Geologist still needed to prepare a geotechnical study to show the location of the geotechnical foundation setback line for the 11 residential building pads located north of the Clubhouse. On June 3, 2011, the City received said report by GeoKinetics. The report shows that the 11 residential lots located north of the Clubhouse as well as the Clubhouse Expansion are within an area that will have a factor of safety greater than 1.5, which is the factor of safety required for such structures. The report also extends the 1.5 factor of safety foundation setback line over the Driving Range to show that the design of the original subdivision that had been approved in the early 1990's, prior to the Trump Organization's revision to the Tentative Map to accommodate the Driving Range, could be developed. However, it is important to emphasize that in order to have the Foundation Setback Line be moved seaward to accommodate the 16 additional residential lots where the Driving Range presently is located, the report shows that a series of 104 sheer pins would need to be installed to structurally create the 1.5 factor of safety. Thus, it appears that at some time in the future, the Trump Organization may request that the City permit residential development in the Driving Range area by converting it back to residential lots. The Trump Organization is very aware that if they do request residential lots in the area where the Driving Range is located, they will need to submit an application to amend Tentative Tract Map No. 50666. This amendment would need to be reviewed and approved by the City Council through a duly noticed public hearing. No such application has been submitted thus far.

The GeoKinetics' report discussed above has been approved by the City Geologist. Thus, there are no longer any pending geologic issues/disputes associated with the property. Of course, any future project to change the Driving Range to residential lots would still need to be reviewed to make sure that it complies with the approved geologic report, if and when a new subdivision were ever to be proposed over the Driving Range area, to ensure that any proposed residential building pad grades would conform to the approved geologic report and any conditions that the City Council may impose on the revised tentative tract map, if approved by the City Council.

While the geology report has been approved for the Driving Range, which was one of the main issues holding up its permanent opening, there are other items/conditions of approval

that need to be completed/complied with before the City could allow a permanent opening of the Driving Range. These include, Coastal Commission approval of the Driving Range, approval of an As-built Geotechnical report for the Driving Range, submittal of a paleontological report addressing any finds discovered through the grading operation, and the installation of specific fencing, landscaping and signage.

In regards to the status of the Driving Range application before the Coastal Commission, the Trump Organization requested a delay in its processing because they informed Coastal Staff that they were pursuing additional changes to the City's adopted conditions/mitigation measures governing the use and design of the Driving Range. As the Council may recall, these changes were approved by the Council through Revision "QQ" on May 29, 2012.

Once the Coastal Permit for the Driving Range is approved by the Coastal Commission, and all of the other items that need to be completed related to the Driving Range have been completed, then permanent opening of the Driving Range can be granted and periodic extensions would no longer be necessary.

Development Agreement and Tentative Tract Map Extension Request:

Since 1997, when the Development Agreement was first approved, there have been many amendments to the project entitlements, and most of the project has been completed. As noted above, outstanding geologic issues have now been resolved, which means that the new Foundation Setback Line can now be placed on the Final Tract Map No. 50666, which governs the western half of the project, so the map can be finalized and residential development in these areas can proceed. However, as noted above, it may be the desire of the Trump Organization to proceed with an amendment of the Vesting Tentative Tract Map No. 50666 to remove the Driving Range and replace it with a residential subdivision.

Since the Trump Organization will still need to amend the map with the new Foundation Setback Line and possibly a new subdivision, there may be a need for Trump Organization to request changes to the existing entitlements. Furthermore, based upon the changes to the project over the past years, the current status of the project and outstanding issues, Staff believes that the current Development Agreement is in need of some additional changes beyond addressing these potential entitlement revisions. Therefore, Staff feels that it would be advantageous to re-address the Development Agreement at a later date when the Trump Organization makes a decision on whether to revise the current tract map with a new subdivision. It is important to note, however, that Staff believes it is important for the Trump Organization to move forward with the project and thus has placed a time period on this extension request as discussed in the following section.

Why a 2-Year Extension and not a 6-Month Extension?

According to the Subdivision Map Act, the City's Municipal Code, and the Conditions of Approval for VTTM50666, Tentative Tract Maps have a term of 2 years. It is typically expected that a project would move forward in that 2-year period by the Developer conducting grading activities, filing the Final Map and completing the project. The purpose

of the 2-year time limit is so that development projects, once entitled, will not drag on and on and on; possibly subjecting the City and its residents to the potential impacts of a half completed project.

This current extension request, if approved, would constitute the 14th extension to the Development Agreement since the Agreement was approved in 1997, the 22nd extension to VTTM50666 since its approval by the Coastal Commission in 1993, and the 11th extension to the temporary use of the Driving Range since its approval in 2005. It should be noted that a majority of those extensions were granted for less than a year's time, and typically for a 6-month time period. The reason why only 6-month time period extensions were granted as opposed to longer extensions was because the prior City Council was concerned with the project not moving forward fast enough, specifically related to the resolution of the various geologic disputes that were occurring at the time. The relatively short 6-month extension period allowed the Council to periodically (twice per year) check in with the Developer on what progress was being made.

Since this project was initially approved in the mid 1990's, circumstances have warranted all of the extensions noted in the previous paragraph – most notably the extensive landslide failure which destroyed the 18th fairway and other surrounding areas. Not to mention the change in ownership of the property (Zuckerman to Bank to Trump), the many changes in Developer Staffing, and the geologic disputes that have resulted in a multi-million dollar lawsuit filed against the City by the Trump Organization. However, things have changed somewhat over the years as the Landslide repair has been completed, the full 18-hole golf course has been completed, there has been single ownership (Trump Organization) of the property for almost 10 years, and as discussed throughout this report, the Trump Organization has now obtained geologic approval on all remaining aspects of the project. Although the Trump Organization will still need to obtain the California Coastal Commission's approval of the Driving Range, in Staff's opinion there is nothing else that would preclude the Trump Organization from finishing the project, with of course exception to the Trump Organization's own plans about how the project should be finished (i.e. potential plan to replace the Driving Range with residential lots).

Over the recent years, Staff has heard concerns from the public regarding the status of the incomplete project site with the public wondering when this project will be completed and all of the public amenities installed. Staff is also concerned regarding the incomplete status of the project, especially as it relates to the public amenities (trails, signage, open space, and landscaping) on the western side of the project surrounding the Driving Range as currently these areas are not completed. While Staff would normally propose a 6-month extension to the Driving Range, VTTM50666 and the Development Agreement, with the hope that the Trump Organization may move quickly to complete the project without losing his entitlements due to expiration, the State of California recently passed Legislation (Gov't Code Section 66452.23, effective January 1, 2012) that automatically extends Tract Maps an additional two years. Since this project was approved in 1993, due to economic crises' that have occurred over the years, the State Legislature has passed a total of 5 such extensions, with the main purpose of allowing Developer's within the State a bit more time to complete their projects in this time of economic uncertainty without losing their

entitlements.

As such, since VTTM50666 is automatically extended to September 21, 2014, and VTTM50666 includes the Driving Range, Staff believes that it makes sense to also extend the temporary use of the Driving Range and the Development Agreement for the same term; thereby allowing the Trump Organization sufficient time to obtain Coastal Commission approval of the Driving Range, complete the improvements, and file the Final Map for VTTM50666. Barring any further extensions passed by the State Legislature, if the project is still not completed, the City Council would then review the project in roughly two-year's time to determine whether or not another extension should be granted.

CONCLUSION

Since the City Council last acted on the extension request in March 2012, it is Staff's position that there has been progress made towards moving the Driving Range toward a permanent opening. However, until a Coastal Permit has been approved by the Coastal Commission and the outstanding items related to the Driving Range noted above are completed, the Driving Range will need to continue operating under a temporary permit.

Based upon the automatic extension granted by the State Legislature, and upon recommendation of the City Attorney, Staff is recommending that the Council approve the extension for an additional 2-year period. As such, Staff is recommending that the Council adopt the attached resolutions and Urgency Ordinance to extend the temporary use of the Driving Range, VTTM50666 and Development Agreement for another 2 years - until September 21, 2014.

ADDITIONAL INFORMATION

Environmental Assessment

In accordance with the provisions of the California Environmental Quality Act (CEQA), Staff has prepared Addendum No. 45 to EIR No. 36. The current request, which is analyzed in the addendum, is merely an approximate 2-year extension of time consistent with State Law, and does not involve any additional physical changes to the subject property. Further, this request is consistent with all mitigation measures found within Certified EIR No. 36 and all Supplements and prior Addenda thereto for the Trump National Project, and there will be no changes to the project as a result of this action.

Public Notice

A Notice of Public Hearing for this request was published in the Peninsula News on Thursday, July 19, 2012, mailed to all property owners within a 500' radius of the subject site and to the Trump National interested parties list. At the time this report was prepared, Staff had received no public comments on the matter.

Status of Flag Pole

The City Council approved the Flag Pole in March 2007. The Trump Organization has submitted an application requesting Coastal Commission approval of the Flag Pole. Their

request has been tied to their current application before the Coastal Commission for the Driving Range. Since the geology for the Driving Range has been approved, the Driving Range/Flag Pole application can now be reviewed by the California Coastal Commission.

Lawsuit filed by the Trump Organization

VH Property Corp., which is the owner of the subject project, and VHPS LLC, entities owned or controlled by Mr. Donald Trump, filed a 13-count lawsuit against the City in the Los Angeles Superior Court. On January 13, 2009, the City was also served. The lawsuit alleges inverse condemnation and related claims based on alleged abuses and delays of development of the golf course and residential project, which supposedly have frustrated or interfered with the owner's development plans.

On January 11, 2011, the Superior Court denied plaintiff's petition for writ of mandate, and plaintiff filed a writ to the Court of Appeal to challenge that decision. The Court of Appeal denied plaintiff's petition for a writ on August 3, 2011. Since other causes of action against the City have not yet been adjudicated by the Superior Court, and other claims still are pending in the United States District Court, the lawsuit continues.

ALTERNATIVES

In addition to the staff recommendation, the City Council may also, although not recommended by Staff, wish to consider the following alternative:

- Extend the VTTM50666 and the Development Agreement, but decline to extend the temporary use of the Driving Range beyond its current expiration date.

FISCAL IMPACT

There are no Fiscal Impacts to the City as a result of this decision.

ATTACHMENTS:

Resolution No. 2012-___, for Addendum No. 45

Urgency Ordinance No. ___, Extending the Development Agreement

Resolution No. 2012-___, Extending the Temporary Operation of the Driving Range

RESOLUTION NO. 2012-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES ADOPTING ADDENDUM NO. 45 TO ENVIRONMENTAL IMPACT REPORT NO. 36 IN CONNECTION WITH REVISION "BBB" TO THE TRUMP NATIONAL GOLF COURSE PROJECT

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 (AEIR) 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,

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 September 3, 1996, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 96-72 approving the fifth Addendum to Environmental Impact Report No. 36, in connection with approval of Revision "C" to the Ocean Trails project applications described above, in order to relocate two single family residential lots in Vesting Tentative Tract Map No. 50667 from the end of Street "A" to the end of Street "C," revise the boundaries of open space Lots B, C, G and H, convert the split-level lots in Vesting Tentative Tract Map No. 50667 to single-level lots, revise the golf course layout, revise the public trail system, combine parallel trail easements, construct a paved fire access road west of the Ocean Terraces Condominiums and modify several amendments to the Conditions of Approval and Mitigation Measures to change the required timing for compliance; and,

WHEREAS, on August 18, 1998, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 98-76 approving Addendum No. 6 to Environmental Impact Report No. 36 and the proposed Revision "G" to the Ocean Trails project, which included: 1) an 18% increase in the size of the clubhouse from 27,000 square feet to 32,927 square feet; 2) an increase in the size of the maintenance facility from 6,000 square feet to 9,504 square feet; 3) a two foot increase in the upslope height of the maintenance facility building; and, 4) relocation of the maintenance building and reconfiguration of the maintenance facility parking lot.

WHEREAS, on February 2, 1999, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 99-10 approving Addendum No. 7 to Environmental Impact Report No. 36 and the proposed Revision "H" to the Ocean Trails project, which included: changing 6 of the residential lots within VTTM 50667 from flat pad lots to split level lots, lowering the overall pad elevation for each lot, and lowering Street 'B' within the subdivision, and lowering the pad elevation for 6 other lots within the subdivision. Additionally, the approval included the modification of the project's mitigation measures and conditions of approval to allow the permitted construction hours for the entire Ocean Trails project to be expanded to include Sundays through March 21, 1999.

WHEREAS, on May 4, 1999, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 99-29 approving Addendum No. 8 to Environmental Impact Report No. 35 and the proposed Revision "I" to the Ocean Trails project, which included a change to the design of the storm drain facilities of the Ocean Trails project from a tunneled pipe system to the existing on-site canyons. Revision "I" only amended the drainage for the east side of the Ocean Trails project, involving La Rotonda canyon; and,

WHEREAS, on July 20, 1999, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 99-55 approving Addendum No. 9 to Environmental Impact Report No. 35 and the proposed Revision "J" to the Ocean Trails project, which included 1), the conditions requiring the establishment of a maintenance district be revised by eliminating the maintenance district and having the golf course owner be the sole responsible entity for maintenance thereby excluding the future residential homeowners; 2) withdrawn by applicant; 3), the timing of the installation of ornamental fencing on each residential lot be delayed until prior to issuance of certificate of occupancy; 4), delay the construction of two trails within VTTM 50666 from the Second Stage to the Third Stage of phasing within the Public Amenities Plan; 5), lower the approved residential building pad elevations and create split-level pads in VTTM No. 50666; 6), delay the payment of

traffic impact fees to prior to Final Map No. 50666; 7), allow an increase in total building area of the clubhouse by permitting a basement space; 8), withdrawn by applicant; and 9), revise the hours permitted for golf course landscape gardening; and,

WHEREAS, on May 16, 2000, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 2000-27 approving Addendum No. 10 to Environmental Impact Report No. 36 and the proposed Revision "K" to the Ocean Trails project, which allowed a portion of the golf course to open for play before all of the required public amenities have been completed due to delays caused by the failure of Landslide C on June 2, 1999; and,

WHEREAS, on June 21, 2000, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 2000-38 certifying a Final Supplemental Environmental Impact Report to Environmental Impact Report No. 36, adopting a Mitigation Monitoring Program, adopting a Statement of Overriding Considerations, and the proposed Revision "L" to the Ocean Trails project, for the repair of Landslide C at Ocean Trails; and,

WHEREAS, on July 18, 2000, the City Council of the City of Rancho Palos Verdes approved Revision M to the Ocean Trails Project, thereby approving an amendment to the Habitat Conservation Plan (HCP), an amendment to the HCP Implementing Agreement; and approval of a Conservation Easement over the lower portion of Shoreline Park; and,

WHEREAS, on September 5, 2000, the City Council of the City of Rancho Palos Verdes approved Revision N to the Ocean Trails Project, thereby approving a Mitigated Negative Declaration and amending the project to accommodate a change to the design of the storm drain facilities of the Ocean Trails project from a tunneled pipe system to the existing on-site canyons. Revision "N" only amended the drainage for the west side of the Ocean Trails project, involving Forrestal Canyon; and,

WHEREAS, on February 20, 2001, the City Council of the City of Rancho Palos Verdes approved Revision P to the Ocean Trails Project, thereby approving an amendment to allow Ocean Trails an extension of time to provide 4 on-site affordable housing units for rent from "prior to one year of the opening of the clubhouse" to "prior to the opening of the 18-hole golf course"; and,

WHEREAS, on February 20, 2001, the City Council of the City of Rancho Palos Verdes approved Revision Q to the Ocean Trails Project, thereby approving an amendment which allows Ocean Trails to re-construct (instead of re-pave) La Rotonda Drive from Palos Verdes South to the end of La Rotonda Drive, in lieu of re-paving Palos Verdes Drive South from La Rotonda Drive to the eastern City limits; and,

WHEREAS, on September 21, 2001, the City Council of the City of Rancho Palos Verdes approved Revision "R" to the Ocean Trails project to revise the Conditions of Approval for VTTM No. 50666 and VTTM No. 50667, so as to adjust Condition I-3 allowing an extension to completing the reconstruction of La Rotonda Drive from Palos Verdes Drive South to its end; and,

WHEREAS, on March 4, 2003, the City Council of the City of Rancho Palos Verdes approved Amendment No. 2 to the Ocean Trails Development Agreement to clarify that the City Council may extend any approved tentative tract not to exceed the term of the Development Agreement and extend Vesting Tentative Tract Map No. 50666; and,

WHEREAS, on November 20, 2007, the City Council of the City of Rancho Palos Verdes approved Amendment No. 3 to the Ocean Trails Development Agreement which extended the life of the Development Agreement and existing Vesting Tentative Tract Map No. 50666 from November 20, 2007 through March 9, 2008; and,

WHEREAS, on March 4, 2008, the City Council of the City of Rancho Palos Verdes approved Amendment No. 4 to the Ocean Trails Development Agreement which extended the life of the Development Agreement and existing Vesting Tentative Tract Map No. 50666 from March 9, 2008 through July 18, 2008; and,

WHEREAS, on July 15, 2008, the City Council of the City of Rancho Palos Verdes approved Amendment No. 5 to the Ocean Trails Development Agreement which extended the life of the Development Agreement and existing Vesting Tentative Tract Map No. 50666 from July 18, 2008 through October 22, 2008; and,

WHEREAS, on October 21, 2008, the City Council of the City of Rancho Palos Verdes approved Amendment No. 6 to the Ocean Trails Development Agreement which extended the life of the Development Agreement and existing Vesting Tentative Tract Map No. 50666 from October 22, 2008 through January 22, 2008; and,

WHEREAS, on January 21, 2009, the City Council of the City of Rancho Palos Verdes approved Revision "RR" to the Trump National Golf Club project, which extended the life of the Development Agreement and existing Vesting Tentative Tract Map No. 50666 from January 22, 2009 through July 22, 2009, and revised Grading Permit No. 1541 to allow an additional temporary opening of the driving range to the public through July 22, 2009; and,

WHEREAS, on July 21, 2009, the City Council, via Minute Order, approved a two month extension (Revision "SS") of the Development Agreement, Vesting Tentative Tract Map No. 50666 and the temporary use of the Driving Range at the request of the Applicant in order to accommodate the Applicant's schedule and availability to attend the Council meeting. Said two month extension was granted to September 16, 2009. As part of that action, the Council also continued the item/public hearing on Revision "SS" to September 15, 2009; and

WHEREAS, on September 15, 2009, the City Council of the City of Rancho Palos Verdes approved Revision "SS" to the Trump National Golf Club project, which extended the life of the Development Agreement and existing Vesting Tentative Tract Map No. 50666 from September 16, 2009 through March 17, 2010, and revised Grading Permit No. 1541 to allow an additional temporary opening of the driving range to the public through March 17, 2010; and,

WHEREAS, on March 16, 2010, the City Council of the City of Rancho Palos Verdes approved Revision "UU" to the Trump National Golf Club project, which extended the life of the Development Agreement and existing Vesting Tentative Tract Map No. 50666 from March 16, 2010 through September 21, 2010; and revised Grading Permit No. 1541 to allow an additional temporary opening of the driving range to the public through September 21, 2010; and,

WHEREAS, on September 21, 2010, the City Council of the City of Rancho Palos Verdes approved Revision "V V" to the Trump National Golf Club project, which extended the life of the Development Agreement and existing Vesting Tentative Tract Map No. 50666 from September 21, 2010 through March 21, 2011, and revised Grading Permit No. 1541 to allow an additional temporary opening of the driving range to the public through March 21, 2011; and,

WHEREAS, on March 15, 2011, the City Council of the City of Rancho Palos Verdes approved Revision "W W" to the Trump National Golf Club project, which extended the life of the Development Agreement and existing Vesting Tentative Tract Map No. 50666 from March 21, 2011 through September 21, 2011, and revised Grading Permit No. 1541 to allow an additional temporary opening of the driving range to the public through September 21, 2011; and,

WHEREAS, on September 20, 2011, the City Council of the City of Rancho Palos Verdes approved Revision "X X" to the Trump National Golf Club project, which extended the life of the Development Agreement and existing Vesting Tentative Tract Map No. 50666 from September 21, 2011 through March 21, 2012, and revised Grading Permit No. 1541 to allow an additional temporary opening of the driving range to the public through September 21, 2012; and,

WHEREAS, on March 6, 2012, the City Council of the City of Rancho Palos Verdes approved Revision "AAA" to the Trump National Golf Club project, which extended the life of the Development Agreement and existing Vesting Tentative Tract Map No. 50666 from March 21, 2012 through September 21,

2012, and revised Grading Permit No. 1541 to allow an additional temporary opening of the driving range to the public through September 21, 2012; and,

WHEREAS, VH Property Corp., submitted an application to the City of Rancho Palos Verdes requesting approval of Revision "BBB" to the Trump National Golf Club project to extend the Development Agreement and Vesting Tentative Tract Map No. 50666 for an additional two years, and revise Grading Permit No. 1541, to allow an additional two year extension to the temporary opening of the driving range to the public; and,

WHEREAS, pursuant to the provisions of the California Environmental Quality Act, Public Resources Code Sections 21000 et. seq. ("CEQA"), the State CEQA Guidelines, California Code of Regulations, Title 14, Sections 15000 et. seq., the City's Local CEQA Guidelines, and Government Code Section 65952.5(e) (Hazardous Waste and Substances Statement), on August 1, 2012, copies of the draft Addendum No. 45 to Environmental Impact Report No. 36 were distributed to the City Council and prior to taking action on the proposed amendment to the Development Agreement for the Trump National project, the City Council independently reviewed and considered the information and findings contained in Addendum No. 45 to EIR No. 36; and,

WHEREAS, on August 7, 2012, after notice issued pursuant to the provisions of the Development Code, the City Council held a public hearing to consider draft Addendum No. 45 to Environmental Impact Report No. 36, the proposed amendment to the Development Agreement for the project, and the extension for the use of the driving range, at which time all interested parties were given an opportunity to be heard and present evidence; and,

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

Section 1: This request is for an amendment to the Development Agreement, Vesting Tentative Tract Map No. 50666 and Grading Permit No. 1541, to allow a two year extension to said Development Agreement and Vesting Tentative Tract Map No. 50666 from September 21, 2012 through September 21, 2014. Additionally, this request is for an extension of the use of the driving range for the same period. Therefore, pursuant to Sections 15162 and 15164 of the State CEQA Guidelines, approval of Addendum No. 45 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 Trump National 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. This is so, since the proposed changes identified in Section 1 and attached Exhibit "A" would not result in any new or increased impacts to the environment that are not already analyzed within EIR No. 36, because it merely extends the life of the Development Agreement, Vesting Tentative Tract Map No. 50666, and the use of the driving range for a specific period and makes no other substantial revisions to the project.
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, as noted in #1 above, there are no new significant environmental impacts that were not considered in the previous EIR, Supplement and previous Addenda thereto, and the project only changes the period for the temporary use of the driving range and the timing of the life of Development Agreement and Vesting Tentative Tract Map No. 50666 for the project.
3. That there is no new information of substantial importance to the project which indicates that these proposed changes 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, because this project is only to change the period for the temporary use of the driving range and the life of the Development Agreement and Vesting Tentative Tract Map No. 50666 for the project.

Section 2: In approving Addendum No. 45 to EIR No. 36, the City Council has reviewed and considered the Addendum No. 45 document, attached hereto and made a part thereof as Exhibit "A".

Section 3: The Addendum No. 45 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, the Supplement, Second Supplement, and Addenda Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 and 45 to EIR No. 36, as a result of the proposed revisions to the Trump National 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

Section 4: That implementation of the proposed changes to the project would not require additional mitigation measures or significant deletions/modifications to the mitigation measures included in the Final EIR, as well as the Supplemental, Second Supplemental, and Addends Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 and 45 to EIR No. 36.

Section 5: While the implementation of mitigation measures as discussed in Final EIR No. 36 and the Supplemental, and the Second Supplemental, and Addenda EIR Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 and 45 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 6: 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, March 11, 1996 and September 3, 1996, respectively, are hereby incorporated by reference.

Section 7: The time within which the judicial review of the decision reflected in this Resolution, if available, must be sought is governed by Section 1094.6 of the California Code of Civil Procedure or any other applicable short period of limitations.

Section 8: For the foregoing reasons and based on the information and findings contained in the staff reports, minutes, and evidence presented at the public hearings, the City Council of the City of Rancho Palos Verdes hereby approves Addendum No. 45 to Environmental Impact Report No. 36, based on the City Council's 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 7th day of August 2012.

Mayor

Attest:

City Clerk

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

I, Carla Morreale, City Clerk of the City of Rancho Palos Verdes, hereby certify that the above Resolution No. 2012-__ was duly and regularly passed and adopted by the said City Council at a regular meeting held on August 7, 2012.

City Clerk

**Resolution No. 2012- __
Exhibit "A"**

**ADDENDUM NO. 45
TO
ENVIRONMENTAL IMPACT REPORT NO. 36**

The City Council has reviewed the proposed Revision "BBB" to the Trump National Golf Course Project, which is a request to allow a continued temporary opening of the driving range to the public from September 21, 2012 through September 21, 2014, and an amendment to the Trump National Development Agreement and Vesting Tentative Tract Map No. 50666 to extend such from September 21, 2012 through September 21, 2014, in conjunction with the requirements of the California Environmental Quality Act (CEQA), as well as State and Local CEQA Guidelines, and find as follows:

That the approved request would not result in any new or increased impacts to the environment that are not already analyzed within EIR No. 36, because it simply allows for the continued temporary opening of the previously approved driving range, which is not being altered, and will cause slight delays in the completion dates for certain project amenities.

Further, 1) it merely amends the Development Agreement and Vesting Tentative Tract Map No. 50666 to extend the life of such Development Agreement and Vesting Tentative Tract Map for a limited specific period consistent with California Government Code Section 66452.33 that provides for an automatic two-year extension to said Map, and 2) there have been no substantial changes to the Project or to the environment caused by the extension of the Driving Range, Development Agreement and Vesting Tentative Tract Map No. 50666 that would cause the Project to significantly impact the environment, nor does the proposed extension affect a change that would impact the environment in any manner that was not previously considered and mitigated to the extent feasible.

URGENCY ORDINANCE NO. ___ U

**AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES
APPROVING AMENDMENT NO. 14 TO THE TRUMP NATIONAL
DEVELOPMENT AGREEMENT, AUTHORIZING AN EXTENSION
TO THE DEVELOPMENT AGREEMENT TO SEPTEMBER 21, 2014,
AND DECLARING THE URGENCY THEREOF.**

WHEREAS, California Government Code Section 65864 *et seq.* authorizes cities to enter into development agreements with private property owners; and

WHEREAS, the Rancho Palos Verdes City Council (the "City Council") previously adopted Ordinance No. 328 approving that certain Development Agreement (the "Development Agreement") by and between the City of Rancho Palos Verdes (the "City") and Palos Verdes Land Holdings Company, L.P., a California limited partnership, and the Zuckerman Entities (as defined in the Development Agreement), dated as of November 20, 1997, and recorded on December 8, 1997, as Instrument No. 97-1929840 in the Official Records of Los Angeles County, California; and

WHEREAS, pursuant to Government Code Section 65868, development agreements may be amended; and

WHEREAS, the City Council previously approved an Amendment to Ocean Trails Development Agreement (the "First Amendment"), by and between the City and Ocean Trails, L.P., the successor in interest to Palos Verdes Land Holdings Company, L.P. and the Zuckerman Entities, on September 18, 2001, and recorded on December 3, 2001 as Instrument No. 01-2301342 in the Official Records of Los Angeles County, California. Additionally, the City Council previously approved a second Amendment to the Ocean Trails Development Agreement (the "Second Amendment"), by and between the City and VH Property Corp., a Delaware corporation, on March 4, 2003, and recorded as Instrument No. 03-1139102. Furthermore, the City Council previously approved a third Amendment to the Ocean Trails Agreement (the "Third Amendment") by and between the City and VH Property Corp., a Delaware corporation, on November 20, 2007. Furthermore, the City Council previously approved a fourth Amendment to the Ocean Trails

Agreement (the "Fourth Amendment") by and between the City and VH Property Corp., a Delaware corporation, on March 4, 2008. Furthermore, the City Council previously approved a fifth Amendment to the Ocean Trails Agreement (the "Fifth Amendment") by and between the City and VH Property Corp., a Delaware corporation, on July 15, 2008. Furthermore, the City Council previously approved a sixth Amendment to the Ocean Trails Agreement (the "Sixth Amendment") by and between the City and VH Property Corp., a Delaware corporation, on October 21, 2008. Furthermore, the City Council previously approved a seventh Amendment to the Ocean Trails Agreement (the "Seventh Amendment") by and between the City and VH Property Corp., a Delaware corporation, on January 21, 2009. Furthermore, the City Council previously approved an eighth Amendment to the Ocean Trails Agreement (the "Eighth Amendment") by and between the City and VH Property Corp., a Delaware corporation, on September 15, 2009. Furthermore, the City Council previously approved a ninth Amendment to the Ocean Trails Agreement (the "Ninth Amendment") by and between the City and VH Property Corp., a Delaware corporation, on March 16, 2010. Furthermore, the City Council previously approved a tenth Amendment to the Ocean Trails Agreement (the "Tenth Amendment") by and between the City and VH Property Corp., a Delaware corporation, on September 21, 2010. Furthermore, the City Council previously approved a eleventh Amendment to the Ocean Trails Agreement (the "Eleventh Amendment") by and between the City and VH Property Corp., a Delaware corporation, on March 15, 2011. Furthermore, the City Council previously approved a twelfth Amendment to the Ocean Trails Agreement (the "Twelfth Amendment") by and between the City and VH Property Corp., a Delaware corporation, on September 20, 2011. Furthermore, the City Council previously approved a thirteenth Amendment to the Ocean Trails Agreement (the "Thirteenth Amendment") by and between the City and VH Property Corp., a Delaware corporation, on March 6, 2012. The Development Agreement, First Amendment, Second Amendment, Third Amendment, Fourth Amendment, Fifth Amendment, Sixth Amendment, Seventh Amendment, Eighth Amendment,

Ninth Amendment, Tenth Amendment, Eleventh Amendment, Twelfth Amendment, and Thirteenth Amendment are sometimes referred to collectively herein as the "Agreement"; and

WHEREAS, VH Property Corp. ("Developer") is the successor in interest to Ocean Trails, L.P; and

WHEREAS, the parties wish to extend the life of the Development Agreement from September 21, 2012 through September 21, 2014; and

WHEREAS, the City Council conducted a duly noticed public hearing on August 7, 2012, at which time all interested parties were given an opportunity to be heard and present evidence regarding the proposed Fourteenth Amendment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The proposed Fourteenth Amendment to the Development Agreement makes a minor amendment to the Development Agreement to extend its life from September 21, 2012 through September 21, 2014. This minor change to the Development Agreement does not make any physical change to the Project or to the conditions of approval that were imposed on the Project and conforms to the maps and policies of the City's General Plan. Accordingly, the revision to the Development Agreement is consistent with all applicable provisions of the General Plan.

Section 2. The proposed Fourteenth Amendment to the Development Agreement complies with the requirements of California Government Code Sections 65865 through 65869.5.

Section 3. The proposed Fourteenth Amendment to the Development Agreement will not be detrimental, or cause adverse effects, to adjacent property owners, residents, or the general public, since the project will be constructed in accordance with the plans that were approved previously by the City Council, including any amendments to the plans that have been approved previously by the City Council.

Section 4. The proposed Fourteenth Amendment to the Development Agreement does not alter the clear and substantial benefit to the residents of the City of the Project, since the proposed amendment makes no substantive changes to the Project or to the Development Agreement.

Section 5. During the ten-year term of the Development Agreement a major landslide occurred on the property that is subject to the Development Agreement. The landslide delayed completion of the project for several years while the landslide was being studied and repaired. In addition, two additional landslides on the property caused geologic concerns regarding the completion of the portion of the project that is within Tentative Tract Map No. 50666. The geologic issues were not easily resolved and required a panel of three experts to be retained by the City, as requested by the Developer. The failure to resolve these geologic issues in a satisfactory manner could result in additional land failures on the site, which could have an immediate and adverse impact upon the public health, safety and welfare. Furthermore, California Government Code Section 66452.33 automatically extended the life of Vesting Tentative Tract Map No. 50666 for an additional two-year term and said Map is a portion of the "Development Plan" that said Development Agreement assures the Developer to be able to complete. If the Development Agreement is not extended to September 21, 2014, the Vesting Tentative Tract Map No. 50666 would continue to be in effect without the benefit of the Development Agreement to govern various provisions of the "Development Plan". Further, the Development Agreement needs to be revised to consider amendments over the past years and if it expires, the parties will not be able to revise its terms before it expires. This ordinance, therefore, is necessary for the immediate protection of the public health, safety and welfare and shall take effect immediately upon adoption as an urgency ordinance.

Section 6. For the foregoing reasons, and based on the information contained in the staff reports, supporting documentation, minutes and other records of the proceedings, all of which are incorporated herein by this reference, the City Council hereby approves the

proposed Fourteenth Amendment to the Development Agreement with VH Property Corp., which amendment is attached hereto as Exhibit "A" and incorporated herein by this reference.

Section 7. The City Clerk shall cause this Urgency Ordinance to be posted in three (3) public places in the City within fifteen (15) days after its passage, in accordance with the provisions of Section 36933 of the Government Code. The City Clerk shall further certify to the adoption and posting of this Ordinance, and shall cause this Ordinance and its certification, together with proof of posting, to be entered in the Book of Ordinances of the Council of this City.

Section 8. This Ordinance shall go into effect and be in full force and effect immediately upon its passage. This ordinance is effective until 11:59 p.m. on September 21, 2014, unless further extended by the City Council by the adoption of another ordinance.

PASSED, APPROVED and ADOPTED this 7th day of August 2012.

Mayor

ATTEST:

City Clerk

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

I, Carla Morreale, City Clerk of the City of Rancho Palos Verdes, do hereby certify that the whole numbers of the City Council of said City is five; that the foregoing Ordinance No. ___U was duly and regularly adopted by the City Council of said City at a regular meeting thereof held on August 7, 2012 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINED:

City Clerk

Ordinance No. ___U

3-21

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

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

**AMENDMENT NO. 14 TO TRUMP NATIONAL DEVELOPMENT AGREEMENT
(Pursuant to California Government Code Section 65868)**

THIS AMENDMENT NO. 14 TO TRUMP NATIONAL DEVELOPMENT AGREEMENT (“Fourteenth Amendment”) is entered into this 7th day of August 2012 by and between VH Property Corp., a Delaware corporation (“Developer”), and the City of Rancho Palos Verdes, a municipal corporation organized under the laws of the State of California (the “City”).

RECITALS

- A. Palos Verdes Land Holdings Company, L.P., a California limited partnership, and the Zuckerman Entities (as defined in the Agreement), as predecessors in interest to Developer, and City entered into that certain Development Agreement (the “Original Agreement”) dated as of November 20, 1997, and recorded on December 8, 1997, as Instrument No. 97-1929840 in the Official Records of Los Angeles County, California, as amended by that certain Amendment to Ocean Trails Development Agreement (the “First Amendment”), dated as of September 18, 2001, and recorded on December 3, 2001 as Instrument No. 01-2301342 in the Official Records of Los Angeles County, California; and as further amended by that certain Amendment No. 2 to Ocean Trails Development Agreement (the “Second Amendment”), dated as of March 4, 2003, and recorded as Instrument No. 03-1139102 in the Official Records of Los Angeles County, California; and as further amended by that certain Amendment No. 3 to the Ocean Trails Development Agreement (the “Third Amendment”), approved on November 20, 2007; and as further amended by that certain Amendment No. 4 to the Ocean Trails Development Agreement (the “Fourth Amendment”), approved on March 4, 2008; and as further amended by that certain Amendment No. 5 to the Ocean Trails Development Agreement (the “Fifth Amendment”), approved on July 15, 2008; and as further amended by that certain Amendment No. 6 to the Ocean Trails Development Agreement (the “Sixth” Amendment), approved on October 21, 2008; and as further amended by that certain Amendment No. 7 to the Ocean Trails Development Agreement (the “Seventh” Amendment), approved on January 21, 2009; and as further amended by that certain Amendment No. 8 to the Ocean Trails Development Agreement (the “Eighth” Amendment), approved on

September 15, 2009; and as further amended by that certain Amendment No. 9 to the Ocean Trails Development Agreement (the "Ninth" Amendment), approved on March 16, 2010; and as further amended by that certain Amendment No. 10 to the Ocean Trails Development Agreement (the "Tenth" Amendment), approved on September 21, 2010; and as further amended by that certain Amendment No. 11 to the Ocean Trails Development Agreement (the "Eleventh" Amendment), approved on March 15, 2011; and as further amended by that certain Amendment No. 12 to the Ocean Trails Development Agreement (the "Twelfth" Amendment), approved on September 20, 2011; and as further amended by that certain Amendment No. 13 to the Ocean Trails Development Agreement (the "Thirteenth" Amendment), approved on March 6, 2012; (referred to collectively with the Original Agreement, as the "Agreement"), pursuant to which Developer has certain vested rights to develop that certain real property described and/or depicted on Exhibit A attached hereto (the "Property"). Except as expressly stated to the contrary, all capitalized terms set forth herein shall have the same meaning as set forth in the Agreement.

- B. City previously approved Vesting Tentative Tract Map No. 50666 and Vesting Tentative Tract Map No. 50667 regarding the Property and subsequently approved certain amendments thereto.
- C. Final Tract Map No. 50667 was previously recorded as Instrument No. 99-1934089 in the Office of the County Recorder of Los Angeles County, California, on October 12, 1999.
- D. Both parties wish to extend the Development Agreement to September 21, 2014.
- E. On August 7, 2014, the City Council of City adopted Urgency Ordinance No. __U, approving this Fourteenth Amendment. Developer and City desire to amend the Agreement to reflect the foregoing.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, and the mutual promises and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, it is agreed as follows:

1. Section 7 of the Agreement, entitled Term, is hereby amended by replacing the paragraph with the following new paragraph, to read as follows:

"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 seventeen (17) years following the Effective Date of this Agreement."

2. Section 7 of the Agreement, entitled Term, is hereby amended by replacing paragraph 7.2 at the end of that Section 7 with the following new paragraph 7.2, to read as follows:

“7.2 Extension of Development Agreement. This Development Agreement is hereby extended from September 21, 2012 through September 21, 2014. Vesting Tentative Tract Map No. 50666 is hereby extended along with the term of this Development Agreement.”

3. Full Force. Except as specifically set forth herein, the Agreement shall remain in full force and effect.

4. Counterparts. This Fourteenth Amendment may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. A facsimile signature shall be deemed an original signature.

5. Authority. The persons executing this Fourteenth Amendment on behalf of Developer and City represent and warrant that they are duly authorized so as to fully and legally bind Developer and City, respectively.

IN WITNESS WHEREOF, this Fourteenth Amendment is executed as of the date first written above.

“DEVELOPER”:

VH PROPERTY CORP.,
a Delaware corporation

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

THE “CITY”:

CITY OF RANCHO PALOS VERDES

By: _____
Mayor

ATTEST:

City Clerk

STATE OF CALIFORNIA

COUNTY OF

On _____ before me, _____,
personally appeared _____ who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

(Seal)

STATE OF CALIFORNIA

COUNTY OF

On _____ before me, _____,
personally appeared _____ who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

(Seal)

STATE OF CALIFORNIA

COUNTY OF

On _____ before me, _____,
personally appeared _____ who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

(Seal)

RESOLUTION NO. 2012-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES APPROVING REVISIONS TO GRADING PERMIT NO. 1541 IN CONJUNCTION WITH REVISION "BBB" TO THE TRUMP NATIONAL GOLF CLUB 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 a 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.

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 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 September 3, 1996, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 96-72 approving a fifth Addendum to Environmental Impact Report No. 36 and Adopted Resolution Nos. 96-73, 96-74, 96-75, 96-76 and 96-77, respectively, approving Revision "C" 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

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

WHEREAS, on September 9, 1997, the Planning Commission of the City of Rancho Palos Verdes adopted P.C. Resolution No. 97-44 approving Revision "D" to the Ocean Trails project, which involved an amendment to Conditional Use Permit No. 162 (Residential Planned Development) to modify the minimum rear yard setbacks on Lot Nos. 6 through 9 to provide an adequate buffer between the proposed residences and the potential brush fires that may occur on the adjacent habitat area; and,

WHEREAS, on April 21, 1998, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 98-32 approving Revision "E" to the Ocean Trails project, which involved an amendment to Conditional Use Permit No. 163 (Golf Course) to modify the bonding requirements for the golf course improvements; and,

WHEREAS, on June 16, 1998, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 98-59, approving Revision "F" to the Ocean Trails project, which involved, modifying the configuration of Streets "C" and "D" and Lot Nos. 1 through 13 of Vesting Tentative Tract Map No. 50667 to accommodate the final location of the Foundation Setback Line, and a revision to Conditional Use Permit No. 162 (Residential Planned Development) to address maximum building height; and,

WHEREAS, on July 14, 1998, the Planning Commission adopted P.C. Resolution Nos. 98-26 and 98-27, thereby recommending approval of Addendum No. 6 to EIR No. 36 and Revision "G" to Conditional Use Permit No. 163 to the City Council; and,

WHEREAS, on August 18, 1998, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 98-76 approving Addendum No. 6 to Environmental Impact Report No. 36 and the proposed Revision "G" to the Ocean Trails project, which included: 1) an 18% increase in the size of the clubhouse from 27,000 square feet to 32,927 square feet; 2) an increase in the size of the maintenance facility from 6,000 square feet to 9,504 square feet; 3) a two foot increase in the upslope height of the maintenance facility building; and, 4) relocation of the maintenance building and reconfiguration of the maintenance facility parking lot.

WHEREAS, on February 2, 1999, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 99-10 approving Addendum No. 7 to Environmental Impact Report No. 36 and the proposed Revision "H" to the Ocean Trails project, which included: changing 6 of the residential lots within VTTM 50667 from flat pad lots to split level lots, lowering the overall pad elevation for each lot, and lowering Street 'B' within the subdivision, and lowering the pad elevation for 6 other lots within the subdivision. Additionally, the approval included the modification of the project's mitigation measures and conditions of approval to allow the permitted construction hours for the entire Ocean Trails project to be expanded to include Sundays through March 21, 1999

WHEREAS, on May 4, 1999, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 99-29 approving Addendum No. 8 to Environmental Impact Report No. 35 and the proposed Revision "I" to the Ocean Trails project, which included a change to the design of the storm drain facilities of the Ocean Trails project from a tunneled pipe system to the existing on-site canyons. Revision "I" only amended the drainage for the east side of the Ocean Trails project, involving La Rotonda canyon; and,

WHEREAS, on June 2, 1999, Landslide C at the Ocean Trails site was re-activated; and,

WHEREAS, on July 20, 1999, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 99-55 approving Addendum No. 9 to Environmental Impact Report No. 36 and the proposed Revision "J" to the Ocean Trails project, which included 1), the conditions requiring the establishment of a maintenance district be revised by eliminating the maintenance district and having the golf course owner be the sole

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responsible entity for maintenance thereby excluding the future residential homeowners; 2) withdrawn by applicant; 3), the timing of the installation of ornamental fencing on each residential lot be delayed until prior to issuance of certificate of occupancy; 4), delay the construction of two trails within VTTM 50666 from the Second Stage to the Third Stage of phasing within the Public Amenities Plan; 5), lower the approved residential building pad elevations and create split-level pads in VTTM No. 50666; 6), delay the payment of traffic impact fees to prior to Final Map No. 50666; 7), allow an increase in total building area of the clubhouse by permitting a basement space; 8), withdrawn by applicant; and 9), revise the hours permitted for golf course landscape gardening; and,

WHEREAS, on May 16, 2000, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 2000-27 approving Addendum No. 10 to Environmental Impact Report No. 36 and the proposed Revision "K" to the Ocean Trails project, which allowed a portion of the golf course to open for play before all of the required public amenities have been completed due to delays caused by the failure of Landslide C on June 2, 1999; and,

WHEREAS, on June 21, 2000, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 2000-38 certifying a Final Supplemental Environmental Impact Report to Environmental Impact Report No. 36, adopting a Mitigation Monitoring Program, adopting a Statement of Overriding Considerations, and the proposed Revision "L" to the Ocean Trails project, for the repair of Landslide C at Ocean Trails; and,

WHEREAS, on July 18, 2000, the City Council of the City of Rancho Palos Verdes approved Revision M to the Ocean Trails Project, thereby approving an amendment to the Habitat Conservation Plan (HCP), an amendment to the HCP Implementing Agreement, and approval of a Conservation Easement over the lower portion of Shoreline Park; and,

WHEREAS, on September 5, 2000, the City Council of the City of Rancho Palos Verdes approved Revision N to the Ocean Trails Project, thereby approving a Mitigated Negative Declaration and amending the project to accommodate a change to the design of the storm drain facilities of the Ocean Trails project from a tunneled pipe system to the existing on-site canyons. Revision "N" only amended the drainage for the west side of the Ocean Trails project, involving Forrestal Canyon; and,

WHEREAS, on February 20, 2001, the City Council of the City of Rancho Palos Verdes approved Revision P to the Ocean Trails Project, thereby approving an amendment to allow Ocean Trails an extension of time to provide 4 on-site affordable housing units for rent from "prior to one year of the opening of the clubhouse" to "prior to the opening of the 18-hole golf course"; and,

WHEREAS, on February 20, 2001, the City Council of the City of Rancho Palos Verdes approved Revision Q to the Ocean Trails Project, thereby approving an amendment which allows Ocean Trails to reconstruct (instead of re-pave) La Rotonda Drive from Palos Verdes South to the end of La Rotonda Drive, in lieu of re-paving Palos Verdes Drive South from La Rotonda Drive to the eastern City limits; and,

WHEREAS, on September 4, 2001, the City Council of the City of Rancho Palos Verdes approved Revision R to the Ocean Trails Project, thereby revising the Conditions of Approval for VTTM No. 50666 and VTTM No. 50667, so as to adjust Condition I-3 allowing an extension to completing the reconstruction of La Rotonda Drive from Palos Verdes Drive South to its end; and,

WHEREAS, on April 20, 2004, the City Council of the City of Rancho Palos Verdes approved Revision "V" to the Ocean Trails Project, thereby allowing 1) basement areas of one-story structures to be excluded from the existing 30% "Maximum Habitable Space" requirement, but require that the basement habitable area be added to the first floor habitable area in complying with the "Maximum Habitable Space Square Footage" requirement; 2) permitting a change in the height of Lot #2 to allow for a subterranean garage; and 3) permitted construction of retaining walls and access to the proposed subterranean garage; and,

WHEREAS, on June 7, 2005, the City Council of the City of Rancho Palos Verdes adopted a Mitigated Negative Declaration and approved Revision "W" to the Trump National Golf Club (formally known as Ocean Trails) Project, thereby allowing a driving range to be constructed in place of 16 residential lots within VTTM50666; and,

WHEREAS, on December 20, 2005, the City Council of the City of Rancho Palos Verdes approved Revision "Y" to the Trump National Golf Club (formally known as Ocean Trails) Project, thereby allowing a 3-month temporary opening of the golf course and driving range; and,

WHEREAS, on May 2, 2006, the City Council of the City of Rancho Palos Verdes approved Revision "Z" to the Trump National Golf Club (formally known as Ocean Trails) Project, thereby amending CUP No. 163 allowing a change in the golf course design to permit a new back tee on Hole #2 and an increase in waterfall height for waterfall #1; and,

WHEREAS, on July 18, 2006, the City Council of the City of Rancho Palos Verdes approved Revision "AA" to the Trump National Golf Club Project, thereby amending Grading Permit No. 1541, to allow an additional temporary 3-month opening of the golf course and driving range to the public; and,

WHEREAS, on October 17, 2006, the City Council of the City of Rancho Palos Verdes approved Revision "CC" to the Trump National Golf Club Project, thereby amending Grading Permit No. 1541, to allow an additional temporary 3-month opening of the golf course and driving range to the public; and,

WHEREAS, on January 16, 2007, the City Council of the City of Rancho Palos Verdes, via Minute Order, approved a 1-month extension to the temporary opening of the Golf Course and Driving Range; and,

WHEREAS, on February 6, 2007, the City Council of the City of Rancho Palos Verdes approved Revision "DD" to the Trump National Golf Club project to revise Grading Permit No. 1541, to allow an additional temporary 2-month opening of the golf course and driving range to the public; and,

WHEREAS, on May 1, 2007, the City Council of the City of Rancho Palos Verdes approved Revision "FF" to the Trump National Golf Club project to revise Grading Permit No. 1541, to allow an additional temporary 6-month opening of the golf course and driving range to the public; and,

WHEREAS, on October 16, 2007, the City Council of the City of Rancho Palos Verdes approved Revision "HH" to the Trump National Golf Club project to revise Grading Permit No. 1541, to allow an additional temporary opening of the driving range to the public through December 4, 2007; and,

WHEREAS, on December 4, 2007, the City Council of the City of Rancho Palos Verdes approved Revision "KK" to the Trump National Golf Club project to revise Grading Permit No. 1541, to allow an additional temporary opening of the driving range to the public through January 18, 2008; and,

WHEREAS, on January 16, 2008, the City Council of the City of Rancho Palos Verdes approved Revision "LL" to the Trump National Golf Club project to revise Grading Permit No. 1541, to allow an additional temporary opening of the driving range to the public through July 18, 2008; and,

WHEREAS, on July 15, 2008, the City Council of the City of Rancho Palos Verdes approved Revision "NN" to the Trump National Golf Club project to revise Grading Permit No. 1541, to allow an additional temporary opening of the driving range to the public through October 22, 2008; and,

WHEREAS, on October 22, 2008, the City Council of the City of Rancho Palos Verdes approved Revision "PP" to the Trump National Golf Club project to revise Grading Permit No. 1541, to allow an additional temporary opening of the driving range to the public through January 22, 2009; and,

WHEREAS, on January 21, 2009, the City Council of the City of Rancho Palos Verdes approved Revision "RR" to the Trump National Golf Club project to revise Grading Permit No. 1541, to allow an additional temporary opening of the driving range to the public through July 22, 2009; and,

WHEREAS, on July 21, 2009, the City Council, via Minute Order, approved a two month extension (Revision "SS") of the Development Agreement, Vesting Tentative Tract Map No. 50666 and the temporary use of the Driving Range at the request of the Applicant in order to accommodate the Applicant's schedule and availability to attend the Council meeting. Said two month extension was granted to September 16, 2009. As part of that action, the Council also continued the item/public hearing on Revision "SS" to September 15, 2009; and

WHEREAS, on September 15, 2009, the City Council of the City of Rancho Palos Verdes approved Revision "SS" to the Trump National Golf Club project, which extended the life of the Development Agreement and existing Vesting Tentative Tract Map No. 50666 from September 16, 2009 through March 17, 2010, and revised Grading Permit No. 1541 to allow an additional temporary opening of the driving range to the public through March 17, 2010; and,

WHEREAS, on March 16, 2010, the City Council of the City of Rancho Palos Verdes approved Revision "UU" to the Trump National Golf Club project, which extended the life of the Development Agreement and existing Vesting Tentative Tract Map No. 50666 from March 16, 2010 through September 21, 2010, and revised Grading Permit No. 1541 to allow an additional temporary opening of the driving range to the public through September 21, 2010; and,

WHEREAS, on September 21, 2010, the City Council of the City of Rancho Palos Verdes approved Revision "V V" to the Trump National Golf Club project, which extended the life of the Development Agreement and existing Vesting Tentative Tract Map No. 50666 from September 21, 2010 through March 21, 2011, and revised Grading Permit No. 1541 to allow an additional temporary opening of the driving range to the public through March 21, 2011; and,

WHEREAS, on March 15, 2011, the City Council of the City of Rancho Palos Verdes approved Revision "W W" to the Trump National Golf Club project, which extended the life of the Development Agreement and existing Vesting Tentative Tract Map No. 50666 from March 21, 2011 through September 21, 2011, and revised Grading Permit No. 1541 to allow an additional temporary opening of the driving range to the public through September 21, 2011; and,

WHEREAS, on September 20, 2011, the City Council of the City of Rancho Palos Verdes approved Revision "X X" to the Trump National Golf Club project, which extended the life of the Development Agreement and existing Vesting Tentative Tract Map No. 50666 from September 21, 2011 through March 21, 2012, and revised Grading Permit No. 1541 to allow an additional temporary opening of the driving range to the public through September 21, 2012; and,

WHEREAS, on March 6, 2012, the City Council of the City of Rancho Palos Verdes approved Revision "AAA" to the Trump National Golf Club project, which extended the life of the Development Agreement and existing Vesting Tentative Tract Map No. 50666 from March 21, 2012 through September 21, 2012, and revised Grading Permit No. 1541 to allow an additional temporary opening of the driving range to the public through September 21, 2012; and,

WHEREAS, VH Property Corp., submitted an application to the City of Rancho Palos Verdes requesting approval of Revision "BBB" to the Trump National Golf Club project to extend the Development Agreement and Vesting Tentative Tract Map No. 50666 for an additional two years, and revise Grading Permit No. 1541, to allow an additional two year extension to the temporary opening of the driving range to the public; and,

WHEREAS, pursuant to the provisions of the California Environmental Quality Act, Public Resources Code Sections 21000 et. seq. ("CEQA"), the State CEQA Guidelines, California Code of Regulations, Title 14, Sections 15000 et. seq., the City's Local CEQA Guidelines, and Government Code Section 65952.5(e) (Hazardous Waste and Substances Statement), on August 1, 2012, copies of the draft Addendum No. 45 to Environmental Impact Report No. 36 were distributed to the City Council and prior to taking action on the proposed amendment to the Development Agreement for the Trump National project, the City Council independently reviewed and considered the information and findings contained in Addendum No. 45 to EIR No. 36; and,

WHEREAS, on August 7, 2012, after notice issued pursuant to the provisions of the Development Code, the City Council held a public hearing to consider draft Addendum No. 45 to Environmental Impact Report No. 36, and the Applicant's request for Revision "BBB" to the Trump National Golf Club 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: This request is to permit an extension of the temporary opening of the driving range.

The following conditions of approval of Grading Permit No. 1541 are hereby revised as follows (~~striket~~through text for text removed, **bold and underline** text for text added):

E-1. Revision "~~AAA~~" "**BBB**", as approved by the City Council on ~~March 6, 2012~~ **August 7, 2012**, permits a temporary opening of the driving range to ~~September 21, 2012~~ **September 21, 2014**.

E-2. *The Applicant may open the driving range to the public for a temporary period through ~~September 21, 2012~~ **September 21, 2014**. The applicant shall operate the site under a public safety plan, approved by the Director of Planning, Building and Code Enforcement and the City Geologist. Such Plan shall clearly designate any hazardous areas that may be un-safe. The plan shall show how these areas are signed, fenced and/or secured from public access. The plan shall also show how participants of the Golf Course and the public visiting the site will be able to traverse the site without entering into these hazardous secured areas. During the temporary operation, all of the improvements needed in the plan shall be maintained to the satisfaction of the Director of Planning, Building and Code Enforcement and the City's Geologist. Planning, Building and Code Enforcement Staff, Public Works Staff and/or the City's Geologist will be visiting the site during the temporary operation to verify compliance with this condition and the Safety Plan. The Director of Planning Building and Code Enforcement may revoke this temporary permit at any time if, in the opinion of the Director of Planning, Building and Code Enforcement, the City Geologist or the Director of Public Works, the temporary operation may have an adverse affect on the public health, safety and welfare.*

Section 2: Pursuant to Sections 15162 and 15164 of the State CEQA Guidelines, approval of Addendum No. 45 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 Trump National Golf Club 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. This is so, since the proposed changes identified in Section 1 and attached Exhibit "A" to Addendum No. 45 would not result in any new or increased impacts to the environment that are not already analyzed within EIR No. 36. Specifically, the approved request will simply allow the temporary opening of the driving range while minor issues related to the project's conditions of approvals are addressed. There have been no substantial

changes to the Project or to the environment that would cause the Project to significantly impact the environment, nor does the proposed amendment affect a change that would impact the environment in any manner that was not previously considered and mitigated to the extent feasible.

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, as noted in #1 above, there are no new significant environmental impacts that were not considered in the previous EIR, Supplement and previous Addenda thereto, and the approved project provides for changes that only affect the timing of when certain project amenities will be completed.

3. That there is no new information of substantial importance to the project which indicates that these approved changes 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, because this approved project is only to permit modifications that would cause slight delays in the completion dates for certain project amenities.

Section 3: Pursuant to Section 17.76.040 of the Development Code, in approving Revision "BBB" to Grading Permit No. 1541 for a temporary opening of the driving range, the City Council finds as follows:

- A. The proposed project does not exceed that which is necessary for the permitted primary use of the lot, as defined in Chapter 17.96 of this title as it would permit the temporary opening of the driving range and cause minor delays to the implementation of certain public amenities.
- B. The proposed project does not significantly adversely affect the visual relationships with, nor the views from, neighboring properties because the project only affects the timing of the Applicant's compliance with certain conditions.
- C. The nature of the project does not affect or cause disturbance to the natural contours and finished contours are reasonably natural because the project only affects the timing of the Applicant's compliance with certain conditions.
- D. The project would not cause excessive and unnecessary disturbance of the natural landscape or wildlife habitat through removal of vegetation because the project only affects the timing of the Applicant's compliance with certain conditions.

Section 4: The time within which the judicial review of the decision reflected in this Resolution, if available, must be sought is governed by Section 1094.6 of the California Code of Civil Procedure.

Section 5: 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 Revision "BBB" to Grading Permit No. 1541, which is necessary to protect the public health, safety and general welfare. All other conditions of approval that have been imposed on this project shall remain in effect and are incorporated herein.

PASSED, APPROVED, and ADOPTED this 7th day of August 2012.

Mayor

Attest:

City Clerk

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

I, Carla Morreale, City Clerk of the City of Rancho Palos Verdes, hereby certify that the above Resolution No. 2012-__ was duly and regularly passed and adopted by the said City Council at a regular meeting held on August 7, 2012.

City Clerk

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