

<i>COMMENTS</i>	<i>RESPONSES</i>
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P. 03

STATE OF CALIFORNIA - THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 OceanGate, Suite 1000  
Long Beach, CA 90802-4302  
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April 22, 2004

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PLANNING, BUILDING &  
CODE ENFORCEMENT

Mr. Joel Rojas  
City of Rancho Palos Verdes  
Department of Planning, Building and Code Enforcement  
30940 Hawthorne Blvd.  
Rancho Palos Verdes, CA 90275

Project ID: SCH # 2003071008  
Rancho Palos Verdes Natural Communities Conservation Planning (NCCP),  
Subarea Plan Draft Environmental Impact Report (DEIR).

Dear Mr. Rojas,

The California Coastal Commission staff has reviewed the Draft Environmental Impact Report for the Rancho Palos Verdes Natural Communities Conservation Planning (NCCP), Subarea Plan consisting of 1,514 acres of reserve area located within the center of the City's boundaries, with smaller patches of habitat throughout the City and along the coastline. The City covers approximately 13.6 square miles of land that is located on the southwest side of Palos Verdes Peninsula, Los Angeles County, California. The Subarea Plan is described as a plan prepared to maximize benefits to wildlife and vegetation communities in Rancho Palos Verdes pursuant to the requirements of the NCCP Act of 1991. According to the Draft EIR, this planning effort provides for comprehensive management and conservation of multiple species, including, but not limited to, species protected under the ESA or CESA. The Project Description in the DEIR states:

*The Subarea Plan divides the Reserve components into public, private and "Neutral Lands". Additionally, Reserve management, mitigation measures, and the permitting process are described upon establishment of the Subarea Plan.*

The proposed plan will provide protection of habitat areas inside and outside of the coastal zone. The certified LCP will need to be amended to incorporate the Subarea Plan adding specifics as to how the productivity of habitat that is established or protected by the implementation of the program will be maintained. See our comments below.

Coastal Development Permits Jurisdiction: The DEIR includes discussions of some trail closures and removal of existing native vegetation as a result of implementing the Subarea Plan. Even without the NCCP, any proposed trail closure and/or significant vegetation removal would be considered an activity regulated by the Local Coastal Program (LCP). Both the City and the Commission have considered native vegetation to be "significant vegetation" when deciding whether a proposed activity is development as defined in Section 30106 of the Coastal Act and in the City's LCP. A trail closure would affect public availability of coastal recreational resources, and vegetation removal (other than perhaps minimal brush removal for fire requirements) would usually be considered development since it would involve clearing and or grading. A coastal development permit (CDP) would already be required for these activities. Where a public trail has already been created and included in the LCP (such as the Category I trails identified in the Rancho Palos Verdes Conceptual Trails Plan, discussed in section 5.3.1.2.4), any proposal to close or otherwise restrict public access to it would require both a coastal development permit and an LCP amendment.

CCC 1

LCP amendments: The NCCP should ideally be incorporated into the existing LCP land use plan, with appropriate changes to the LCP referencing the NCCP. Previously, the Commission has

CCC 2

**Comment 1**

As indicated in Section 3.4.5.1 of the DEIR, the Reserve Trail Plan (RTP) would be consistent with the City's Conceptual Trails Plan (dated 1993 and as amended thereafter) and only existing trails within the Reserve that are not included in the RTP or Local Coastal Program (LCP) would be closed. Therefore, such trail closures would be consistent with the LCP and would not require a coastal development permit or LCP amendment. As described in Sections 2.3.3 and 2.3.4 of the DEIR, development activities for proposed projects covered by the Subarea Plan, including projects within the Reserve, will be required to undergo separate CEQA review and must be consistent with the Subarea Plan and appropriate provisions of the updated Municipal Code, General Plan, and LCP.

**Comment 2**

Incorporation of the NCCP Subarea Plan into the City's LCP will be done through a subsequent LCP amendment. The development of open space properties that are discussed in the Subarea Plan will be consistent with the City's LCP and be subject to CEQA review.

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required local governments to come back with a subsequent LCP implementation plan amendment incorporating a long-term management plan for preserved lands (such as the proposed Rancho Palos Verdes Reserve Habitat Management Plan). It appears that the City of Rancho Palos Verdes is planning to develop a Public Use Master Plan. This will also need to be incorporated into the NCCP/LCP when finalized. If there are any properties or areas such as trails, parks, reserves, etc., that are conceptual in the current NCCP, when the facility is actually developed, it will need to be incorporated through an NCCP/LCP amendment as a protected public resource.

CCC 2

Mitigation inside/outside the coastal zone: The Plan allows for mitigation inside and outside of the coastal zone. The Commission has previously approved potential mitigation outside the coastal zone for impacts within the coastal zone. However, if feasible and reasonable to do so, both impact and mitigation should be kept within the coastal zone. The Commission recognizes that there may be circumstances where there simply is not enough available and suitable area (soil, precipitation, topography, etc.) solely in the coastal zone to support the required amount of habitat for mitigation. The Commission is concerned with maintaining functional, connected habitats over widespread areas over the long term, and these habitat areas will naturally extend both inside and outside the coastal zone. Below are requirements that the Commission has incorporated in other cities and are recommended here.

CCC 3

The City of Rancho Palos Verdes Plan should include:

1. A definition of Environmentally Sensitive Habitat Area (ESHA) to be applied within the coastal zone, pursuant to Section 30240 of the Coastal Act. The amended implementation ordinance should include a methodology that would be employed to determine whether a particular area should be considered ESHA as defined in that section.

CCC 4

2. A definition of wetlands to be applied within the coastal zone, pursuant to California Public Resources Code Section 30121 and Title 14, California Code of Regulations Section 13577(b). A requirement that wetlands shall be delineated following the definitions and boundary descriptions in Section 13577 of the California Code of Regulations. Pursuant to California Public Resources Code Section 30233, no impacts to wetlands shall be allowed except for the stated allowable uses, with appropriate mitigation when there is no feasible, less environmentally damaging alternative, and when the functional capacity of the wetland can be maintained.

CCC 5

3. In the coastal zone, any allowable wetland impacts shall be mitigated at a ratio of 3:1 for riparian impacts and 4:1 for saltwater or freshwater wetland or marsh impacts.

CCC 6

4. There should be no net loss of native vegetation within the coastal zone (specific protected habitats should be defined). Mitigation for impacts to any of these habitat types, when permitted, shall include a creation component that achieves the no net loss standard. Substantial restoration of highly degraded areas (where effective functions of the habitat type have been lost) may be substituted for creation subject to the consultation and concurrence of the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

CCC 7

5. Onsite preservation of habitat is not eligible for mitigation credit in the coastal zone.

CCC 8

6. Mitigation ratios established for upland vegetation: 2:1 for coastal sage scrub, 3:1 for southern coastal bluff scrub, maritime chaparral, saltbush scrub or maritime succulent scrub; 3:1 for native grassland, 3:1 for oak woodland; and 1:1 for southern mixed chaparral.

CCC 9

**Comment 3**

Text was added to the EIR to indicate that project impacts within the coastal zone would be mitigated within the coastal zone where feasible or reasonable.

**Comment 4**

Habitats occupied by listed species and other species considered sensitive would be considered Environmentally Sensitive Habitat Area (ESHA). All native habitats within the coastal zone within RPV would be considered ESHA and only allowable uses defined by the LCP would be permitted. The definition of ESHA will be added to the Plan

**Comment 5**

Lands within Rancho Palos Verdes support very little wetland vegetation within the coastal zone. Relevant text from the referenced Public Resources Code Section will be added to the Plan.

**Comment 6**

No saltwater or freshwater marsh habitats have been identified within the City. Wetland vegetation is limited to riparian scrub, which would be mitigated at a 3:1 ratio (section 5.5 of the Plan).

**Comment 7**

Native habitat restoration is a key component of the Plan (within or outside of the coastal zone) and would result in a net increase in the inventory of native vegetation after successful restoration.

**Comment 8**

For lands that are currently privately owned and publicly acquired as part of a biological mitigation program, mitigation credit is appropriate. The land must be legally conserved before it can be restored.

**Comment 9**

All native habitats will be mitigated at a 3:1 ratio, which exceeds the ratios stated in the comment. Non-native grassland will be mitigated at a 0.5:1 ratio.

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7. Mitigation for impacts within the coastal zone should be provided within the coastal zone if possible, particularly the 1:1 creation component, in order to have no net loss of habitat within the coastal zone. Mitigation measures on land outside the coastal zone may be acceptable if it would clearly result in higher levels of habitat protection and value and/or would provide significantly greater mitigation ratios, and the mitigation area is part of the NCCP. Offsite mitigation must be in addition to the 1:1 creation or restoration. Land area inside and outside the coastal zone which serves as mitigation for habitat impacts in the coastal zone shall be permanently retired from development potential and secured as part of the NCCP preserve management plan as a condition of development approval. It appears that several of the projects referenced as including potential take are located, at least in part within the coastal zone.

Since the NCCP did not include detailed maps of the locations of these projects, it was difficult to determine the extent of take proposed in the coastal zone. These projects include three public projects: both stages of the repairs to 25<sup>th</sup> Street, and the Abalone Cove project. The repairs to Twenty-fifth Street have which have already been granted coastal development permits; the Abalone Cove improvements will require a coastal development permit. Among the 13 private projects that are identified as including unavoidable loss of coastal sage scrub, four may extend into the coastal zone. These include the Portuguese Bend Club remedial grading, Lower Point Vicente, and the Portuguese Bend Club Slide abatement. Impacts to coastal sage scrub, coastal bluff scrub and other native vegetation within the coastal zone should be permitted only if (1) the site is not an environmentally sensitive habitat area and (2) the development is otherwise consistent with the Coastal Act. The overwhelming consideration should be to maintain functional connected habitat throughout widespread areas over the long term, and these habitat areas will naturally extend both inside and outside the coastal zone.

CCC 10

8. All mitigation areas, onsite and offsite, shall be secured with a conservation easement in favor of the City, the Managing Agency and the wildlife agencies. In addition, a preserve management plan shall be prepared for the mitigation areas, to the satisfaction of the City, the wildlife agencies, and must be approved by the Coastal Commission as an LCP amendment. The preserve management plan shall ensure adequate funding to protect the preserve as open space and to maintain the biological values of the mitigation areas in perpetuity. Management provisions and funding shall be in place prior to any impacts to habitat. At a minimum, monitoring reports shall be required as a condition of development approval after the first and third year of habitat mitigation efforts.

CCC 11

9. You have planned to incorporate the NCCP Plan into the City's certified LCP with appropriate changes referencing the NCCP. We agree that this is the ideal process. However, the NCCP plan needs to be incorporated into the City's certified LCP through an LCP amendment before it can be effectively implemented in the coastal zone. The NCCP preserve management plan should also be incorporated into the Implementation Plan of the LCP at the same time. If it is delayed, there needs to be a discussion about timing. If any conflict should arise between the policies of the LCP and the provisions of the Rancho Palos Verdes NCCP, the LCP would take precedence. Any future changes to the NCCP preserve area or management may require an LCP amendment.

CCC 12

10. Buffers shall be provided between all preserved habitat areas and development. Minimum buffer widths shall be provided as follows, unless a different buffer width is approved with the concurrence of the wildlife agencies and the Coastal Commission staff on the basis of a site-specific survey:

CCC 13

**Comment 10**

The City believes there is sufficient coastal zone lands within the Reserve to mitigate impacts within the coastal zone. Habitat restoration would occur in the Abalone Cove portion of the Reserve. Additional restoration opportunities exist directly adjacent to the coastal zone boundary. See response to CCC comment 1 regarding CEQA review and LCP consistency.

**Comment 11**

The Plan addresses all the issues mentioned in the comment.

**Comment 12**

Incorporation of the NCCP Subarea Plan into the City's LCP, including the Implementation Plan of the LCP, will be done through an LCP amendment. This will be added to the list of regulatory actions listed in Subarea Plan section 5.8.1 that the City will take upon signing the Subarea Plan Implementing Agreement.

**Comment 13**

Buffers within the coastal zone will be consistent with the LCP.

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**Comment 14**

Comment noted. See response to CCC comment 10.

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- a. 100 feet for wetlands;
- b. 50 feet for riparian areas;
- c. 20 feet for all other native habitats (coastal sage scrub, southern coastal bluff scrub, salibush scrub, chaparral, maritime succulent scrub, southern mixed chaparral, native grassland, oak woodland, etc.) Limited fuel modification may be allowed in the 20-foot buffer for upland vegetation. Recreation trails should be limited to buffers 50 feet or wider, and located in the upper 15 feet of the buffer. If buffer areas without native vegetation are landscaped, appropriate native plants must be used.

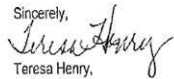
CCC 13

Finally, certain habitats inside the coastal zone that are already being protected by existing coastal development permits need to continue being protected within the coastal zone and not be relocated to outside of the coastal zone.

CCC 14

Thank you for the opportunity to comment on the Draft EIR for this project. If you have any concerns about these comments, please feel free to contact Pam Emerson at (562) 590-5071.

Sincerely,



Teresa Henry,  
 District Manager  
 California Coastal Commission

Cc: State Clearinghouse