

<i>COMMENTS</i>	<i>RESPONSES</i>
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**WEBER CONSULTING**  
 URBAN PLANNING - ENTITLEMENT SERVICES - PROJECT MANAGEMENT

**RECEIVED**

APR 21 2004

PLANNING, BUILDING &  
 CODE ENFORCEMENT

April 20, 2004

VIA FAX & MAIL

Mr. Joel Rojas, Director of Planning and Code Enforcement  
 City of Rancho Palos Verdes  
 30940 Hawthorne Boulevard  
 Rancho Palos Verdes, CA 90275

RE: DRAFT EIR COMMENTS - NCCP SUBAREA PLAN

Dear Mr. Rojas:

This letter is being transmitted on behalf of Angeles, LLC, the owner of approximately 48 undeveloped acres in the northern part of the City. The Angeles, LLC parcels are located on both sides of Montemalaga Drive in the vicinity of Mulaga Canyon. Pursuant to the City's public notice, we have completed a detailed review of the Draft Environmental Impact Report for the NCCP Subarea Plan.

The NCCP Subarea Plan (June 2003) and the Draft EIR (February 2004) identify significant portions of the subject property as "Neutral Lands". We understand the definition of *Neutral Lands* to be land that is outside of the NCCP Reserve, "but are unlikely to be developed in the future". The Subarea Plan also describes Neutral Lands as being characterized by extreme slopes on private property and lands zoned Open Space Hazard (OH).

We acknowledge that portions of the Angeles properties are zoned OH and there may be residentially zoned portions of the property that have slopes in excess of 35%. However, the NCCP Subarea Plan appears to designate portions of the property as Neutral Lands, even though neither characteristic is present. It is also important to note that portions of the land depicted as Neutral Land have been regularly zoned by the property owner or the County for years and do not appear to have any biological value.

We find the brief discussion of Neutral Lands in the Draft EIR and Subarea Plan entirely inadequate to determine what the designation means to a landowner and/or developer. It also appears that the Neutral Land category is being used as a tool to potentially prohibit development without the benefit of due process. The discussion of Neutral Lands in the EIR and Subarea Plan needs to be substantially expanded and the EIR needs to thoroughly address the impacts this designation. For example:

WEBER 1

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**Comment 1**

The "Neutral Lands" designation has been applied to privately owned properties in the City that contain development constraints due to existing City zoning code restrictions. The designation is not intended to prohibit development on said properties but only recognize the development constraints that already exist on said properties pursuant to the City's Municipal Code. By definition "Neutral Lands" are those areas that are considered to be extreme slopes (35% or greater slope), are zoned Open Space Hazard or exist as deed restricted open space belonging to a Homeowners Association. If any of these three conditions exist on a private property the area has been designated "Neutral Lands". Given the scale of the NCCP map, the mapped "Neutral Lands" areas are approximations. The "Neutral Lands" designation is noted in the Subarea Plan because these areas of the City cannot be developed under the City's Codes and therefore will likely remain as open space, thus contributing to the function of the Reserve. There is no environmental impact as a result of this designation since the identified "Neutral Lands" are not proposed to be included in the Reserve and therefore are not subject to the restrictions that apply to properties within the Reserve. The "Neutral Lands" are mapped solely to provide an estimation of their area and location relative to the actual NCCP Reserve. The appropriate sections of the Subarea Plan will be amended to clarify the purpose and intent of the "Neutral Lands" category as explained in this response.

<i><b>COMMENTS</b></i>	<i><b>RESPONSES</b></i>
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- Will Angeles be considered a third party beneficiary?
- If so, will Angeles be allowed to develop in areas designated as Neutral Land?
- As a third party beneficiary, would Angeles be covered by the Implementing Agreement and allowed to take covered species and habitat incidental to project construction? (Note that the NCCP Vegetation Inventory does not identify any Gnatcatchers or other sensitive species on or near the property.)
- What uses and activities will be permitted in Neutral Lands? For example:
  - Will development be permitted?
  - Will grading be permitted in areas designated as Neutral Land?
  - Will construction of infrastructure, fences, trails, and recreation areas be permitted?
  - Will weed abatement be permitted?
- Is a developer required to mitigate loss of CSS at the same ratio (3:1) as properties in the Reserve or outside of either designation?
- Will a developer be required to mitigate loss of non-native grasslands at the same ratio (0.5:1) as other areas? Will areas of non-native grasslands that have been routinely disked have to be mitigated? At what rate?
- Are the Neutral Lands the same in NCCP Alternatives A and B as the Proposed Project? There is no narrative on this subject, nor are the exhibits clear.
- The legend on EIR Figure 7-1 does not define the tan color, but we assume this is the Neutral Land category. Please revise the exhibit.
- EIR Figures 7-2 and 7-3 appear to depict certain Neutral Lands as Reserve. The exhibits also describe certain Neutral Lands as "Reserve Area the same between Alternate A (or B) and Proposed Project". Please clarify.

WEBER 2  
 WEBER 3  
 WEBER 4  
 WEBER 5  
 WEBER 6  
 WEBER 7  
 WEBER 8  
 WEBER 9  
 WEBER 10

The small scale of the exhibits in the Subarea Plan and Draft EIR showing Neutral Lands make detailed analysis nearly impossible. Nevertheless, based on our current understanding of the NCCP Subarea Plan, we strongly object to any portion of the residentially zoned property being designated as Neutral Land.

As you know, we are currently exploring development options for a portion the property and we insist that no further obstacles be placed on the property than already exist. We are about to start a detailed biological resources survey (gnatcatcher and sensitive plants) and will share information with our development applications.

Sincerely,

  
 Gary S. Weber  
 Weber Consulting

CC: Angeles, LLC

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**Comment 2**

At this time, the City has not received an application for development of the 48-acre parcel by Angeles LLC nor is the City aware of any biological reports that identify the exact amount of biological impacts that would occur if development of the property were to occur. As a result, Angeles would not be considered a formal third party beneficiary. However, if impacts to CSS habitat were to occur as a result of future development on this parcel, Angeles would be eligible to provide the required impact mitigation by performing revegetation within the Reserve, paying for the cost of the City/Conservancy to perform said revegetation within the Reserve, or donating land into the Reserve.

**Comment 3**

Since "Neutral Lands" are areas of privately owned properties that contain development constraints due to existing City zoning code restrictions and are not part of the NCCP Reserve, it will be up to the City decision-makers, through the development review process, to determine what areas of the property will be allowed to be developed.

**Comment 4**

Angeles would not be a third party beneficiary and would not be specifically covered by the NCCP Implementing Agreement. However, signing the Implementing Agreement will create the Reserve, which will then be available to Angeles as a mitigation option as discussed in the response to Weber comment 2.

**Comment 5**

Please see response to Weber comment 3. Weed abatement required by the Fire Code is permitted on Neutral lands.

**Comment 6**

The appropriate mitigation for any future project's impact on CSS is dependent on a variety of factors (i.e. existence of habitat, proximity to the Reserve, etc.) and will be determined by the City through the CEQA review process required for each individual project.

**Comment 7**

The appropriate mitigation for any future project's impact on non-native grassland is dependent on a variety of factors (i.e. existence of habitat, proximity to the Reserve, etc.) and will be determined by the City through the CEQA review process required for each individual project.

**Comment 8**

Yes, all neutral lands are the same for all three alternatives since by definition; these lands are already restricted from development by existing City ordinances.

**Comment 9**

Figure 7-1 has been revised to indicate neutral lands in legend.

**Comment 10**

See response to Weber comment 8. No neutral lands are shown as Reserve in the Alternatives.