

SECTION 5 LOCAL PLAN REVIEW AND APPROVAL PROCESS**5.1 CITY IMPLEMENTATION PROCESS**

Any proposed development of land in the Reserve would first require consistency with the appropriate provisions of the Municipal Code. Subsequent entitlements will not be provided without compliance with applicable provisions of the General Plan, Zoning Ordinance, Grading Ordinance, Subdivision Map Act, and other applicable provision of the Municipal Code. Upon approval of this Subarea Plan, the City will use its land-use authority to implement the provisions of this Subarea Plan. Regulatory actions shall include interim and permanent ordinances consistent with this Subarea Plan.

5.2 INTERIM PROTECTION**5.2.1 Existing Provisions of the Municipal Code**

Natural Overlay Control District. Interim protection of habitat lands inside the Reserve is assured through the mandatory implementation of the Natural Overlay Control District (OC-1) (Municipal Code Section 17.40.040 *et seq.*) which is established to “maintain and enhance land and water areas necessary for the survival of valuable land and marine-based wildlife and vegetation...”

Minor modifications to this ordinance will be required to be consistent with this Subarea Plan. This ordinance, for example, establishes Performance Criteria (Section 17.40.040 C.1. - C.5.) prohibiting:

- Disturbance of more than 10 percent of the total land area of a parcel – excluding the main structure and access;
- Affecting any water body;
- Affecting natural watercourses carrying over 100 cubic feet of water;
- Affecting riparian buffers of 50 feet on natural watercourses carrying over 100 cubic feet of water;
- The clearing, and/or thinning of more than 20 percent of a parcel’s area (fuel management zones excluded);
- The use of herbicides to control or kill vegetation;
- The removal of vegetation within a designated wildlife habitat area.

5.3 PROPOSED MODIFICATIONS TO THE MUNICIPAL CODE

Natural Overlay Control District. The City shall amend the Natural Overlay Control District (Municipal Code Section 17.40.040 *et seq.*) to ensure that before the issuance of any clearing or grubbing permits that all proposed actions conform to the provisions of this Subarea Plan.

Grading Ordinance. The City shall amend the Grading Ordinance (Municipal Code Section 15.04.010 *et seq.*) to ensure that before the issuance of any clearing or grubbing permits that all proposed actions conform to the provisions of this Subarea Plan.

Fire Code. At no time would Subarea Plan provisions take precedence over the concerns of public health, safety, and welfare as determined by the L.A. County Fire Department in consultation with the Wildlife Agencies. The City will consult with the L.A. County Fire Department to ensure that proposed fuel modification zone widths adjacent to the Reserve are adequate to meet fire department requirements. All fuel modification areas shall be mapped in the GIS database. The City's Fire Code would be amended to reflect this.

Site Plan Review Process. The City shall amend the Site Plan Review Process (Municipal Code Section 17.70.020 *et seq.*) to ensure that the provisions of this Subarea Plan are incorporated in to the Site Plan Review evaluation process.

Zoning Map. The City's Zoning Map, which is established by the Zoning Code, would be amended to incorporate the boundaries of the Reserve and to reflect any changes to Overlay Control Districts.

Subdivision Ordinance. The City would amend its Subdivision Ordinance to ensure any future proposed subdivisions conform to this Subarea Plan.

Coastal Permits. The City shall amend the Coastal Permit Process (Municipal Code Section 17.70.020 *et seq.*) to ensure that the provisions of this Subarea Plan are incorporated into the evaluation process before the issuance of any coastal permits.

City CEQA Guidelines. The City shall ensure that all development identified in Sections 17.02.020 and 17.02.05 *et seq.* shall be subject to enhanced California Environmental Quality Act. (CEQA) (Ord. 361 Section 5, 2000) review to comply with applicable provisions of this Subarea Plan.

General Plan Amendment. The City shall amend relevant sections of the Rancho Palos Verdes General Plan to:

- Identify all Reserve lands and their attendant land-use restrictions; and
- Incorporate this Subarea Plan as part of the General Plan.

5.4 PERMANENT HABITAT PROTECTION

Permanent protection of conserved land shall be provided through recordation of conservation easements in priority to other encumbrances upon the fee title or dedication of the fee title itself, as appropriate and consistent with the needs of the landowners conveying the property to the Reserve. Both public and private landowners may wish to retain compatible uses of the property while complying with Reserve management guidelines. Compatible uses are accommodated with the grant of easement. The long-term biological integrity of the Reserve will be ensured as follows:

- All lands set aside in the Reserve as mitigation for development occurring outside the Reserve, and lands acquired for the Reserve with public funds, will be protected by conservation

easements. Any lands within the Reserve, dedicated in fee to the City, will also be protected by an open-space easement for conservation purposes. All conservation easements established under this Subarea Plan shall be held by the PVPLC or another entity acceptable to the City and the Wildlife Agencies.

- Local public lands committed to the Reserve will be protected with conservation easements, to be held by the PVPLC or another entity acceptable to the City and the Wildlife Agencies.

5.5 MITIGATION REQUIREMENTS

Upon approval of this Subarea Plan and Implementation Agreement, impacts to all habitats associated with City projects and private projects as agreed to by the City will be mitigated through the dedication of the City-owned lands to the Reserve (see Table 3-3). The Habitat Manager's oversight of the Reserve will also serve to mitigate project impacts. Private projects shall mitigate unavoidable impacts through the contribution of open space to the Reserve or by providing funds to the Habitat Manager to implement habitat restoration within the Reserve. Impacts deemed consistent with but not specified in this Subarea Plan shall be mitigated by the project proponent through monetary contributions to the habitat restoration program in the Reserve, at a funding level sufficient to provide a 3:1 ratio of conserved or revegetated acreage to affected acreage for CSS, wetlands, or native grassland. A 0.5:1 ratio for non-native grassland would be required. Within the Coastal Zone, permissible impacts and mitigation to Environmentally Sensitive Habitat Areas (ESHA) will be consistent with the most current LCP.

5.5.1 Wetlands Protection Program

Pursuant to this section of the Subarea Plan, wetlands protection will be provided throughout the Subarea through individual project entitlement reviews and the associated CEQA process. The process will provide an evaluation of Wetlands avoidance and minimization and will ensure compensatory mitigation within the city for unavoidable impacts to wetlands, thereby achieving no overall net loss of wetlands.

As part of the CEQA review, development projects that support wetlands will be required to demonstrate that impacts to wetlands have been avoided to the greatest extent practicable and, where impacts are nonetheless proposed, that such impacts have been minimized. For unavoidable impacts to wetlands, the City will apply a 3:1 mitigation ratio for impacts to vegetated wetlands (e.g., riparian scrub). Unvegetated waters of the U.S./State would be mitigated at a 1:1 ratio. The Wetlands mitigation ratio provides a standard, but may be adjusted depending on the functions and values of both the impacted wetlands as well as the wetlands mitigation proposed by the project. The City may also consider the wetland habitat type(s) being impacted and utilized for mitigation in establishing whether these standards have been met. Within the Coastal Zone, permissible wetland impacts and mitigation ratios shall be consistent with the most current LCP.

The Wildlife Agencies will review the mitigation program as part of the CEQA public review process. Projects that document highly degraded habitat value may request a reduced mitigation ratio. If a reduced mitigation ratio has been proposed, the Wildlife Agencies may submit a letter of concurrence or non-concurrence to the City. If a letter of non-concurrence is received by the City from the Wildlife Agencies during the CEQA public review period, the City will not approve the mitigation ratio reduction. If no

written concurrence or non-concurrence is received by the City from the Wildlife Agencies during the CEQA public review process, the mitigation ratio reduction may be approved by the City.

Additionally, this component of the Subarea Plan is not intended to result in subjecting projects to additive or, in some measure, duplicative, mitigation requirements for the same wetlands impacts evaluated under the Federal and/or State wetland permitting process. Thus, the City reserves the right to provide flexibility in the CEQA mitigation analysis and the Mitigation Monitoring and Reporting Program (MMRP) requirements to enable a project applicant to substitute the mitigation measures imposed by another Federal or State agency for the same wetlands impacts for the mitigation imposed under this City program; provided that the Federal or State agency mitigation measures are equivalent or greater than those imposed by the City.

The wetlands mitigation program will be included in the project's MMRP that is incorporated as a condition of the project's entitlement permit. For development outside of Covered Projects, implementation of wetlands protection and the MMRP will be achieved through the HLIT permit. For Covered Projects, implementation of wetlands protection and MMRP will be achieved through associated Tentative Maps (TMs). In addition, the City's Grading Ordinance will be amended to require verification of compliance with the conditions of the applicable entitlement permit prior to the issuance of a permit to impact wetlands (e.g. grading permit).

5.5.2 Compliance with Existing Federal and/or State Wetlands Regulations

In addition to the City's Wetlands Protection Program, Wetlands are afforded protection under existing Federal and State law and regulatory programs. The Federal Clean Water Act, the California Porter-Cologne Water Quality Control Act and the California Fish and Game Code provide protection to Wetland habitats and species through Federal and State regulatory permitting and agreements. Where applicable, project proponents must submit an application for and receive Federal Section 404 and State Section 1602 permits prior to impacting most wetlands. Applicants must also apply to Regional Water Quality Control Board for Waste Discharge Requirements prior to any discharges, including discharges from land that may affect any waters of the state. Water Discharge requirements must implement Basin Plans that designate beneficial uses and water quality criteria for water-bodies, including wetlands.

Mitigation for an impact to wetlands must be consistent with the Federal policy of no overall net loss of wetland functions and values, and Section 404(b)(1) guidelines (40 C.F.R. Part 230). Habitats and species that are the subject of these permits require, as conditions of their approval, conservation and/or mitigation resulting in avoidance or functional equivalent value mitigation. State guidelines for wetland permitting also adhere to a no net loss policy for wetland acreage, functions and values. The CDFG Code (Section 1600 et seq.) states that projects which substantially alter the flow or bed, bank or channel of any river, stream or lake designated by the CDFG should first notify the CDFG, which may determine that a Streambed Alteration Agreement is required. As part of the City's Wetlands Protection Program, compliance with conditions of the Federal Section 404 and State Section 1600 permits must be demonstrated prior to issuance of a grading permit.

Projects that are regulated by Federal agencies will continue to be subject to Section 7 Consultations under the ESA. Those projects that are subject to a Section 7 Consultation will be evaluated to insure that the project is consistent with this Subarea Plan and wetlands mitigation program. The level of

conservation afforded by the provisions of this Subarea Plan to Covered Species has been established through extensive consultation with, and review by, the Wildlife Agencies. Therefore, projects undergoing Section 7 Consultations which are consistent with the provisions of this Subarea Plan will receive Take Authorization for Covered Species through the Take Authorization permit issued to the City. Within the Coastal Zone, the most current LCP shall define permissible impacts and mitigation for wetlands and ESHA habitats (Appendix F).

5.6 SUBAREA PLAN BOUNDARY AND AMENDMENT PROCESS

Adjustments to the Reserve may be made without the need to amend the Subarea Plan in cases where the Reserve boundary results in an area of equivalent or higher biological value or where additional acreage is added to the Reserve. The determination of the biological value of a proposed boundary change will be made by the City in accordance with this Subarea Plan, with the concurrence of the Wildlife Agencies.

If the determination is the adjustment will result in the same or higher biological value of the Reserve, no further action by the jurisdictions or Wildlife Agencies shall be required. The Wildlife Agencies shall be notified of any additions to the Reserve and the provisions for habitat maintenance of lands added. Any adjustments to the Reserve boundary will be disclosed in the associated environmental document (as part of the project description) prepared for the specific project. An evaluation of the proposed boundary adjustment to the Reserve will be provided in the biological technical report and summarized in the land-use section of the environmental document. Minor and major amendments to the Reserve are discussed below.

5.6.1 Process for Exchanges and Minor Modifications to Reserve Boundaries

Adjustments to the Reserve may be made without the need to amend this Subarea Plan in cases where the revised Reserve boundary results in a Reserve of equivalent or higher biological value or where additional acreage is added to the Reserve. These actions are known as “minor amendments.”

The City, in accordance with the Subarea Plan, will make the determination of the biological value of a proposed boundary change, with the concurrence of the Wildlife Agencies. If the City’s consulting biologist determines the adjustment will result in the same or higher biological value of the Reserve, no further action by the jurisdictions or Wildlife Agencies shall be required. The Wildlife Agencies shall be notified of any additions to the Reserve and the provisions for habitat maintenance of lands added.

Any adjustments to the Reserve boundary will be disclosed in the environmental document (project description) if prepared for a specific project. An evaluation of the proposed boundary adjustment will be provided in the biological technical report and summarized in the land-use section of the environmental document. Any approvals by the City under this section shall be based on a review by a qualified biologist under contract by the City.

If lands designated as Reserve are annexed into the city of Rancho Palos Verdes, these lands shall be incorporated into the Subarea Plan and shall be considered covered under the City’s Implementing Agreement.

5.6.2 Process for Major Changes to Subarea Plan

Requests for major amendments to this Subarea Plan's take authorizations would be processed by the Wildlife Agencies consistent with applicable laws and regulations (including the National Environmental Policy Act and the California Environmental Quality Act) in effect at the time of the original Subarea Plan approval. Areas requiring major amendments include those subject to current or anticipated conservation agreements with the Wildlife Agencies, should these agreements fail to materialize.

5.7 IMPLEMENTING AGREEMENT

The Implementing Agreement (IA) is the binding contract between the City and the Wildlife Agencies. In addition, due to their role in the reserve acquisition and management programs, PVPLC will also be a co-signer to the IA. It identifies responsibilities to implement this Subarea Plan, binds the parties to their respective obligations, and specifies remedies should any party fail to perform its obligations.

5.7.1 Assurances in the Implementing Agreement

Additional assurances in the model Implementing Agreement are described below:

- **Local Land Use.** The Wildlife Agencies will issue to the City a 50-year authorization to take species covered by this Subarea Plan. Additionally, this Subarea Plan will eliminate most USFWS and CDFG involvement in project-specific review and approval. Impacts to wetlands must continue to be regulated through the Clean Water Act, Fish and Game Code Section 1600 et seq. and local regulations, although coverage for endangered species through this Subarea Plan should facilitate any consultation required between the USFWS and ACOE.
- **New Development.** Third-party beneficiaries undertaking land development will be allowed to take covered species and habitats incidental to project construction, operation, and maintenance based on the approvals extended to the project through the local project permitting process as long as those land developments conform to the provisions of this Subarea Plan.
- **Covered Species.** The City will receive take authorizations for a list of covered species found adequately conserved by the Subarea Plan. Take will be issued for Covered Species in one of two categories: 1) Covered Species not listed and 2) Covered Species subject to Incidental Take (i.e., listed). When an unlisted species becomes listed, it will continue to receive take coverage under this Subarea Plan, only under the latter category. The list includes species listed as threatened or endangered, as well as other species not currently listed under either the FESA or CESA as long as they are adequately covered by this Subarea Plan.
- **Critical Habitat.** If in the future, an FESA Critical Habitat Designation is made for a covered species, that determination will not have the effect of causing additional land, mitigation, restrictions, or compensation to be required of the City if this Subarea Plan is being implemented in compliance with the take authorization conditions for that species.
- **Future Listings of Covered and Uncovered Species.** This Subarea Plan incorporates policies describing how the covered species list may be expanded to include new species once actions in other jurisdictions, or in Rancho Palos Verdes, ensure the species' long-term conservation.

5.7.2 Changed Circumstances and Unforeseen Circumstances

Pursuant to the “No Surprises” rule, if the USFWS makes a finding of “Unforeseen Circumstances,” the USFWS will not require commitment of additional land, water, or financial compensation or additional restrictions on the use of land, water, or other natural resources beyond the level agreed to in this Subarea Plan and the IA with respect to covered activities without consent of the City.

“Unforeseen Circumstances” (defined in 50 CFR Section 17.3) means changes in circumstances affecting a species or geographic area covered by a conservation plan that could not reasonably have been anticipated by plan developers and the USFWS during the conservation plan’s negotiation and development and that result in a substantial and adverse change in the status of the covered species. Pursuant to the “No Surprises” rule at 50 CFR Section 17.22(b)(5)(iii)(C), the USFWS must demonstrate that unforeseen circumstances exist using the best scientific and commercial data available. The findings must be clearly documented and based on reliable technical information regarding the status and habitat requirements of the affected species. In its evaluation, the USFWS will consider but not be limited to the following factors:

- The size of the current range of affected covered species.
- The percentage of the range of affected covered species that has been affected adversely by covered activities under this Subarea Plan.
- The percentage of the range of affected covered species that has been conserved by this Subarea Plan.
- The ecological significance of the portion of the range of affected covered species affected by this Subarea Plan.
- The level of knowledge about affected covered species and the degree of specificity of the conservation program under this Subarea Plan.
- Whether failure to adopt additional conservation measures would appreciably reduce the likelihood of survival and recovery of affected covered species in the wild.

“Changed Circumstances” is defined under the federal “No Surprises” rule as “changes in circumstances affecting a species or geographic area covered by a conservation plan that can reasonably be anticipated by plan developers and the USFWS and that can be planned for.” Changed Circumstances to be addressed by this Subarea Plan include the following:

1. Fire occurring in the same location as a previous fire no sooner than three years following nor longer than 10 years following an initial fire and damaging up to 30 acres of Reserve coastal sage scrub (CSS) habitat.
2. Flood events occurring within the Reserve at greater than 50-year levels and up to and including 100-year levels, as classified by the Federal Emergency Management Agency and determined by the Rancho Palos Verdes Department of Public Works.
3. A major landslide event damaging up to 30 acres of Reserve CSS habitat.

4. Climatic drought up to three years in length, as declared by the State Department of Water Resources and/or local water agency.
5. An increase of invasive species within the Reserve to the extent that, as determined by the City Habitat Manager in consultation with the wildlife agencies, such increase is of sufficient magnitude to significantly, adversely affect any covered species.
6. Listing of a non-covered species.

5.8 CITY IMPLEMENTATION ACTIONS AND PROCESS

The City will enter into the previously described Implementing Agreement with the Wildlife Agencies following an action of the city council adopting this Subarea Plan and authorizing the agreement. The duration of the agreement will be 50 years, and the agreement will be renewable if required. The Implementing Agreement will ensure that this Subarea Plan will be continuously implemented over the next 50 years, and that the State and Federal take authorizations will be in effect for the same time interval. Key assurances for all parties described in this Subarea Plan will be incorporated in the Implementing Agreement in full.

For its part, the City will guarantee implementation of this Subarea Plan through interim and permanent regulatory measures, including codes, ordinances, and policies contained in the General Plan, and the other City policy documents described herein. The City affirms that within 2 years of the signing of an Implementing Agreement with the Wildlife Agencies, it will develop and schedule action on a comprehensive General Plan amendment that will codify any new or modified City policies required to implement this Subarea Plan. By mutual agreement, the parties may extend this period for one additional year. This action will ensure consistent implementation of this Subarea Plan through City policy, private and public project review and approval, and guidelines for operations and management of public lands. Regardless of this period, the City will provide interim protection to habitat lands addressed in the take authorizations through the process described herein.

5.8.1 City Regulatory Actions

Upon signing of this Subarea Plan Implementing Agreement, the City will use its land-use regulatory authority to fully implement the provisions of this plan. Regulatory implementation shall consist of the following actions:

1. **General Plan Update.** The City will amend the relevant elements of the General Plan to incorporate this Subarea Plan by reference. If necessary or applicable, existing goals, objectives or policies contained in the relevant General Plan elements may be amended to aid in implementing this Subarea Plan.
2. **Update Municipal Code of Ordinances.** If necessary or applicable, the Municipal Code will be amended by reference to require lands addressed by this Subarea Plan to comply with the conservation standards contained in this Subarea Plan.
3. **Update Zoning Ordinance.** If necessary or applicable, additional text will be added to the Zoning Ordinance or a new Article will be drafted to describe the effective boundaries and intent of this Subarea Plan.

4. **Review and Modify Relevant Regulations.** To ensure the approval of private and public development projects is consistent with this Subarea Plan relevant regulations will be reviewed and modified, as needed. Current ordinances will be strengthened regarding enforcement and penalties for illegal grading, clearing, and other operations within habitat or other sensitive resource areas.
5. **Amend the Local Coastal Plan to incorporate the NCCP program and allow for a CCC consistency review.** Prior to this LCP amendment, the current LCP will take precedence over any conflicting policies with this Subarea Plan for lands within the Coastal Zone. This LCP amendment should be submitted to the CCC after the PUMP and HMP are developed.
6. **Comply with Implementing Agreement.** The City will comply with all terms and conditions of this Subarea Plan Implementing Agreement.

5.8.2 City Interim Resource Protection

The goal of interim protection is to prevent important habitat areas or species from being lost to clearing, conversion, or development in the period between signing of the Implementing Agreement and City action to adopt the General Plan update. Existing City regulations and ordinances, as well as project-specific plans described in this Subarea Plan, will provide both interim and permanent protection. No proposed project requiring discretionary approval within the city will be approved by the City without a determination of conformance to this Subarea Plan once an implementing agreement is signed. No grading will be done within the city without a determination of conformance to this Subarea Plan by the City Manager or his designee. No vegetation clearing, grubbing, or grading of vacant lands, or conversion of non-agricultural lands to active agriculture shall be done without a determination of conformance to this Subarea Plan by the Director of Planning, Building and Code Enforcement or his designee.

5.8.3 Development Review and Approval Process

Establishment of the regulatory framework described herein will enable the City to fully implement the conservation policies of this Subarea Plan through the normal project review and approval process.

5.8.3.1 Wildlife Agency Consultation

The agencies will receive notification of a project through the CEQA notification process and may request a voluntary consultation within the normal public or CEQA review period. Likewise, the City is free to request Agency involvement in a project where consultation would help address key issues or help to streamline the process. All projects processed by the City will document their consistency with this Subarea Plan during appropriate CEQA review.

The issuance of take authorizations will be documented by the City by maintaining a list of all approvals under this Subarea Plan, which is attached or appended to this Subarea Plan and updated annually. The list will describe the project, the amount of acres taken or conserved by the project, and the physical location of the tentative map or other record or project approval produced by the City. All issuance of project approvals over the course of a year will be documented and discussed at the required annual meeting described herein. The primary exception to this general procedure would be if a project required an amendment to this Subarea Plan as described herein.

5.8.3.2 Annual Implementation Coordination Meetings

An annual meeting will be held between the City, PVPLC, and the Wildlife Agencies to review and coordinate Subarea Plan implementation, as documented by the annual Habitat Tracking Report. It is the responsibility of the City to schedule this meeting within 60 days of each anniversary of execution of the Implementing Agreement or as otherwise agreed to by the City and Wildlife Agencies. To meet the stipulations of the Implementing Agreement, this Subarea Plan must be implemented in a way that issuance of authorizations for taking of species and habitats is roughly proportional with implementation of the conservation strategy in this Subarea Plan. The annual accounting of habitat acreage within the subarea will include land conserved and habitat taken during the reporting period. Progress toward achieving conservation requirements will be reviewed, and habitat management issues will be discussed, along with a review of project approvals issued by the City over the course of the year. If the Wildlife Agencies determine that this Subarea Plan is not being implemented as required, the Wildlife Agencies, PVPLC, and the City will take the actions specified in the implementing agreement to remedy the situation. These actions may include additional management activities, modification of the project compliance process, or redirection of acquisition funds, as long as they are consistent with the provisions of the implementing agreement.

5.9 SUBAREA PLAN AMENDMENTS

Certain events may require amending this Subarea Plan as described below. Although Subarea Plan amendments are not anticipated regularly, amendments may be necessary to accommodate major changes in conservation levels or reserve design, or large annexations of land. Consultation with the Wildlife Agencies is required for a plan amendment, and these agencies must be notified as soon as the local jurisdiction confirms that a plan amendment is warranted.

CEQA and NEPA documentation must be prepared for any project that triggers the amendment process. The documents must address project impacts, as well as impacts on Subarea Plan implementation and any effects on take authorizations held by the City.

Examples of amendments to this Subarea Plan include the following:

- Removal of lands from conservation, or reconfiguration of project plans resulting in a decrease of the amount or quality of habitat conserved that could not be addressed by a boundary adjustment.
- A large annexation of land that requires take authorizations for development, and is not covered by an existing NCCP Subarea Plan; or a major variation in design or implementation from an existing NCCP plan.
- Land excluded from a Subarea Plan at the time of approval, and therefore not covered by take authorizations, but is later planned for development conservation purposes.

5.9.1 Additions to the Reserve

Additions to the approved Reserve may be made without a plan amendment by providing the Wildlife Agencies with:

- A letter from the City agreeing to the addition and specifying the status of the property (i.e., City parkland, HOA property, etc.).
- An accurate map of the area to be added showing the total acreage and current vegetation coverage.
- A letter from the Habitat Manager agreeing to the acquisition and stating that the additional acres can be maintained in a manner consistent with the surrounding area with the funds available for Reserve management.

5.9.2 Boundary Adjustments and Equivalency

Adjustments to the approved Subarea Plan Reserve boundaries may be desirable under some circumstances that do not require plan amendment, and will be based on a like or equivalent exchange concept. For example:

- New biological information is obtained through site-specific studies;
- Unforeseen engineering design opportunities or constraints are identified during the siting or design of projects that require modification of the Reserve boundary;
- A landowner may request that a portion of or all of his property be included within the Reserve boundary.

Adjustments to Reserve boundaries can be made without the need to amend the Rancho Palos Verdes Subarea Plan if the adjustment will result in the same or higher biological value to the Reserve. The determination of biological value of the proposed change is made by the local jurisdiction and must have the written concurrence of the Wildlife Agencies. The comparison of biological value will be based on the following biological factors:

- Effects on conserved habitats (the exchange maintains or improves the amount, configuration, or quality of conserved habitats);
- Effects on covered species (the exchange maintains or increases the conservation of covered species);
- Effects on habitat linkages and function of Reserves (the exchange results in similar or improved habitat connectivity, wildlife movement corridor function, management efficiency and/or protection of biological resources);
- Effects on ecotones or other conditions affecting species diversity (the exchange maintains topographic and structural diversity and habitat interfaces or the Reserve); and/or
- Effects to species of concern not on the covered species list (the exchange does not significantly increase the likelihood that an uncovered species will meet the criteria for listing under either the Federal or State ESAs).

Most adjustments to the boundaries will be in areas immediately adjacent to identified Reserves. Any agreed upon modification of Reserve boundaries should be reported to the entity responsible for regional

reserve system accounting, and to adjacent jurisdictions if the modification might affect their portion of the Reserve.

If Sections 7 or 10(a) FESA consultations are undertaken between a property owner and the USFWS outside the structure of this Subarea Plan, the result of these consultations should be documented by the USFWS and furnished to the City. The City will record the information using the same process described herein, but would not be a cause for amendment

5.9.3 Annexations

Future annexations of land to the city must be addressed by the requirements of this Subarea Plan. These include interim protection of resources and conformance to this Subarea Plan project review and approval process if development is proposed in the annexed area. The status of County NCCP Plan(s) in annexed areas prescribes the City's actions. The City will implement this Subarea Plan in the case of annexations as follows:

- If no approved county or other Subarea Plan exists for the area being annexed, the City must assure that any development project design is consistent with the overall conservation directives and reserve design strategy of the Rancho Palos Verdes Subarea Plan.
- If an approved County or other Subarea Plan exists for the area being annexed, the approved County Subarea Plan applies, and may be modified through the boundary adjustment process described herein.
- This same approach will apply to de-annexation or annexation of lands from another incorporated city.

The City will apply the following guidelines to annexations whether a county or other Subarea Plan exists or not.

- For small annexations of less than 20 acres, where no take authorization for development is required or where little habitat is present, the City will meet Subarea Plan requirements by directing that overall conservation and project design guidelines be addressed in any project plan proposed to the City for approval. No consultation with the Wildlife Agencies is required for this process, and notification will occur through the process described herein.
- In the case of annexations of land greater than 20 acres, or that require take authorizations for development, the City will work cooperatively with the County of Los Angeles or other entity to assure consistency between the Rancho Palos Verdes Subarea Plan, or other applicable conservation standards. The Wildlife Agencies must be consulted in case of an annexation larger than 20 acres. If any existing county or other Subarea Plan will not be modified, or is modified in a way consistent with the Boundary Adjustment process, the resulting project design will be appended to the Rancho Palos Verdes Subarea Plan and no plan amendment is required. If a major variation from a county or other Subarea Plan is proposed, this Subarea Plan must be amended following the procedures herein, including CEQA and NEPA requirements. The City and County, or other responsible jurisdiction, may agree on which agency will issue the take authorizations, but the City will be

responsible for assuring that any project level conservation plan is implemented following annexation to the city.

5.9.4 Process for Adding Species to Covered Species List

If a species not on the covered species list is proposed for listing pursuant to the Federal or State ESA, the Wildlife Agencies will determine whether additional conservation measures, beyond those prescribed by the Subarea Plan, are necessary to adequately protect the species. If no such measures are necessary, the species will be added to the covered species list using the Federal and State take authorization amendment process if requested by the City.

If the Subarea Plan conservation measures will not adequately protect the species, the Wildlife Agencies will work with the participants to identify and jointly implement the steps necessary for coverage. These may include the following measures:

- Management practices and enhancement opportunities within the Reserve, provided these measures do not adversely affect any covered species; and
- Habitat acquisition through the reallocation of Federal, State, and regional funds identified for Rancho Palos Verdes Subarea Plan implementation, provided such reallocation does not adversely affect any covered species.

If these options are not adequate to meet the species' conservation requirements, the Wildlife Agencies will determine the additional measures necessary to add the species to the covered species list. Preference will be given to conservation means that do not require additional mitigation or dedication of land. If conservation measures necessary to add the species to the covered species list are identified when or after the species is proposed for listing, the City (or other parties holding permits issued by the City through this Subarea Plan) will not be required to approve or implement these conservation measures until such time as the species is listed.

5.10 PERMANENT RESOURCE PROTECTION

5.10.1 Local Resolutions

As has been described, the City will update, consolidate, and codify the environmental regulations contained in this Subarea Plan into the General Plan, as appropriate. Additionally, the City implements CEQA through the development review and approval process, which requires protection of significant biological resources and mitigation for project impacts. Findings of consistency with the Subarea Plan will be required for all projects requesting issuance of take authorizations.

5.11 COORDINATION WITH OTHER NCCP SUBAREA PLANS

No other jurisdiction within the Los Angeles Subregion is currently participating in the NCCP program. Should new NCCP Subarea Planning programs be initiated, the City would coordinate with those jurisdictions, as necessary.