

### 3.3 BIOLOGICAL RESOURCES

This section describes the existing biological resources within the Project Site, potential environmental impacts, as well as recommended mitigation measures to reduce or avoid impacts to biological resources. Biological surveys were conducted on March 16 and 29, 2011 by Ty M. Garrison, Senior Biologist.

The information contained in this section is summarized from the following reports that are included in **Appendix D**:

- Biological Resources Technical Report, Harvard-Westlake Parking Structure, Land Design Consultants, August 2011 (**Appendix D.1 and D.1a**). The impacted acreages were subsequently updated in the text of the EIR section based on the biological mapping contained in this report and the City requirement that a 15-foot clear area be maintained atop retaining walls.
- Protected Tree Report, Land Design Consultants, June 2011 (**Appendix D.2B**).
- Comparison of Protected Tree Dispositions based on Revised 2013 Harvard-Westlake Parking Structure Project, Carlberg Associates, June 2013 (**Appendix D.2A**).

#### EXISTING CONDITIONS

##### Regional

The Proposed Project site is located in the foothills at the southeastern edge of the San Fernando Valley. The Santa Monica Mountains rise to the south, with Beverly Hills and the west Los Angeles basin beyond that. The Santa Monica Mountains stretch to the east and west of the site and the San Fernando Valley is just north of the property. The transmontane location of the Project Site is within the rain shadow Coast Range Mountains. The available, though infrequent, precipitation provides for a series of arid plant communities that show an interesting cross-section of both inland and Southern Coast Range biota.

The region experiences a Mediterranean climate characterized by hot, dry summers, and cool, mild winters, with precipitation occurring in the winter months. The area is within the climatic transition zone from the moister coastal region to the more arid inland regions of southern California. The transition zone is characterized by shift in species composition of the plant and animal communities from coastal species or races to those found in the inland valleys. Many plant and animal specimens collected in this transition region exhibit characteristics of both inland and coastal populations. Valley and coast live oak woodlands and savannas, riparian woodland, chaparral, coastal sage scrub, and grassland compose the natural biotic communities in the Project vicinity.

##### Plant Communities and Wildlife Habitats

Southern live oak/California walnut woodland is the only native plant community on the site. Two nonnative communities consisting of ornamental landscape and ruderal comprise the remainder of the vegetative communities on the site. The ornamental landscaping component is associated with the previous residences on site. The nonnative ruderal is component associated with existing and past disturbances on the site. Additionally, there is a substantial disturbed area that is largely devoid of vegetation or vegetated by small stature and short-lived weeds that have arisen since the most recent land clearing activity.

Southern live oak/southern walnut woodland	2.97 ac*
Ruderal	0.33 ac
Landscaped/disturbed	2.92 ac
* The biological survey area included 0.74 acres not within the Development Site (all but 0.01 acres is Southern oak/southern walnut woodland, 0.01 acres is landscaped/disturbed). The survey area included property south of the Development Site: the planned street (Hacienda Drive) immediately south of the Development Site and the four parcels owned by Harvard-Westlake located south of Hacienda Drive, although not the parcels recently acquired by Harvard-Westlake at 3680 Potosi Avenue.	

### Southern Coast Live Oak/California Walnut Woodland

The Project Site is on the north side of the Santa Monica Mountains and the site is generally east facing with north facing slopes of the drainages. This topographical situation makes the site ideal for oak and walnut woodlands. There are 44 coast live oaks (*Quercus agrifolia*) and 271 California black walnuts (*Juglans californica* var. *californica*) on the site. Both oaks and walnuts are very important to regional wildlife because they depend on them for food and shelter. Most (approximately 78%) of the walnuts (of City ordinance size) on the site are infected with a fungus in the genus *Geosmithia*, which produces a condition commonly known as “thousand canker disease.” This condition appears to always be fatal to infected trees. A detailed tree report and update (to update the impacted tree count based on revised construction limits to allow a 15 foot clear area atop the retaining walls as requested by the City) has been prepared for the Project (see **Appendix D.2A and Appendix D2B**).

### Ornamental Landscaping and Disturbed Areas

For the purposes of this report, it is appropriate to combine the evaluation of the disturbed areas and the ornamental landscaping because they are closely associated and each category provides minimal habitat value for local wildlife. The grouping consists of areas occupied by driveways, existing buildings, cleared pads, equipment storage areas, and the ornamental landscaping surrounding these areas.

Landscaped areas are associated with the two existing residences and the cleared pad areas that may have once also contained residences. Trees used in the landscaping include Aleppo pine (*Pinus halapensis*), Peruvian pepper (*Schinus molle*), Chinese elm (*Ulmus parvifolia*), and silver wattle (*Acacia dealbata*). Several other landscape species, more commonly thought of as shrubs, have grown quite large, some approaching tree-like proportions. Among the shrubs used for landscaping on the site are oleander (*Nerium oleander*), privet (*Ligustrum* sp.), Victorian box (*Pittosporum undulatum*), cotoneaster (*Cotoneaster* sp.), and Spanish bayonet (*Yucca aloifolia*).

### Ruderal

Ruderal species are generally weedy and invasive plants that rapidly colonize disturbed areas. On the Development Site, the only part of the site that could be classified as ruderal is a field of castor-bean (*Ricinus communis*). Castor-bean is a highly toxic and highly invasive noxious weed that may grow into a large shrub. In the area that is heavily dominated by the castor-bean there is a sparse understory of nonnative grasses dominated by wild oats (*Avena* spp.).

### Sensitive Biological Resources

Several species known to occur in the Project vicinity are protected pursuant by Federal and/or State endangered species laws, or have been designated as Species of Concern by the United States Fish and Wildlife Service (USFWS) or Species of Special Concern by the California Department of Fish and Wildlife (CDFW).<sup>1</sup> In addition, Section 15380(b) of the *CEQA Guidelines* provides a definition of rare, endangered or threatened species that are not included in any listing. Species recognized under these terms are collectively referred to as “special-status species.” For purposes of this analysis, special-status species include:

- Plant and wildlife species listed as rare, threatened or endangered under the Federal or State Endangered Species Acts
- Species that are candidates for listing under either Federal or State law
- Species designated by the USFWS as Proposed or Candidates for listing and/or species designated as Species of Special Concern by CDFW
- Species protected by the Federal Migratory Bird Treaty Act (16 U.S.C. 703-711)
- Bald and golden eagles protected by the Federal Bald Eagle Protection Act (16 U.S.C. 668)
- Species such as candidate species that may be considered rare or endangered pursuant to Section 15380(b) of the *CEQA Guidelines*<sup>2</sup>

The California Natural Diversity Data Base (CNDDDB 2011) and California Native Plant Society’s online inventory, as well as personal knowledge of the Project biologists were used to compile the following list of sensitive species with the potential to occur on the Development Site. These databases were queried for reports of sensitive biological resources in the following USGS 7.5 minute quadrangle map areas: Van Nuys, San Fernando, Sunland, Canoga Topanga, Oat Mountain, Burbank, Beverly Hills, and Hollywood. Sensitive Species in the area are shown in **Table 3.3-2**. Few of these species are determined to be present on the Development Site.

As indicated in **Table 3.3-2**, the following species were determined to be present or potentially present on the Development Site: Plummer’s Mariposa Lily, Coastal Western Whiptail, Silvery Legless Lizard, San Bernardino Ringneck Snake, White-throated Swift, Rufous Hummingbird, Nuttall's Woodpecker, Oak Titmouse, California Walnut Woodland habitat, and Southern Coast Live Oak Riparian Forest habitat. The American Badger is unlikely to be present on-site.

### Sensitive Plant Communities

Oak trees and California black walnut trees are protected by the City Los Angeles Protected Tree Ordinance (Ordinance No. 177,404) and oak woodland habitat is protected by Section 21083.4 of the California Public Resources Code<sup>3</sup> Forty four (44) coast live oaks are located within the survey area.

<sup>1</sup> January 1, 2013 the California Department of Fish and Game (CDFG) changed their name to the California Department of Fish and Wildlife (CDFW). However, the name of the California Department of Fish and Game Code was not changed.

<sup>2</sup> Appendix D.1, p. 4

<sup>3</sup> In 2004, the *Oak Woodlands Conservation Act* was enacted and codified as Section 21083.4 of the Public Resources Code. This Act states, “A county...shall determine whether a project within its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment”. Once a determination has been made, counties have the option to 1) evaluate the utility of conservation easements as a vehicle for conservation; 2) enforce mitigation planting; 3) make a in-lieu contribution to the Oak Woodlands Conservation Fund (established in 2001 under the administration of the Wildlife Conservation Board), or implement other mitigation actions as outlined by the county.

**TABLE 3.3-2: SENSITIVE BIOLOGICAL RESOURCES IN THE PROJECT VICINITY**

COMMON NAME	SCIENTIFIC NAME	PRESENCE ONSITE	FWS	CDFW	CNPS PIF
<b>Plants</b>					
Malibu Baccharis	<i>Baccharis malibuensis</i>	N	--	--	1B
Southern Tarplant	<i>Centromadia parryi</i> ssp. <i>australis</i>	N	--	--	1B
Santa Susana Tarplant	<i>Deinandra minthornii</i>	N	--	R	1B
Los Angeles Sunflower	<i>Helianthus nuttallii</i> ssp. <i>parishii</i>	N	--	--	1A
Lyon's Pentachaeta	<i>Pentachaeta lyonii</i>	N	E	E	1B
Beach Spectacledpod	<i>Dithyrea maritima</i>	N	--	T	1B
Coulter's Saltbush	<i>Atriplex coulteri</i>	N	--	--	1B
Parrish's Brittsescale	<i>Atriplex parishii</i>	N	--	--	1B
Nevin's Barberry	<i>Berberis nevinii</i>	N	E	E	1B
Blochman's Dudleya	<i>Dudleya blochmaniae</i> ssp. <i>blochmaniae</i>	N	--	--	1B
Agoura Hills Dudleya	<i>Dudleya cymosa</i> ssp. <i>agourensis</i>	N	T	--	1B
Marcescent Dudleya	<i>Dudleya cymosa</i> ssp. <i>marcescens</i>	N	T	R	1B
Santa Monica Mountain Dudleya	<i>Dudleya cymosa</i> ssp. <i>ovatifolia</i>	N	T	--	1B
Many-stemmed Dudleya	<i>Dudleya multicaulis</i>	N	--	--	1B
Conejo Dudleya	<i>Dudleya parva</i>	N	T	--	1B
Braunton's Milk-vetch	<i>Astragalus brauntonii</i>	N	E	--	1B
Ventura Marsh Milk-vetch	<i>Astragalus pycnostachyus</i> var. <i>lanosissimus</i>	N	E	E	1B
Coastal Dunes Milk-vetch	<i>Astragalus tener</i> var. <i>titi</i>	N	E	E	1B
Davidson's Bush Mallow	<i>Malacothamnus davidsonii</i>	N	SC	--	1B
Round-leaved Filaree	<i>Erodium macrophyllum</i>	N	--	--	2
Mud Nama	<i>Nama stenocarpum</i>	N	--	--	2
Salt Spring Checkerbloom	<i>Sidalcea neomexicana</i>	N	--	--	2
San Fernando Valley Spineflower	<i>Chorizanthe parryi</i> var. <i>fernandina</i>	N	C	E	1B
Parry's Spineflower	<i>Chorizanthe parryi</i> var. <i>parryi</i>	N	--	--	3
Slender-horned Spineflower	<i>Dodecahema leptoceras</i>	N	E	E	1B
Conejo Buckwheat	<i>Eriogonum crocatum</i>	N	--	R	1B
Dune Larkspur	<i>Delpinium parryi</i> ssp. <i>blochmaniae</i>	N	--	--	1B
Salt Marsh Bird's-beak	<i>Cordylanthus maritimus</i> ssp. <i>maritimus</i>	N	E	E	1B
Sonoran Maiden Fern	<i>Thelypteris puberula</i> var. <i>sonorensis</i>	N	--	--	2
Slender Mariposa Lily	<i>Calochortus clavatus</i> var. <i>gracilis</i>	N	--	--	1B
Plummer's Mariposa Lily	<i>Calochortus plummerae</i>	P	--	--	1B
Chaparral Nolina	<i>Nolina cismontane</i>	N	--	--	1B
California Orcutt Grass	<i>Orcuttia californica</i>	N	E	E	1B
<b>Invertebrates</b>					
Riverside Fairy Shrimp	<i>Streptocephalus woottoni</i>	N	E	--	--
Tengellid Spider	<i>Socalchemmis gertschi</i>	N	--	--	--
Santa Monica Shieldback Katydid	<i>Neduba longipennis</i>	N	--	--	--
Santa Monica Grasshopper	<i>Trimerotropis occidentaloides</i>	N	--	--	--
Sandy Beach Tiger Beetle	<i>Cicindela hirticollis gravida</i>	N	--	--	--
Globose Dune Beetle	<i>Coelus globosus</i>	N	--	--	--
Monarch Butterfly (roosting)	<i>Danaus plexippus</i>	N	--	--	--
<b>Fish</b>					
Tidewater Goby	<i>Eucyclogobius newberryi</i>	N	E	--	--
Arroyo Chub	<i>Gila orcutti</i>	N	--	SC	--
Southern Steelhead	<i>Oncorhynchus mykiss irideus</i>	N	E	--	--
<b>Amphibians</b>					
Western Spadefoot	<i>Spea hammondii</i>	N	SC	SC	--
Arroyo Toad	<i>Bufo californicus</i>	N	E	SC	--
California Red-legged Frog	<i>Rana aurora draytonii</i>	N	T	SC	--
<b>Reptiles</b>					
Southwestern Pond Turtle	<i>Actinemys marmorata</i>	N	SC	SC	--
Coast (San Diego) Horned Lizard	<i>Phrynosoma coronatum blainvillei</i>	N	--	SC	--
Coastal Western Whiptail	<i>Aspidoscelis tigris stejnegeri</i>	P	--	SC	--
Silvery Legless Lizard	<i>Anniella pulchra pulchra</i>	V	SC	SC	--
San Diego Mountain Kingsnake	<i>Lampropeltis zonata pulchra</i>	N	--	SC	--
Two-striped Garter Snake	<i>Thamnophis hammondii</i>	N	--	SC	--
San Bernardino Ringneck Snake	<i>Diadophis punctatus modestus</i>	P	--	--	--

**TABLE 3.3-2: SENSITIVE BIOLOGICAL RESOURCES IN THE PROJECT VICINITY**

COMMON NAME	SCIENTIFIC NAME	PRESENCE ONSITE	FWS	CDFW	CNPS PIF
<b>Birds</b>					
Golden Eagle	<i>Aquila chrysaetos</i>	N	FP	SC	--
Coopers Hawk	<i>Accipiter cooperii</i>	V		SC	
Western Yellow-billed Cuckoo	<i>Coccyzus americanus occidentalis</i>	N	C	E	--
Burrowing Owl	<i>Athene cunicularia</i>	N	SC	SC	--
White-throated Swift	<i>Aeronautes saxatalis</i>	P-T	--	--	T&D
Rufous Hummingbird	<i>Selasphorus rufus</i>	O	--	--	T&D
Nuttall's Woodpecker	<i>Picoides nuttallii</i>	O	--	--	RR
Southwestern Willow Flycatcher	<i>Empidonax traillii extimus</i>	N	E	E	T&D
Least Bell's Vireo	<i>Vireo bellii pusillus</i>	N	E	E	T&D
Bank Swallow	<i>Riparia riparia</i>	N	--	T	--
Oak Titmouse	<i>Baeolophus inornatus</i>	O	SLC	--	T&D
Coastal California Gnatcatcher	<i>Polioptila californica</i>	N	T	SC	RR
Southern California Rufous-crowned Sparrow	<i>Europhilia reface's capeskins</i>	N	--	SC	--
Tricolored Blackbird	<i>Agelaius tricolor</i>	N	--	SC	RR
<b>Mammals</b>					
San Diego Black-tailed Jackrabbit	<i>Lupus californica Bennett</i>	N	--	SC	--
Los Angeles Pocket Mouse	<i>Perognathus longimembris brevinasus</i>	N			
San Diego Desert Woodrat	<i>Neotoma lepida intermedia</i>	N	--	SC	--
American Badger	<i>Taxidea taxus</i>	U	--	SC	--
<b>Habitats</b>					
California Walnut Woodland	--	O	--	--	--
Cismontane Alkali Marsh	--	N	--	--	--
Southern California Coastal Lagoon	--	N	--	--	--
Southern California Steelhead Stream	--	N	--	--	--
Southern Coast Live Oak Riparian Forest*	--	O	--	--	--
Southern Coastal Salt Marsh	--	N	--	--	--
Southern Cottonwood Willow Riparian Forest	--	N	--	--	--
Southern Mixed Riparian Forest	--	N	--	--	--
Southern Riparian Scrub	--	N	--	--	--
Southern Sycamore Alder Riparian Woodlands	--	N	--	--	--
Southern Willow Scrub	--	N	--	--	--
Valley Needlegrass Grassland	--	N	--	--	--
Valley Oak Woodland*	--	N	--	--	--
Streamcourses**	--	N	--	--	--

Source: Appendix D.1, pp.5-8

Footnotes for Table 3.3-2

**OCCURRENCE**

- O Species Occurs onsite.  
O-T Species Occurs onsite as a Transient  
V Species Very likely occurs onsite.  
P-T Species Possibly Occurs onsite as a Transient  
P Species Possibly may occur onsite.  
U Species is Unlikely to occur onsite.  
N No occurrence onsite.

**STATUS**

- E Endangered; Species is in immediate danger of extirpation or extinction from existing pressures.  
SC Species of Concern, formerly a candidate for federal listing but that category was eliminated but these species are thought to warrant special attention due to suspected declines.  
3A Species withdrawn from candidacy for federal listing; believed to be extinct.

- 3B Species withdrawn from candidacy for federal listing; believed not to be taxonomically valid given current information.
- 3C Species withdrawn from candidacy for federal listing; proven to be more widespread than previously believed and/or not subject to any identifiable threat.
- FP Fully Protected by special ordinance or statute.
- CT / CE State candidate for listing as threatened (T) or Endangered (E).
- PT Proposed Threatened; Species for which a proposed rule to list as endangered or threatened has been published in the Federal Register (exclusive of taxa for which the proposed rule has been withdrawn or finalized).
- T Threatened; Species not presently threatened with extinction, but is likely to become an Endangered species in the foreseeable future in the absence of special protection and management efforts.
- 1A CNPS Priority List 1A; plant presumed extinct in CA.
- 1B CNPS Priority List 1B; plant Rare, Threatened, or Endangered in CA and elsewhere; eligible for State listing.
- 2 CNPS Priority List 2; plant rare, threatened, or Endangered in CA, but more common elsewhere; eligible for state listing.
- 3 CNPS Priority List 3; more information is needed about this species.
- 4 CNPS Priority List 4; on watch list for plants of limited distribution.
- \* CA has no authority to legally list invertebrate species; however, a legal agreement (1988) requires the state to monitor the status of federally listed species for threats of extinction and/or extirpation.
- m Though not protected by the state or federal government, oaks are protected by a number of local ordinances and are invariably defended vehemently by public and private special interest groups.
- SC CDFW Species of Special Concern; native species not having state or federal Threatened or Endangered Species status, but thought to warrant monitoring due to declining population numbers. Includes those species tracked in the CNDDDB but not given any other special status.
- SLC Species of Local Concern as reported in the FWS Sacramento region's Species of concern list.
- CSC1 CDFW Species of Special Concern, Highest Priority; species appears to face a high probability of extinction or extirpation from their entire geographic range in CA if current trend continues.
- c CDFW Species of Special Concern, Second Priority; population is definitely in jeopardy and declining, but the threat of extinction or extirpation is not immediate.
- d CDFW Species of Special Concern, Third Priority; species does not appear to face extinction soon, but populations are declining seriously or they are otherwise highly vulnerable to human developments.
- FSS Federal (Bureau of Land Management and US Forest Service) Sensitive Species.
- CNDDDB ranks are shorthand formulas that provide information on the rarity of a species or subspecies, both throughout its global range and its range within the State. We use the best information available to assign these ranks and they are regularly updated as new information becomes available.
- GLOBAL RANKS: Worldwide status of a full species: G1 to G5
- G1 = Extremely endangered: <6 viable occurrences (EO's) or <1,000 individuals, or < 2,000 acres of occupied habitat
- G2 = Endangered: about 6-20 EO's or 1,000 - 3,000 individuals, or 2,000 to 10,000 acres of occupied habitat
- G3 = Restricted range, rare: about 21-80 EO's, or 3,000 – 10,000 individuals, or 10,000 – 50,000 acres of occupied habitat
- G4 = Apparently secure; some factors exist to cause some concern such as narrow habitat or continuing threats
- G5 = Demonstrably secure; commonly found throughout its historic range
- STATE RANKS: Statewide status of a full species or a subspecies: S1 to S5
- Same general definitions as global ranks, but just for the range of the taxa within California.
- T-RANKS: Status of a subspecies throughout its range: T1 to T5
- A subspecies is given a T-rank. This is attached to the G-rank for the full species. The S-rank, in this case, will refer to the status of the subspecies within California. The T-rank has the same general definitions as the global ranks.
- RR T&D Partners in Flight (PIF) watch list is produced by a coalition of non governmental organizations including the
- HC National Audubon Society, American Bird Conservancy, American Birding Association, National Fish and Wildlife Foundation, Colorado Bird Observatory, Cornell Lab of Ornithology and others. Watched species are those that are faced with population decline, limited geographic range, and/or threats such as habitat loss on their breeding and wintering grounds. The list excludes species listed under the ESA. HC – Highest Concern – Species that are in imminent danger of extinction in the wild (may include listed species) RR Range Restricted - indicates a species whose range is limited and which might be vulnerable to catastrophic events. T&D Threatened and Declining – Indicates a species for which existing data indicates that ongoing threats are resulting in a decline of the species throughout its range.
- W Watch List; Location information for this species not computerized. The CNDDDB is currently collecting distribution information.
- \* Protected by County Ordinance (all oak species)
- \*\* Protected by CDFW Code Chapter 1600 and Section 404 of the Clean Water Act (U.S. Army Corps of Engineers (USACE)).

## Wildlife

Because the Project Site is small and most of the wildlife observed is able to move freely between the habitat types present, no discussion of differential habitat utilization by the observed wildlife species will be presented. All of the wildlife observed or expected to occur on the site can be expected in all areas of the site. It is expected that wildlife would utilize the disturbed and ruderal areas to a lesser extent, and that these areas are of less importance to the resident wildlife than the relatively undisturbed habitats present. The following paragraphs describe common representatives of each class of wildlife noted on the site.

The area to the west of the Development Site is natural open space. The area to the north, east, south (and further west beyond the open space) is urbanized. Most of the wildlife species found on the site are acclimated to the presence of people and pets. A few species that are more reclusive may utilize the site nocturnally when there is less likelihood of interactions with people or pets. Additionally, a few species with small home ranges may inhabit the site oblivious to, and unaffected by, the presence of the nearby suburban development. Typical of these species would be amphibians like the western toad (*Anaxyrus boreas*) and black-bellied slender salamander (*Batrachoseps nigriventris*), and reptiles like the western fence lizard (*Sceloporus occidentalis*) and southern alligator lizard (*Elgaria multicarinatus*).

All 24 of the bird species noted are common in either oak and walnut woodlands or urban environments. Among the birds observed were red-tailed hawk (*Buteo jamaicensis*), American kestrel (*Falco sparverius*), rock dove (*Columba livia*), mourning dove (*Zenaida macroura*), Anna's hummingbird (*Calypte anna*), black phoebe (*Sayornis nigricans*), American crow (*Corvus brachyrhynchos*), bushtit (*Psaltriparus minimus*), northern mockingbird (*Mimus polyglottos*), yellow-rumped warbler (*Dendroica coronata*), house finch (*Carpodacus mexicanus*), lesser goldfinch (*Carduelis psaltria*) and Nuttall's woodpecker (*Picooides nuttallii*).

Mammal use of the site is typical of the Santa Monica Mountains, with the only species present in the range that would not habitually utilize the site being the mountain lion (*Puma concolor*) and badger (*Taxidea taxus*). Eight species of mammals were recorded on the site by direct observation or the presence of diagnostic sign, these were: fox squirrel (*Sciurus niger*), Botta's pocket gopher (*Thomomys bottae*), deer mouse (*Peromyscus maniculatus*), dusky-footed woodrat (*Neotoma fuscipes*), coyote (*Canis latrans*), domestic dog (*Canis familiaris*), grey fox (*Urocyon cinereoargenteus*), and mule deer (*Odocoileus hemionus*). Other mammal species likely to use the site may include striped skunk (*Mephitis mephitis*), raccoon (*Procyon lotor*), house mouse (*Mus musculus*), Norway rat (*Rattus norvegicus*), black rat (*Rattus rattus*), western gray squirrel (*Sciurus griseus*), California bat (*Myotis californicus*), western pipistrelle (*Pipistrellus hesperus*), big brown bat (*Eptesicus fuscus*) and Virginia opossum (*Didelphis virginiana*).

## Wildlife Movement Corridors/Habitat Linkages

A wildlife corridor is a strip of land that connects two, or more, larger land areas and is free of barriers that would seriously curtail or prevent wildlife passage. These corridors can serve as useful habitat in their own right, or can serve as travel lanes for seasonal movements of wildlife. Their value depends upon width, habitat type and structure, nature of surrounding habitat, human use patterns, and other factors. Typically, a wildlife corridor provides refuge and ease of movement, and often follows ridgelines or drainages. Wildlife movement corridors are important for the free movement of animals between population centers, for access to food and water sources during drought, as escape routes from brush fires, and, in the longer term, for dispersal of genetic traits between population centers.

Urban development fragments natural habitats into smaller and more isolated units. In the process, it destroys habitat of many species, modifies habitat of others, and creates new habitat for some (Adams and Dove, 1989). Many studies have indicated that, in general, habitat size is the most important factor in determining land vertebrate species diversity (Adams and Dove 1989). The degree of habitat isolation and percentage of vegetative cover are other major factors in species variety and abundance.

Genetic dispersion is the key factor in maintaining viable wildlife and plant populations as they become more and more fragmented. The smaller the population (as in populations isolated by development), the greater is the likelihood of inbreeding. Inbreeding allows harmful recessive alleles to be paired together, thereby manifesting the trait. Without the presence of the dominant allele that would mask an otherwise fatal inherited disease, the recessive allele for that disease could become predominant in the isolated population, resulting in the eventual extinction of that population. Wildlife corridors can prevent local extinctions by connecting relatively small open space preserves, thereby allowing gene flow and providing for a wide diversity of genetic traits throughout the interconnected populations (see **Figure 3.3-1** Open Space Network in the site vicinity).



Source: Google Earth included in Appendix D.1

**Figure 3.3-1:**  
Open Space Network in the Site Vicinity



The area surrounding the Project Site is urbanized in the relatively sparse manner typical of the Santa Monica Mountains, with large houses on large lots that frequently lack fencing. This allows for the passage of terrestrial wildlife that is acclimated to the presence of people and pets. There is also an extensive network of natural open space preserves and undeveloped land that form a nearly contiguous east-west band of natural habitat that extends from the 101 Freeway to the east to Topanga Canyon State Park and the area known as the “Big Wild” to the west. The western boundary of the Project Site is contiguous with the Coldwater Canyon Open Space Preserve, which is a part of the previously described open space network. At present the site provides a very minimal barrier to wildlife movement that is principally based on the vacant nature of the Development Site and the people using the existing pads as materials and equipment storage facilities. When activity levels are low, wildlife is expected to traverse the site unhindered. This conclusion is supported by repeated sightings of deer and coyote on the site. However, the site is at the northern edge of one unit of this open space network, with the majority of the preserved and undeveloped open space located in a wide east-west band that is centered south of the Project Site.

## **Wetlands and Waters of the United States and California**

### Jurisdictional Determinations

Army Corps of Engineers (ACOE) “Waters of the U.S.” As determined during the biological survey of the Development Site, there are no ACOE “Waters of the U.S.” contained within the Development Site (see **Appendix D.1a**).

ACOE Wetlands. As determined during the biological survey of the Development Site, there are no areas located within the site that meet the definition of wetlands, per ACOE criteria (see **Appendix D.1a**).

CDFW Jurisdictional Riparian Areas. As determined during the biological survey of the Development Site, there are no areas located within the site that meet the definition of riparian areas, per CDFW criteria (see **Appendix D.1a**).

### **Natural Community Conservation Plan (NCCP)/Habitat Conservation Plan (HCP)**

The site is not located within an NCCP or HCP.

## **REGULATORY FRAMEWORK**

### **Federal**

#### Federal Endangered Species Act

Under the Federal Endangered Species Act (FESA), the Secretary of the Interior and the Secretary of Commerce have joint authority to list a species as threatened or endangered (16 United States Code [USC] 1533[c]). Pursuant to the requirements of FESA, a federal agency reviewing a Proposed Project within its jurisdiction must determine whether any federally listed, threatened, or endangered species, or species proposed for federal listing may be present in the Project area and determine whether the Proposed Project will have a potentially significant impact on such species. In addition, the federal agency is required to determine whether the Project is likely to jeopardize the continued existence of any species proposed to be listed under FESA or result in the destruction or adverse modification of critical habitat proposed to be

designated for such species (16 USC 1536[3], [4]). Adverse Project impacts on these species or their habitats would be considered potentially significant.

Procedures for addressing federal-listed species follow two principal pathways, both of which require consultation with the USFWS, which administers the Act for all terrestrial species, and/or the National Marine Fisheries (NMFS), which has jurisdiction over anadromous salmonids. The first pathway (FESA, Section 10(a) Incidental Take Permit) is set up for circumstance where a non-federal government entity (or where no federal nexus exists) must resolve potential adverse impacts to species protected under the Act. The second pathway (FESA, Section 7 Consultation) involves projects with a federal connection or requirement; typically these are projects where a federal lead agency is sponsoring or permitting the Proposed Project. For example, a permit from the U.S. Army Corp of Engineers (ACOE or Corps) may be required if a project will result in wetland impacts. In these instances, the federal lead agency (e.g., the ACOE) initiates and coordinates the following steps: informal consultation with USFWS and/or NMFS to establish a list of target species; preparation of biological assessment assessing potential for the Project to adversely affect listed species; coordination between state and federal biological resource agencies to assess impacts/proposed mitigation; and development of appropriate mitigation for all significant impacts on federally listed species.

The USFWS and/or NMFS ultimately issue a final Biological Opinion on whether the Project will affect the federally listed species. A Section 10(a) Endangered Species Incidental Take Permit may be necessary when the “taking” or harming of a species is incidental to the lawful operation of a project.

The USFWS also publishes a list of candidate species. Species on this list receive “special attention” from federal agencies during environmental review, although they are not otherwise protected under FESA. The candidate species are taxa for which the USFWS has sufficient biological information to support a proposal to list as Endangered or Threatened.

#### Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (16 USC, Sec. 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. Birds of prey are protected in California under the State Fish and Game Code, Section 3503.5, 1992. Section 3503.5 states that it is “unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.”

Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “taking” by the CDFW. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact. Project impacts to these species would not be considered significant unless they are known or have a high potential to nest in the Project area or to rely on it for primary foraging.

## State

### California Endangered Species Act

Section 2080 of the California Fish and Game Code prohibits the taking of plants and animals listed under the authority of the California Endangered Species Act of 1984 (CESA). Under the California Endangered Species Act (CESA), CDFW maintains a list of threatened species and endangered species (California Fish and Game Code 2070). The CDFW also maintains a list of candidate species that are species that the CDFW has formally noticed as being under review for addition to either the list of endangered species or the list of threatened species. The CDFW also maintains lists of “species of special concern” which serve as “watch lists.” Pursuant to the requirements of CESA, an agency reviewing a project within its jurisdiction must determine whether any state-listed endangered or threatened species may be present in the Project area and determine whether the Proposed Project will have a potentially significant impact on such species.

### California Native Plant Protection Act

The legal framework and authority for the state’s program to conserve plants are woven from various legislative sources, including CESA, the California Native Plant Protection Act (Fish and Game Code Section 1900 – 1913), CEQA *Guidelines*, and the Natural Communities Conservation Planning Act.

The Native Plant Protection Act of 1977 (Fish and Game Code Section 1900 et seq.) gives the CDFW authority to designate State Endangered, Threatened, and Rare plants and provides specific protection measures for identified populations. Sensitive plant and wildlife species that would qualify for listing but are not currently listed are afforded protection under CEQA. The CEQA *Guidelines*, Section 15065 (“Mandatory Findings of Significance”) requires that a reduction in numbers of a rare or endangered species be considered a significant effect. CEQA *Guidelines* Section 15380 (“Rare or endangered species”) provides for assessment of unlisted species as rare or endangered under CEQA if the species can be shown to meet the criteria for listing.

### California Native Plant Society

California Native Plant Society (CNPS) maintains a list of special status plant species based on collected scientific information. Designation of these species by CNPS has no legal status or protection under federal or state endangered species legislation. CNPS designations are defined as List 1A (plants presumed extinct); List 1B (plants rare, threatened, or endangered in California and elsewhere); List 2 (plants rare, threatened, or endangered in California, but more numerous elsewhere); List 3 (plants about which more information is needed – a review list); and List 4 (plants of limited distribution - a watch list). In general, plants appearing on CNPS List 1A, 1B or 2 meet the criteria of Section 15380 of the CEQA *Guidelines*; thus, substantial adverse effects to these species would be considered significant. Additionally, plants constituting CNPS List 1A, 1B or 2 meet the definitions of California Department Fish and Game Code Section 1901 (Native Plant Protection Act) or Sections 2062 and 2067 (California Endangered Species Act).

## Wetlands, Streams and Riparian Habitat

### Federal

**U.S. Army Corps of Engineers.** Wetlands and other waters, e.g., rivers, streams and natural ponds, are a subset of “waters of the U.S.” and receive protection under Section 404 of the federal Clean Water Act. The regulations and policies of various federal agencies (e.g., ACOE, United States Department of Agriculture [USDA], and Natural Resource Conservation Service [NRCS], U.S. Environmental Protection Agency [EPA]) mandate that the filling of wetlands be avoided to the extent possible. The Corps has primary federal responsibility for administering regulations that concern waters of the U.S. In this regard, the Corps acts under two statutory authorities, the Rivers and Harbors Act (Sections 9 and 10), which governs specified activities in “navigable waters,” and the Clean Water Act (Section 404), which governs specified activities in “waters of the United States,” including wetlands. Navigable waters of the United States are defined as those waters that are a subject to the ebb and flow of the tide or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. EPA has the ultimate authority for designating dredge and fill material disposal sites and can veto the Corp’s issuance of a permit to fill jurisdictional waters of the U.S.

The term “waters of the U.S. “ as defined in Code of Federal Regulations (33 CFR 328.3[a]; 40 CFR 230.3[s]) includes: (1) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; (2) All interstate waters including interstate wetlands; (3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mud flats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which could affect interstate or foreign commerce including any such waters which are or could be used by interstate or foreign travelers for recreational or other purposes; or from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or which are used or could be used for industrial purposes by industries in interstate commerce; (4) All impoundments of waters otherwise defined as waters of the United States under the definition; (5) Tributaries of waters identified in paragraphs (1) through (4); (6) Territorial seas; and (7) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (1) through (6). The Corps requires obtaining a permit if a project proposes placing structures within navigable waters and/or alteration of waters of the United States.<sup>4</sup>

*Nationwide Permits.* Projects that meet certain conditions may be authorized by the Corps under the Nationwide General Permit Program (NWP), a permitting process for specific activities. In general Nationwide Permits are used for projects that would have minimal impacts to jurisdictional waters or projects for which the actions are deemed necessary for the public good.

*Individual Permit.* An Individual Permit is required for any project that does not meet the NWP General Conditions. Additional regional requirements for maintaining upland buffer areas between authorized projects and open waters or streams may be conditions for granting any Corps

<sup>4</sup> Based on the Supreme Court ruling (SWANCC) concerning the Clean Water Act jurisdiction over isolated waters (January 9, 2001), non-navigable, isolated, intrastate waters based solely on the use of such waters by migratory birds are no longer defined as waters of the United States. Jurisdiction of non-navigable, isolated, intrastate waters may be possible if their use, degradation, or destruction could affect other waters of the United States, or interstate or foreign commerce. Jurisdiction over such other waters are analyzed on a case-by-case basis. Impoundments of waters, tributaries of waters, and wetlands adjacent to waters should be analyzed on analyzed on a case-by-case basis.

permit. Activities authorized under an Individual Permit require compliance with Corps Section 404 regulations, EPA Section 404(b)(1) Guidelines, National Environmental Policy Act, the Federal Endangered Species Act (FESA), Section 106 of the National Historic Preservation Act, and Section 401 of the Clean Water Act (water quality certification).

### State

**Regional Water Quality Control Board.** The Regional Water Quality Control Board (RWQCB) regulates waters of the state under the Porter-Cologne Act. Under Section 401 of the Clean Water Act, the RWQCB has review authority of Section 404 permits. The RWQCB has a policy of no-net-loss of wetlands in effect and typically requires mitigation for all impacts to wetlands before it will issue a water quality certification. Dredging, filling, or excavation of isolated waters constitutes a discharge of waste to waters of the State, and prospective dischargers are required to submit a report of waste discharge to the RWQCB and comply with other requirements of Porter-Cologne.

**California Department of Fish and Wildlife.** Under Sections 1600 - 1616 of the California Fish and Game Code, the California Department of Fish and Wildlife (CDFW) regulates activities that would substantially divert, obstruct the natural flow, or substantially change of rivers, streams and lakes. The jurisdictional limits of CDFW are defined in Section 1602 of the California Fish and Game Code as, “bed, channel, or bank of any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake....” The CDFW requires a Streambed Alteration Agreement for activities within its jurisdictional area.

### Local

**City of Los Angeles. City of Los Angeles Protected Tree Ordinance.** The City of Los Angeles Municipal Code (LAMC) (Section 1., Subdivision 12 of Subsection (a) of Section 12.21; Ordinance 177,404 as amended) provides for the protection of native trees of four types: (1) oaks other than scrub oak (*Quercus dumosa*), (2) southern California black walnut (*Juglans californica* var. *californica*), (3) western sycamore (*Platanus racemosa*), and (4) California bay (*Umbellularia californica*). To qualify for protection, individual plants must also measure four inches or more in cumulative diameter, 4.5 feet above the ground level at the base of the tree.

A detailed tree report has been prepared for the Project PROTECTED TREE REPORT *Harvard-Westlake School Parking Structure, 3701 N. Coldwater Canyon Ave., North Hollywood, CA 91604*. (Land Design Consultants, June 2011). For further information regarding the onsite tree resources, please refer to that report, included as **Appendix D.2B** to this Draft EIR. Subsequent to the preparation of that report the City requested that a 15-foot clear area be maintained atop the retaining walls. This impacted the number of trees that would be removed. Therefore an update letter was prepared; that update letter is included in **Appendix D.2A**. The LAMC permits the City’s Board of Public Works to grant permission to remove or relocate trees that are covered by the Protected Tree Ordinance.

**Landscape Ordinance.** The Emergency Water Conservation Plan of the City of Los Angeles (LAMC, Chapter XII, Article 1, Section 121.08) provides for the reduction in the City’s water use through the regulation of landscape watering practices throughout the City. The ordinance states that no lawn, landscape, or other turf areas shall be watered or irrigated between the hours of 10:00 am and 5:00 pm from April 1 to September 30, or between the hours of 11:00 am and 3:00 pm from October 1 to March 31. In addition, Article IV of Chapter XII presently requires a ten

percent reduction in the amount of water used for landscape irrigation on large turf areas, and provides for surcharges for water used in violation of the requirements. Lastly, LAMC Section 124.03 requires certain water conservation requirements for large turf areas. These mandate that:

- (a) Owners of large turf areas in the City of Los Angeles shall reduce or caused to be reduced by ten percent the amount of water used for landscape irrigation purposes on large turf areas. The ten percent reduction shall be calculated based on the corresponding billing period in the base year.
- (b) Owners of large turf areas shall comply with the requirements of Subsection (a) of this section by October 13, 1988.
- (c) Owners of large turf areas who install water conservation devices that are specifically designed or manufactured, as determined by the Department of Water and Power, to reduce water consumption by at least ten percent shall be deemed to have complied with this section.
- (d) The provisions of this section shall not apply to those owners of large turf areas who are determined by the Department of Water and Power to use reclaimed water for landscape irrigation purposes.

### Urban Forest

An urban forest is the sum total of all vegetation growing in urban areas. According to the National Urban Forest Council, an urban forestry is defined as: *The art, science, and technology of managing trees, forests, and natural systems in and around urban areas for the health and well being of communities.*

Urban forests, and in particular trees, provide significant benefits to communities although the urban ecosystem presents a less than optimal environment for tree growth. Urban sprawl has contributed to the decline of urban forests and the development of additional problems associated with urban heat islands and storm water runoff. In an attempt to deal with these additional problems, communities have experienced increased costs associated with the installation and repair of their gray infrastructures (sewers, utilities, buildings, roads, etc). As such, more communities are recognizing that vegetation, especially trees, make up a green infrastructure that has the potential to improve the quality of life in a more cost effective manner than the gray infrastructure.<sup>5</sup> The City of Los Angeles contains one of the largest urban forests in the United States.<sup>6</sup>

### **THRESHOLDS OF SIGNIFICANCE**

Appendix G of the CEQA Guidelines, as amended through January 1, 2010, provides criteria under which a project could have a significant impact. Specifically, a project is considered to have a significant impact if it meets any of the following criteria and cannot be adequately mitigated:

<sup>5</sup> Source: National Urban Forest Council, 2008.

<sup>6</sup> City of Los Angeles, Bureau of Street Services, Urban Forestry Division: [http://www.lacity.org/boss/UrbanForestryDivision/index\\_managingUF.htm](http://www.lacity.org/boss/UrbanForestryDivision/index_managingUF.htm), accessed July 25, 2010.

- A project has a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies or regulations or by the CDFW or the USFWS.
- A project has a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations or by the CDFW or the USFWS.
- A project has a substantial adverse effect on state or federally protected wetlands as defined by Section 404 of the Federal Clean Water Act (CWA), CDFW or California Coastal Commission, including but not limited to marsh, coastal, etc. through direct removal, filling, hydrological interruption or other means.
- A project interferes substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impedes the use of native wildlife nursery sites.
- A project conflicts with any local policies or ordinances protecting biological resources such as a tree preservation policy or ordinance.
- A project conflicts with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP) or other approved local, regional or state HCP.

Additionally, the City of Los Angeles CEQA Thresholds Guide provides thresholds not encompassed by the CEQA Guidelines. These thresholds state that a significant impact would result if:

- The loss of individuals, or the reduction of existing habitat, of a state or federal listed endangered, threatened, rare, protected, or candidate species, or a Species of Special Concern or federally listed critical habitat;
- The loss of individuals or the reduction of existing habitat of a locally designated species or a reduction in a locally designated natural habitat or plant community;
- Interference with wildlife movement/migration corridors that may diminish the chances for long-term survival of a sensitive species;
- The alteration of an existing wetland habitat;
- Interference with habitat such that normal species behaviors are disturbed (e.g., from the introduction of noise, light) to a degree that may diminish the chances for long-term survival of a sensitive species.

For purposes of this report, the Proposed Project is considered to have a significant impact if it exceeds any of the above thresholds as stated by Appendix G of the CEQA Guidelines, or the City of Los Angeles CEQA Thresholds Guide.

## IMPACTS

Potential impacts to biological resources were evaluated based on the biological resources known or thought likely to be present on the Development Site and the overlay of the Proposed Project impact area on the habitats present on the site.

The primary impact of the Proposed Project would be the direct removal of onsite plant communities and the wildlife habitat that they represent. Degradation of remaining natural areas after Project implementation would constitute a secondary Project impact.

### Vegetation

**Figure 3.3-2** indicates vegetation that would be impacted by the Project. The red line indicates the construction limits plus a 10-foot buffer to account for potential impacts immediately adjacent to construction activity (a small amount of this potentially impacted and impacted buffer area is off-site – see discussion below).

Habitats. Approximately 3.96 acres would be impacted by the Project (see **Table 3.3-3** below). The Biological Resources Report and the Protected Tree Report surveyed 0.74 acres to the south that includes the planned (paper) street (Hacienda Drive), and parcels owned by Harvard-Westlake that are not part of the Development Site.

The survey area is larger than the Development Site because initially, improvements to Coldwater Canyon Avenue, and the planned but never developed street (Hacienda Drive), were contemplated that could have impacted the planned street (Hacienda Drive) and lots owned by Harvard-Westlake south of the Development Site. These improvements are not proposed, in part, in order to minimize impacted area.

**Table 3.3-3** below indicates the anticipated impacts to the habitats within the survey area. A small impact (0.10 acres) to offsite oak/walnut woodlands could occur along the planned street (Hacienda Drive), on the lot at the end of Potosi Avenue that was recently acquired by Harvard-Westlake and on approximately 350 square feet of adjacent open space land owned by the Conservancy. These off-site areas could be impacted because they are within 10 feet of the construction limits (although not within the construction limits). In addition approximately 450 square feet of disturbed area could be impacted at the house owned by Harvard-Westlake at the end of Potosi.





- LEGEND:
- Oak Walnut Woodland
  - Disturbed
  - Ruderal
  - Construction Limit Line plus a 10 foot buffer. It includes 15 feet of clear area atop the retaining walls
  - Boundary of Development Site



SOURCE: Land Design Consultants

Harvard-Westlake Parking Structure ■

**Figure 3.3-2**

Vegetation Impact Map

<b>Plant Community</b>	<b>Acres Present</b>	<b>Acres Impacted</b>
Southern live oak/southern walnut woodland	2.97 ac*	0.95
Offsite oak/walnut woodland**	NA	0.10
Ruderal	0.33 ac	0.12
Landscaped/disturbed	2.92 ac	2.79

Source: Appendix D.1, p 20  
 \* The biological survey area included 0.74 acres not within the Development Site (all but 0.01 acres is Southern oak/southern walnut woodland; 0.01 acres is landscaped/disturbed). The survey area includes property south of the Development Site: the paper street (Hacienda) immediately south of the Development Site and the two parcels owned by Harvard-Westlake located south of Hacienda, although not the parcels recently acquired by Harvard-Westlake at 3680 Potosi.  
 \*\* The offsite impacts are as a result of proximity to the Development site – these are areas within 10 feet of construction limits. The areas are: 1) on the planned street Hacienda Drive (which is bordered on both sides by property owned by Harvard-Westlake) and on a lot (at the end of Potosi Avenue) that is owned by Harvard-Westlake as well as approximately 350 sq. ft. of open space land in the Coldwater Canyon Open Space, owned by the Mountains Recreation and Conservation Authority.  
 Note that acreages impacted have been updated since preparation of the Biological Resources Technical Report in order to account for 15 feet of clear area atop retaining walls as required by the City.

**Southern Oak Woodland/Southern Walnut Woodland.** Impacts to 1.05 acres of oak and walnut woodland would be considered significant because both oaks and walnuts are important parts of the regional ecosystem and because both resources are protected by local and state regulations. Of the 315 protected trees inventoried on the Development Site and adjacent property, 129 would be removed, 26 would sustain permanent encroachment, and 160 would not be impacted. Of the trees to be removed 12 are oaks and 117 are walnuts. The Project would encroach on 6 oaks and 20 walnuts. Impacts to oak trees and walnut trees and the woodland habitat would be significant. As previously indicated, a Protected Tree Report was prepared for the site, and subsequently updated to account for additional clear area (requested by the City) atop the proposed retaining walls see **Appendices D.2A and D 2B**.

The Protected Tree Report (update for the 2013 plan) identifies the species and diameter at breast height (dbh) for each Protected Tree within the survey area (several trees have multiple trunks with different diameters) as well as the overall grade of each tree (A = Outstanding; B= Above Average; C = Average; D = Below Average/Poor; F = Severe Decline/Dead). **Table 3.3-4** summarizes number of trees to be removed by grade.

<b>Species</b>	<b>No. of Species Surveyed</b>	<b>No. of Species Removed</b>	<b>Removal No. &amp; % by Grade</b>				
			<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>F</b>
<i>So. Ca. Black Walnut</i>	271	117	0 / 0%	3 / 3%	31 / 26%	83 / 71%	0 / 0%
<i>Coast Live Oak</i>	44	12	0 / 0%	6 / 50%	4 / 33%	2 / 17%	0 / 0%
<b>TOTALS</b>	<b>315</b>	<b>129</b>	<b>0 / 0%</b>	<b>9 / 7%</b>	<b>35 / 27%</b>	<b>85 / 66%</b>	<b>0 / 0%</b>

SOURCE: Comparison of Protected Tree Dispositions based on the Revised 2013 Plan (see **Appendix D.2A**)

Ruderal. Project implementation would result in the conversion of 0.12 acre of ruderal habitat, consisting mostly of castor bean, a noxious weed. This impact would be less than significant.

Ornamental Landscape/Disturbed. Implementation of the Proposed Project would result in the elimination of 2.79 acres of ornamental landscape vegetation and previously disturbed portions of the site. Though landscape vegetation may provide some habitat value to native species, these species are generally well acclimated to urban and suburban environments and the loss of this habitat is not considered significant. Impacts to disturbed areas would be less than significant.

## **Wildlife**

Immediate Impact. The immediate impact of Project implementation would be that construction activity would disturb all wildlife in the vicinity. Species of low mobility, particularly burrowing reptiles and mammals, would probably be eliminated by site preparation. Upon Project completion some wildlife species may return to the remaining natural habitat on the site. Among the native members of the southern California fauna known for their ability to thrive near human habitation are the southern alligator lizard, coyote, raccoon, striped skunk, and several bird species including the northern mockingbird, mourning dove, scrub jay, bush tit, and house finch.

Long-Term Impact. Other species can be expected to move to adjacent areas of similar habitat. Displaced wildlife, from this and other projects in the vicinity, will be forced to relocate to remaining open space areas of similar habitat in the area. Wildlife that does emigrate is subject to higher mortality by predation while in unfamiliar surroundings. Indirectly, wildlife populations in the surrounding area would be affected adversely by loss of available habitat within the Project Site as resident wildlife species are displaced by development. This displacement would cause temporary increased stress on nearby wildlife populations as competition for food, water, and nesting sites increased. As the area maintained as natural undeveloped land diminishes, greater competition for resources will occur and individual mortality will result within the displaced wildlife population. As a result of the encroaching urbanization in the Santa Monica Mountains, remaining natural open space areas would increase in wildlife habitat value, relative to surrounding areas, as foraging and nesting areas and wildlife movement corridors become increasingly scarce. The project is on the periphery of an open space area; substantial interference with wildlife movement/migration corridors to the extent that the Project would diminish the chances for long-term survival of any sensitive species is not anticipated. Some interference with habitat such that normal species behaviors are disturbed (as a result of noise and nighttime lighting) is anticipated, however not to the degree that the Project could diminish the chances for long-term survival of a sensitive species. This impact is not considered significant.

Introduced Species. Landscaping around the Proposed Project could provide new habitats that could attract some fauna not currently present, as well as increasing habitat value for some species present or expected onsite. These would principally be introduced species or highly adaptive native species, which are tolerant of human disturbance. Most of the introduced species are considered undesirable or pests. Among those species that might experience a population increase caused by the altered environment are the Norway rat, house mouse, European starling, and house sparrow. Eventually, the more aggressive of these undesirable species will displace locally native species resulting in a decreased diversity among locally native wildlife species.

Some plant species commonly used in landscaping are highly invasive and detrimental to local habitats and wildlife. These species frequently “escape” from yards and other intentionally landscaped areas and become established in native habitat areas. Because there are few, if any, natural control mechanisms, such as predators, the nonnative species eventually displace locally

native plants. Native wildlife is not adapted to the nonnative plant community and uses it much less than the native community it replaced. Thus the spread of invasive exotic plants results in a decreased diversity of locally native plants and wildlife in the area.

Night Lighting. Night lighting may be detrimental to animals in nearby natural areas for a variety of reasons. These include disruption of circadian rhythms and avoidance due to light sensitivity in species with exceptional night vision. Some insectivorous species benefit from night lighting because it attracts and concentrates large numbers of insects for feeding purposes. Anticipated lighting levels on adjacent areas are discussed in detail in Section 3.1 Aesthetics. As shown on **Figure 3.1-26**, direct glare spillover lighting levels on the on-site open space (as well as further west in off-site open space areas) west of the Parking Structure is anticipated to be negligible (0.0 footcandles). The typical net effect of lighting is that adjacent areas are utilized by wildlife to less than their fullest extent. As noted above, some interference with habitat such that normal species behaviors are disturbed as a result of nighttime lighting is anticipated, however not to the degree that the Project could diminish the chances for long-term survival of a sensitive species.

### **Sensitive Biological Resources**

#### Plant Species

Oak and Walnut Woodland. As previously noted, impacts to 1.05 acres of oak and walnut woodland would be considered significant because both oaks and walnuts are important parts of the regional ecosystem and because both resources are protected by local and state regulations. Of the 315 protected trees inventoried for the Project, 129 would be removed, 26 would be encroached upon, and 160 would not be impacted. Of the trees to be removed 12 are oaks and 117 are walnuts. The Project would encroach on six oaks and 20 walnuts. (See the Protected Tree Report and Update Letter in **Appendix D.2A** and **Appendix D.2B**.)

Mariposa Lily. Of the 33 other sensitive plant species with the potential to occur in the Project area, only the Plummer's mariposa lily would potentially occur on-site. The Plummer's mariposa lily could occur in the nonnative grassland portion of the ruderal habitat in the proposed area of direct impact (grading area). However, this area consists of less than 1,000 square feet and if the species did occur there only a few individuals would likely be affected. This impact may be considered locally important but would not rise to the level of significance in accordance with CEQA guidelines.

#### Wildlife Species

Reptiles. Of the reptile species considered sensitive by resource management organizations, the western coastal western whiptail and San Bernardino ringneck snake, are likely to occur on the site in limited numbers. The whiptail would utilize the disturbed portions of the site as well as the natural habitats present. The San Bernardino ringneck snake species is quite elusive and would probably not suffer direct impacts as a result of site development as the best habitat for this species is not proposed for development. These species are not specifically protected, and this impact would not be in violation of the Endangered Species Act or the CDFG Code. However, according to CEQA, the reduction in numbers of a species that has become sensitive as a result of previous human impacts is considered significant.

Nesting Birds. Because the habitat proposed for removal is locally native and is known to be occupied by several local bird species, it is assumed that if this habitat were removed during the spring and summer nesting season, nest loss or nesting failure would occur. California Fish and Game Code and the Federal Migratory Bird treaty Act provide one additional level of protection for birds that may nest on the site. These laws make it illegal to take any bird nest. Take is usually



interpreted as causing nesting failure. If land clearing were to occur between February and August (inclusive), the assumed reduction in avian nest success would be significant.

Cooper's Hawk. The Cooper's hawk is primarily a bird predator and generally forages in oak and riparian woodlands, but in recent years the species has been breeding successfully in suburban environments with mature trees. Most of the habitat for the species would be preserved onsite. The loss of 1.05 acres of this habitat is not significant to the species, especially given that mitigation is required in accordance with the LAMC.

Other Sensitive Bird Species. Three sensitive bird species utilizing the oak/walnut woodland (see **Table 3.3-2**) would be directly impacted by loss of habitat resulting from implementation of the Proposed Project. Individual mortality of birds is unlikely and impacts to habitat are minor and would be less than significant to the species in question.

### CUMULATIVE IMPACTS

The Project would contribute to general ongoing encroachment in to open space resources in the City of Los Angeles, open space resources are limited and land within the city is increasingly in demand for development purposes. The site is designated Open Space and is immediately adjacent to land owned by the Santa Monica Mountains Conservancy. While this impact would be adverse, with mitigation the Project's impact would not result in a cumulatively considerable contribution to a cumulative impact.

### REGULATORY COMPLIANCE MEASURES

Impacts to habitats and plant communities, in particular, the oak/walnut woodland would be significant, however, implementation of the following **RC-BIO-1**, **PDF-BIO-1** and **BIO-1** would reduce impacts to a less than significant level:

**RC-BIO-1:** Oak/walnut woodland habitat will be mitigated in accordance with LAMC requirements. This mitigation will, by definition, reduce the level of impacts to less than significant. The Protected Tree Report for the Project indicates that the trees lost due to site development will be replaced at a 4:1 ratio with tree species and size to be as determined to be acceptable by the City. The Protected Tree Report shall be updated prior to approval of a removal permit. The applicant shall comply with the recommendations of the protected tree report as may be amended by the Advisory Agency and/or Urban Forester. The following list of recommendations and mitigation measures is from the Protected Tree Report (see **Appendix D.2B**):

*The following recommendations apply to the Project as a whole, pertinent to all protected trees:*

- 2.a The applicant shall be responsible for notifying the Advisory Agency and/or the City Forester of any changes in the scope of the work and shall ensure that all work is performed in accordance with applicable ordinances, permits, and procedures. Work performed within the drip line of the trees shall be preceded by not less than 48 hours notice to the City Forester and the Project's Arborist (Certified/Registered Arborist).*
- 2.b Equipment, materials, and vehicles shall not be stored, parked or operated within the drip line of a protected tree.*
- 2.c Removal of the natural leaf mulch within the drip line of the protected trees onsite is*

- prohibited except where absolutely necessary AND as approved by the Project's Arborist.*
- 2.d All trees not approved for encroachment shall be fenced prior to commencement of grading operations, and shall remain fenced until the City Forester approves removal of fencing.*
  - 2.e Any pruning, including dead wooding, shall be performed in compliance with the latest ANSI pruning standards by a certified arborist (or certified tree worker) or under direction of a certified arborist. Smaller limbs should be tied back out of the way to avoid unnecessary pruning for equipment clearance.*
  - 2.f Within 10 working days of completion of the work approved under this permit, the tree consultant shall provide a project certification letter to the City Forester. The applicant shall be responsible for notifying and coordinating all conditions with the City Forester and the Project's Arborist.*

#### Mitigation for Removals

*Removal of trees shall be mitigated for according to the City of Los Angeles Municipal Code 17.05 §R (4 & 5) as amended by Ordinance Number 177404, effective 4/23/06, and to the satisfaction of the City's Chief Forester (Bureau of Street Services, Forestry Division), and the Board of Public Works. Current Board of Public Works policy has increased the minimum requirement for protected tree replacement to 4:1. The Forestry Division will determine the final stock size and locations of mitigation plantings.*

*Mitigation recommendations for the protected oak and walnut trees are outlined below. 12 oak trees and 117 Southern California black walnut trees are proposed to be removed by the Harvard-Westlake School Parking Structure Project.*

- 2.g Given the significantly diseased condition of most of the walnut trees to be removed and the fact that there is currently no treatment available for the "thousand cankers disease" from which they suffer, we do not recommend the planting of any new Southern California black walnuts.*
- 2.h To comply with the 4:1 replacement ratio, at least 516 mitigation trees should be planted on-site in the remaining open space areas of the Harvard-Westlake property. See Appendix IV of the Protected Tree Report for the Conceptual Mitigation Planting Plan. Color-coding on the plan calls out areas potentially suited for the recommended mitigation trees for the site: Coast live oak (*Q. agrifolia*), California scrub oak (*Quercus berberidifolia*), western sycamore (*platanus racemosa*), and Mexican elderberry (*Sambucus mexicana*).*
- 2.i Mitigation trees of the species called out herein may also be planted in the newly landscaped areas of the Project as approved by the City Forester.*
- 2.j City guidelines for mitigation trees call for "15-gallon specimen[s] measuring one inch or more in diameter at a point one foot above the base and not less than seven feet in height, measured from the base." However, given that the majority of the removal trees are walnuts in poor condition that should not be replaced "in-kind", it is recommended that a range of smaller container sizes (such as one to five gallon) be allowed for mitigation trees in this Project. Multi-stemmed trees should be allowed for mitigation purposes. The City Forester shall determine the final container sizes acceptable for each replacement species.*
- 2.k Mitigation trees should be planted in groups, or clusters, of three to five trees in a circular or triangular pattern to mimic natural groups of trees. The City Forester shall determine the final placement of each replacement tree and/or group of trees on*

- a Final Mitigation Planting Plan.*
- 2.l The replacement trees must be planted by a Tree Expert, as defined by the City of Los Angeles Municipal Code, and carefully planted to maximize likelihood of survival.*
  - 2.m All plantings will be generously watered immediately after planting and maintained for three years from the date of planting.*
  - 2.n The Project applicant shall post a bond acceptable to the City Engineer to guarantee the survival of these replacement trees and shall provide protected tree maintenance information to the landscape maintenance contractor responsible for the mitigation trees.*
  - 2.o The Applicant shall provide a copy of the final tree removal permit conditions of approval to the Project's Arborist.*
  - 2.p The Project's Arborist shall review the final landscape plan for compliance with the recommendations of this report and the final tree removal permit conditions of approval.*
  - 2.q The Project's Arborist shall be notified within one week prior to the commencement of mitigation tree planting.*
  - 2.r Within 30 days of all mitigation trees being planted, the Project's Arborist shall inspect the plantings with the landscape contractor and an "As-Built" Mitigation Planting Plan shall be prepared by the Project's Arborist and/or landscape architect on the Landscape & Irrigation Plan. This "as-built" plan shall be used to document the baseline placement and irrigation status of the mitigation trees for future monitoring visits by the Project's Arborist and will be used for the first mitigation trees monitoring report.*
  - 2.s Three years of mitigation tree monitoring shall be documented by the Project's Arborist to the Applicant and the City Forester through a number of regularly scheduled site inspections and reports. The number and sequence of inspections over the three year period will be determined at the discretion of the City Forester in the final tree removal permit conditions of approval.*
  - 2.t Walnut trees that are not impacted by the Project, but die from Thousand Cankers Disease during the course of the Project construction and post-project monitoring should be documented in the monitoring reports and recommendations for their removal may be made in the monitoring reports. Mitigation for the removal of dead walnut trees with confirmed TCD should not be required. This scenario should be addressed in the Project's tree removal permit conditions to the satisfaction of the City Forester and the Board of Public Works.*

*Protection for Encroachment and Preservation of Trees*

*One hundred and sixty (160) protected trees will be preserved onsite; twenty-six (26) would be permanently encroached upon within the drip line, including 20 walnuts and six oaks. Coast live oaks have a "good" relative tolerance to development impacts, but California black walnut has a "poor" relative tolerance and can "die slowly following even minor root injury or changes to water table...[and]...crown reduction pruning may be fatal" (Methany and Clark, 1989). Therefore, special care must be taken during Project implementation to minimize impacts to the root zones and canopies of these trees. Implementation of the following measures is recommended.*

- 2.u All work in the drip line of the trees approved for encroachment must be done using hand implements only; the use of mechanized tools is prohibited except where absolutely necessary AND as approved by the City Forester.*

- 2.v *All work conducted within the drip line of the trees shall be performed in the presence of the Project's Arborist. The drip line shall commence from the outer edge of the tree canopy and extend inwards to the trunk of the tree.*
- 2.w *Root-pruning within the drip line shall be reduced to the minimum amount that is absolutely necessary. All roots pruned shall consist of clean, 90°-angle cuts utilizing sharp hand tools and shall not be sealed unless directed by the City Forester. Any major roots (2" or greater in diameter) encountered shall be preserved to the extent possible, wrapped in moist burlap, until the soil is replaced. Soil shall be replaced as soon as possible around preserved roots.*
- 2.x *Upon completion of the work associated with this permit, a three to four-inch layer of certified mulch is recommended to be placed on the ground within the drip line of the encroachment trees (keep mulch six inches away from the trunks). Where feasible, the native leaf litter should be retained and used as the mulching material.*
- 2.y *All protected trees that have encroachment within their drip lines, or that end up being shaded out by new buildings, shall be monitored for possible failure as a result of Project implementation.*
- 2.z *The applicant shall be responsible for the monitoring and maintenance of the encroachment trees for a minimum of three (3) years. If any of the protected trees should fail as a result of encroachment by the Project, they shall be replaced at a 4:1 ratio in accordance with the current policy of the City of Los Angeles Board of Public Works, or as approved by the City Forester at the time of replacement. The applicant shall be responsible for the monitoring and maintenance of any replacement mitigation trees for a minimum of three (3) years. If the replacement trees die during the three-year period, the applicant shall plant new replacement trees and the three-year monitoring period shall begin again from the date of that planting.*

## **PROJECT DESIGN FEATURE**

**PDF-BIO-1:** The Project as proposed specifies the retention of approximately 2.19 acres of native vegetation (oak woodland and other native species) on the Development Site (that shall function as a natural conservation area) with an additional 1.12 acres of new landscaping. To the extent that this area remains relatively free of human disturbance, it will continue to function as a component of the natural ecology of the area except in the immediate vicinity of the new development.

## **MITIGATION MEASURES**

- MM-BIO-1:** a. In order to insure that direct impacts to habitats are limited to those proposed, temporary fences or other marking devices shall be placed at the limits of grading prior to the onset of grading to guide equipment operators and keep them within the limits of grading and therefore ensure that impacts do not extend beyond the construction site. Earth-moving equipment shall be confined to areas within the designated daylight grading area at all times during construction.
- b. In coordination with the City's Urban Forester and the Fire Department, a qualified biologist shall prepare a plan to identify appropriate plantings and plant communities to be used in the 2.19 acres of the site that is to remain in native vegetation. This area may include buffers of native vegetation adjacent to the Santa Monica Mountains Conservancy property. The plan shall include brush, boulder, and salvaged tree piles, reptile/underground mammal cover boards, and/or potential bat or other roosting habitats as appropriate.



- c. A qualified biologist shall use reasonable efforts to salvage seeds from on-site Protected Trees that are removed to be used on-site to mitigate loss of Protected Trees.
- d. Brush Clearance: a biologist shall supervise all LAFD-required brush clearance activities. For purposes of complying with LAFD requirements the following species shall be considered native trees (no matter what size): laurel sumac, elderberry, oak, toyon, walnut, and sugar bush; no live material shall be removed from any native tree.
- e. Harvard-Westlake shall post signs around the native vegetation area indicating: “No Trespassing – Natural Habitat Area.”

No mitigation is required for the loss of the ruderal habitat on the site.

No mitigation is required for impacts to ornamental landscape and disturbed areas.

No mitigation is required for the loss of relatively common wildlife species. Project Design Feature PDF-BIO-1 provides preservation of the portions of the site not directly impacted by the Project. The following measure would avoid impacts to larger wildlife that could result from falls from atop retaining walls:

**MM-BIO-2:** An eight-foot-tall (total average height) cable retention system (to prevent rock fall) combined with a green chain link fence (with undulating top), with adjacent appropriate native plantings shall be constructed atop retaining walls to prevent wildlife from falling. In addition, all entrances to the garage shall be equipped with roll down doors that shall be closed at night to prevent wildlife from entering the structure.

To reduce the impact of exotic ornamental landscaping on local habitats and locally native wildlife, the use of native plants in landscaping is encouraged:

**MM-BIO-3:** To reduce the invasion of aggressively invasive exotic plant species into the Santa Monica Mountains no landscaping for the Project shall utilize any species found on the "CalEPPC List" -- more formally known as "Exotic Pest Plants of Greatest Ecological Concern in California." Furthermore, if any species found on this list “volunteer” in the Project area, whether in individual lots or common areas, they shall be removed immediately upon discovery. The current list can be found on the website: [http://groups.ucanr.org/ceppc/Pest\\_Plant\\_List/](http://groups.ucanr.org/ceppc/Pest_Plant_List/)

The potentially adverse effects of night lighting on surrounding open space areas will be mitigated to a less than significant level by the following or equivalent measure to reduce light on the open space areas (see also Mitigation Measures for light and glare in Section 3.1 Aesthetics):

**MM-BIO-4:** Shielded directional lighting, including, as appropriate, internal silvering of the globe or external opaque reflectors to direct light away from natural areas, and motion sensing technology that cause lights to only be on when required by the presence of people. All lighting adjacent to natural areas shall be low luminescence, directed downwards or towards the structure and shall include shielding to the extent necessary to prevent direct artificial illumination of natural areas and to protect nocturnal biological resources, as determined to be appropriate by a qualified biologist.

See Regulatory Compliance measure **RC-BIO-1**, Project Design Feature **PDF-BIO-1** and Mitigation Measure **MM-BIO 1** for measures that address the loss of oaks and walnuts.

To offset potential impacts to the Plummer’s mariposa lily the following measure will be implemented:

**MM-BIO-5:** Surveys for Plummer's mariposa lily shall be conducted during the May-July flowering period for the species. Any Plummer's mariposa lilies located in the impact area will be relocated to suitable habitat outside the impact area.

To reduce the effect of direct mortality to wildlife (especially sensitive reptiles present on the Project Site), the following measure will be implemented:

**MM-BIO-6:** A wildlife salvage program shall be conducted within 14 days prior to the commencement of grading on the Project Site. The salvage effort will be conducted by a qualified wildlife biologist with experience capturing and handling native wildlife. Wildlife captured will be relocated to one of the local designated open space preserves.

To protect birds on the Project Site the following measure will be implemented:

**MM-BIO-7:** All vegetation removal within the approved impact area will take place between September 1 and February 15, to the extent feasible. If construction takes place between February 15 and September 1, a preconstruction survey (by a qualified biologist) will be undertaken to identify any nests and any appropriate protective measures. This measure will protect any bird species from direct mortality as a result of Project construction and nest removal. It is assumed that bird species occurring on the site would leave the construction area at the onset of brush clearing. If construction begins before February 15, and proceeds continuously through the summer, weekly monitoring visits, by a qualified biologist will be made to determine if any birds are nesting in the remaining habitat onsite and if so whether they are being disturbed by construction activity. If any birds are found to be nesting, the biologist will determine if construction is reducing nesting success. If construction is found to be reducing nesting success, a buffer zone will be established within which construction will not occur until nesting is complete. The buffer zone shall be 500 feet for raptors and 200 feet for other bird species.

No mitigation is required for less than significant impacts to the Cooper's hawk. Regulatory Compliance Measure **RC-BIO-1**, Project Design Feature **PDF-BIO-1** and Mitigation Measure **MM-BIO 1** address loss of habitat on the project site.

No mitigation measure is required for the less than significant impacts to other sensitive bird species utilizing oak /walnut woodland habitats. However, the impacts to this habitat will be addressed through **RC-BIO-1**, **PDF-BIO-1** and **MM-BIO-1**.

#### **SIGNIFICANCE AFTER MITIGATION**

With implementation of mitigation measures the potential for a significant adverse impact upon biological resources, including protected trees, would be reduced to a less than significant level.