



## APPLICANT'S DECLARATION OF BIOLOGICAL RESOURCES

The California Environmental Quality Act (CEQA) directs public agencies to assess and disclose the environmental effects of the projects it approves. In determining whether a proposed project is subject to CEQA, the City of Los Angeles is required to consider any potentially adverse impacts the project may have on biological resources. Failure by a project applicant to disclose known biological resources on the project site may result in a violation of CEQA.

**Date of Site Visit:** \_\_\_\_\_

**Project Address or APN(s)<sup>1</sup>:** \_\_\_\_\_

*Does the project site contain certain known biological resources, and if so, will the project require biological analysis by a qualified biologist? (Follow the instructions for each respective answer.)*

**Yes.** The project site contains one or more of the following biological resources: (Check all that apply)

Water Resources, including but not limited to, streams, wetlands, or other permanent / seasonal water bodies

Protected Trees and/or Shrubs (See Appendix A)

- For projects that contain protected trees and shrubs that may be impacted or removed as the result of a project, a Tree Disclosure Statement ([CP-4067](#)) and/or a Tree Report ([CP-4068](#)) will need to be filed.

Falls within the Monarch Butterfly Potential area as indicated in ZIMAS

- For projects that fall within this area, a Habitat Integrity Analysis form will need to be filed.

Other sensitive/special resources requiring additional review: (Describe below):

**No.** The project site does not contain any of the above biological resources.

*If **No**, sign and notarize the signature at the bottom of the form and return the notarized form (plus Appendix B attachments) to the appropriate department within the City of Los Angeles at the time of filing for permits/entitlements.*

*If **Yes**, will the project remove or possibly affect any of the above marked biological resources (e.g., set up construction staging near tree trunks)?*

<sup>1</sup> Include the entire site, not just the development footprint.

- Yes.** The project will require biological resources analysis (Biological Resources Report) by a Qualified Biologist. (See Appendix A)
- No.** The project site will not remove or possibly affect any of the above biological resources.

*If **No**, sign and notarize the signature at the bottom of the form and return the notarized form (plus Appendix B attachments) to the appropriate department within the City of Los Angeles at the time of filing for permits/entitlements.*

## APPENDIX A - REFERENCES

**Qualified Biologist.** A person with the appropriate education, training, and experience to conduct biological surveys, monitor Project activities that have the potential to affect biological resources, provide construction worker education programs related to the protection of biological resources, and supervise or perform other tasks related to biological resources; possesses a Bachelor of Science degree or Bachelor of Arts degree in biology, ecology, or a related environmental science; has at least five years of professional experience that requires knowledge of natural history, habitat affinities, and identification of flora and fauna species, and relevant local, state and federal laws and regulations governing the protection of biological resources; and meets the California Department of Fish and Wildlife (CDFW) qualifications for botanical field surveyors.

### Protected Trees & Shrubs

As defined in the Protected Tree Ordinance (Ord. No. 186,873), the minimum size requirement for a protected tree is four inches or more in cumulative diameter, four and one-half feet above the ground level at the base of the tree. The minimum size requirement for a protected shrub is four inches or more in cumulative diameter, four and one-half feet above the ground level at the base of the shrub.

For reference purposes only, additional guidance and species identification information can be found in the Photographic Guide to the City of Los Angeles Protected Trees and Shrubs:

<https://streetsla.lacity.org/files/los-angeles-protected-trees-photo-guide-2024-septpdf>

- Oak, including valley oak (*Quercus lobota*) and coast live oak (*Quercus agrifolia*), or any other tree of the oak genus indigenous to California but excluding the California scrub oak (*Quercus berberidifolia*)
- Southern California black walnut (*Juglans californica*)
- Western sycamore (*Platanus racemosa*)
- California bay (*Umbellularia californica*)
- Mexican elderberry (*Sambucus mexicana*)
- Toyon (*Heteromeles arbutifolia*)

## APPENDIX B - REQUIRED DOCUMENTS

- Site Plan
- Tree Disclosure Statement

## PROPERTY OWNER AFFIDAVIT

Before the application can be accepted, the owner of each property involved must provide a notarized signature to verify the application is being filed with their knowledge. Staff will confirm ownership based on the records of the City Engineer and/or County Assessor. In the case of partnerships, corporations, LLCs, or trusts, an officer of the ownership entity so authorized may sign as stipulated below.

- **Ownership Disclosure.** If the property is owned by a partnership, corporation, LLC, or trust, a disclosure identifying an officer of the ownership entity must be submitted. The disclosure must list the names and addresses of the principal owners (25% interest or greater). The signatory must appear in this list of names. A letter of authorization, as described below, may be submitted provided the signatory of the letter is included in the Ownership Disclosure. Include a copy of the current partnership agreement, corporate articles, or trust document as applicable.
- **Letter of Authorization (LOA).** A LOA from a property owner granting someone else permission to sign the application form may be provided if the property is owned by a partnership, corporation, LLC, or trust or in rare circumstances when an individual property owner is unable to sign the application form. To be considered for acceptance, the LOA must indicate the name of the person being authorized the file, their relationship to the owner or project, the site address, a general description of the type of application being filed and must also include the language in items 1-7 below. In the case of partnerships, corporations, LLCs or trusts the LOA must be signed and notarized by the authorized signatory as shown on the Ownership Disclosure or in the case of private ownership by the property owner. Proof of Ownership for the signatory of the LOA must be submitted with said letter.
- **Grant Deed.** Provide a Copy of the Grant Deed If the ownership of the property does not match City Records and/or if the application is for a Coastal Development Permit. The Deed must correspond exactly with the ownership listed on the application.
- **Multiple Owners.** If the property is owned by more than one individual (e.g., John and Jane Doe or Mary Smith and Mark Jones) notarized signatures are required of all owners.
  - I hereby certify that I am the owner of record of the herein previously described property located in the City of Los Angeles which is involved in this application or have been empowered to sign as the owner on behalf of a partnership, corporation, LLC or trust as evidenced by the documents attached hereto.
  - I hereby consent to the filing of this application on my property for processing by the Department of City Planning.
  - I understand if the application is approved, as part of the process the City will apply conditions of approval which may be my responsibility to satisfy including, but not limited to, recording the decision and all conditions in the County Deed Records for the property.
  - By my signature below, I declare under penalty of perjury under the laws of the State of California that foregoing statements are true and correct.

*Property Owner's signature must be signed/notarized in the presence of a Notary Public. The City requires an original signature from the property owner with the "wet" notary stamp. A Notary Acknowledgment is available for your convenience on the following page.*

**Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Print Name** \_\_\_\_\_

**Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Print Name** \_\_\_\_\_

**Space Below for Notary's Use**

**California All-Purpose Acknowledgement**

**Civil Code ' 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_  
(Insert Name of Notary Public and Title)

personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf on which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

(Seal)

\_\_\_\_\_  
Signature

## APPLICANT DECLARATION

A separate signature from the applicant, whether they are the property owner or not, attesting to the following, is required before the Applicant's Declaration of Biological Resources can be accepted.

1. I hereby certify that the information provided in this application, including plans and other attachments, is accurate and correct to the best of my knowledge. Furthermore, should the stated information be found false or insufficient to fulfill the requirements of the Department of City Planning, I agree to revise the information as appropriate.
2. I hereby certify that I have fully informed the City of the nature of the project for purposes of the California Environmental Quality Act (CEQA) and have not submitted this application with the intention of segmenting a larger project in violation of CEQA. I understand that should the City determine that the project is part of a larger project for purposes of CEQA, the City may revoke any approvals and/or stay any subsequent entitlements or permits (including certificates of occupancy) until a full and complete CEQA analysis is reviewed and appropriate CEQA clearance is adopted or certified.
3. I understand that the environmental review associated with this application is preliminary, and that after further evaluation, additional reports, studies, applications and/or fees may be required.
4. I understand and agree that any report, study, map or other information submitted to the City in furtherance of this application will be treated by the City as public records which may be reviewed by any person and if requested, that a copy will be provided by the City to any person upon the payment of its direct costs of duplication.
5. I understand that the burden of proof to substantiate the request is the responsibility of the applicant. Additionally, I understand that planning staff are not permitted to assist the applicant or opponents of the project in preparing arguments for or against a request.
6. I understand that there is no guarantee, expressed or implied, that any permit or application will be granted. I understand that each matter must be carefully evaluated and that the resulting recommendation or decision may be contrary to a position taken or implied in any preliminary discussions.
7. I understand that if this application is denied, there is no refund of fees paid.
8. I understand and agree to defend, indemnify, and hold harmless, the City, its officers, agents, employees, and volunteers (collectively "City"), from any and all legal actions, claims, or proceedings (including administrative or alternative dispute resolution (collectively "actions")), arising out of any City process or approval prompted by this Action, either in whole or in part. Such actions include but are not limited to: actions to attack, set aside, void, or otherwise modify, an entitlement approval, environmental review, or subsequent permit decision; actions for personal or property damage; actions based on an allegation of an unlawful pattern and practice; inverse condemnation actions; and civil rights or an action based on the protected status of the petitioner or claimant under state or federal law (e.g. ADA or Unruh Act). I understand and agree to reimburse the City for any and all costs incurred in defense of such actions. This includes, but is not limited to, the payment of all court costs and attorneys' fees, all judgements or awards, damages, and settlement costs. The indemnity language in this paragraph is intended to be interpreted to the broadest extent permitted by law and shall be in addition to any other indemnification language agreed to by the applicant.

- 9. I understand that the City is protected by numerous statutory immunities from liability for damages that may be caused by its land use regulatory actions, as set forth in Government Code, section 818, et seq. For instance, the City cannot be held liable for personal or property injuries or damages allegedly caused by its approval and issuance of any discretionary permit, entitlement or approval (Gov. Code § 818.4), or its failure to inspect or its negligence in inspecting a property for the purpose of determining whether the property complies with or violates any permit, entitlement or approval or contains or constitutes a hazard to health or safety (Gov. Code § 818.6).
- 10. By my signature below, I declare under penalty of perjury, under the laws of the State of California, that all statements contained in this application and any accompanying documents are true and correct, with full knowledge that all statements made in this application are subject to investigation and that any false or dishonest answer to any question may be grounds for denial or subsequent revocation of license or permit.

*The City requires an original; signature from the applicant. The applicant's signature below does not need to be notarized.*

**Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Print Name** \_\_\_\_\_