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## IV. ENVIRONMENTAL IMPACT ANALYSIS

### B. BIOLOGICAL RESOURCES

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#### INTRODUCTION

As a result of the Initial Study (Appendix B), the City of Los Angeles determined that the proposed project has the potential to cause impacts related to biological resources. Therefore, this issue has been carried forward for detailed analysis in this environmental impact report (EIR). Biological resources at the proposed project site were evaluated with regard to the Sherman Oaks–Studio City–Toluca Lake–Cahuenga Pass Community Plan;<sup>1</sup> the City of Los Angeles General Plan;<sup>2</sup> the Mulholland Scenic Parkway Specific Plan (MSPSP);<sup>3</sup> records from the California Natural Diversity Database (CNDDDB)<sup>4</sup> for a 10-mile radius around the proposed project; records from the Consortium of California Herbaria;<sup>5</sup> eBird;<sup>6</sup> records from the California Native Plant Society;<sup>7</sup> National Wetlands Inventory (NWI) data;<sup>8</sup> the U.S. Geological Survey (USGS) 7.5-minute series, Burbank, topographic quadrangle map;<sup>9</sup> the jurisdictional delineation of areas within the proposed project site subject to Section 404 of the Federal Clean Water Act and Section 1600 of the State Fish and Game Code; previous Streambed Alteration Agreements (SAAs);<sup>10,11,12</sup> the California Department of Fish and Wildlife (CDFW) Natural Community Conservation Plan (NCCP) California Regional Conservation Plans Map;<sup>13</sup> a review of literature germane to the proposed project;<sup>14,15,16</sup> field surveys for rare plants and sensitive wildlife; on-site plant community

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- <sup>1</sup> City of Los Angeles Department of City Planning. 13 May 1998. Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan Element. Available at: [http://www.ci.la.ca.us/PLN/community/community\\_plans.htm](http://www.ci.la.ca.us/PLN/community/community_plans.htm).
  - <sup>2</sup> City of Los Angeles Department of City Planning. 26 September 2001. Conservation Element of the City of Los Angeles General Plan. Available at: <http://www.ci.la.ca.us/PLN/>.
  - <sup>3</sup> City of Los Angeles Department of City Planning. 13 May 1992. Mulholland Scenic Parkway Specific Plan.
  - <sup>4</sup> California Department of Fish and Wildlife. 2013. Rarefind 5: A Database Application for the Use of the California Department of Fish and Game Natural Diversity Database. Sacramento, CA.
  - <sup>5</sup> Available at: <http://ucjeps.berkeley.edu/consortium>
  - <sup>6</sup> Available at: [www.ebird.org](http://www.ebird.org)
  - <sup>7</sup> Available at: <http://www.rareplants.cnps.org/simple.html>
  - <sup>8</sup> Available at: <http://www.fws.gov/Wetlands/Data/Mapper.html>
  - <sup>9</sup> U.S. Geologic Survey. 2012. 7.5-Minute Series, Burbank, California, Topographic Quadrangle. Reston, VA.
  - <sup>10</sup> California Department of Fish and Game. 18 December 1991. Agreement Regarding Proposed Stream or Lake Alteration. Sacramento, CA.
  - <sup>11</sup> California Department of Fish and Game. 23 June 2006. Streambed Alteration Agreement #1600-2005-0279-R5. Sacramento, CA.
  - <sup>12</sup> California Department of Fish and Game. 5 December 1999. Streambed Alteration Agreement No. 5-365-99 (between the State of California Department of Fish and Game and Ms. Fina Botnik). Available at: <https://www.wildlife.ca.gov/Conservation/Planning/NCCP>
  - <sup>13</sup> Sapphos Environmental, Inc. 9 May 2002. Memorandum for the Record. Subject: Assessment of Biological Resources at 3599 Lankershim Boulevard, Studio City, County of Los Angeles, California. Pasadena, CA.
  - <sup>14</sup> Sapphos Environmental, Inc. 7 February 2003. Memorandum for the Record. Subject: Regulatory Permitting Support Services in Support of Development of a Single-Family Residence. Pasadena, CA.
  - <sup>15</sup> Sapphos Environmental, Inc. 7 February 2003. Memorandum for the Record. Subject: Regulatory Permitting Support Services in Support of Development of a Single-Family Residence. Pasadena, CA.
  - <sup>16</sup> Sapphos Environmental, Inc. 29 April 2002. Memorandum for the Record. Subject: Results of Riparian Assessment. Pasadena, CA.

mapping based on *A Manual of California Vegetation*, second edition;<sup>17</sup> and the Biological Resources Technical Report prepared for the proposed project (Appendix E), including a wetland delineation by a certified wetland biologist and a migratory corridor study through the use of trail cameras.

## REGULATORY FRAMEWORK

### Federal

#### *Endangered Species Act*

The federal Endangered Species Act (ESA) defines and lists species as “endangered” and “threatened” and provides regulatory protection for the listed species. The federal ESA provides a program for conservation and recovery of threatened and endangered species; it also ensures the conservation of designated critical habitat that the U.S. Fish and Wildlife Service (USFWS) has determined is required for the survival and recovery of these listed species. Section 9 of the federal ESA prohibits the “take” of species listed by USFWS as threatened or endangered. *Take* is defined as follows: “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in such conduct.” In recognition that take cannot always be avoided, Section 10(a) of the federal ESA includes provisions for take that is incidental to, but not the purpose of, otherwise lawful activities. Section 10(a)(1)(B) permits (incidental take permits) may be issued if take is incidental and does not jeopardize the survival and recovery of the species.

As defined in the federal ESA, individuals, organizations, states, local governments, and other nonfederal entities are affected by the designation of critical habitat only if their actions occur on federal lands; require a federal permit, license, or other authorization; or involve federal funding.

#### *Migratory Bird Treaty Act*

The Migratory Bird Treaty Act (MBTA) makes it unlawful to pursue, capture, kill, or possess any migratory bird or part, nest, or egg of any such bird listed in wildlife protection treaties between the United States, Great Britain, Mexico, Japan, and Russia (formerly the Soviet Union). Similar to the federal ESA, the MBTA authorizes the secretary of the interior to issue permits for incidental take. Due to documented presence of resident and migratory birds within the proposed project property, project compliance with the MBTA was considered in this evaluation. Nesting birds and the contents of the nest within the proposed project property are afforded protection during the nesting season pursuant to the MBTA.

#### *Section 404 of the Federal Clean Water Act*

Section 404 of the federal Clean Water Act (33 U.S. Code 1251), which is administered by the U.S. Army Corps of Engineers (USACOE), regulates the discharge of dredged and fill material into waters of the United States. The USACOE has established a series of nationwide permits that authorize certain activities in waters of the United States, provided that a proposed activity can demonstrate compliance with standard conditions. In general, USACOE requires an individual permit for an activity that will affect an area equal to or in excess of 0.3 acre of waters of the United States. Projects that result in impacts to less than 0.3 acre of waters of the United States can normally be conducted pursuant to one of the nationwide permits, if consistent with the standard permit conditions. The USACOE also has discretionary authority to require an Environmental Impact Statement for projects that result in impacts to

<sup>17</sup> Sawyer, J.O., T. Keeler-Wolf, and J.M. Evens. 2009. *A Manual of California Vegetation*. 2nd ed. Sacramento, CA: California Native Plant Society Press.

an area between 0.1 and 0.3 acre. Use of any nationwide permit is contingent on the activities having no impacts to endangered species.

## **State**

### *California Endangered Species Act*

The California ESA (California Fish and Game Code §§ 2050 *et seq.*) prohibits the take of listed species, except as otherwise provided in state law. *Take* for the California ESA is defined as it is in the federal ESA; however, unlike the federal ESA, the California ESA also applies the take prohibitions to species petitioned for listing as state candidates rather than only listed species. State lead agencies are required to consult with the CDFW to ensure that any actions undertaken by the lead agency are not likely to jeopardize the continued existence of any state-listed species or result in destruction or degradation of required habitat. CDFW is authorized to enter into Memoranda of Understanding with individuals, public agencies, universities, zoological gardens, and scientific or educational institutions to import, export, take, or possess listed species for scientific, educational, or management purposes.

### *Sections 2080 and 2081 of the State Fish and Game Code*

Section 2080 of the State Fish and Game Code (Code) states:

No person shall import into this state [California], export out of this state, or take, possess, purchase, or sell within this state, any species, or any part or product thereof, that the commission [State Fish and Game Commission] determines to be an endangered species or threatened species, or attempt any of those acts, except as otherwise provided in this chapter [Chapter 1.5, Endangered Species], or the Native Plant Protection Act, or the California Desert Native Plants Act.

Pursuant to Section 2081 of the Code, the CDFW may authorize individuals or public agencies to import, export, take, or possess any state-listed endangered, threatened, or candidate species. These otherwise prohibited acts may be authorized through permits or Memoranda of Understanding as follows: (1) if the take is incidental to an otherwise lawful activity, (2) if impacts of the authorized take are minimized and fully mitigated, (3) if the permit is consistent with any regulations adopted pursuant to any recovery plan for the species, and (4) if the applicant ensures adequate funding to implement the measures required by CDFW. CDFW shall make this determination based on available scientific information and shall include consideration of the ability of the species to survive and reproduce.

### *Native Plant Protection Act*

The Native Plant Protection Act includes measures to preserve, protect, and enhance rare and endangered native plants. The list of native plants afforded protection pursuant to the Native Plant Protection Act includes those listed as rare and endangered under the California ESA. The Native Plant Protection Act provides limitations that no person will import into the state—or take, possess, or sell within the state—any rare or endangered native plant, except in compliance with provisions of the act. Individual landowners are required to notify the CDFW at least 10 days in advance of changing land uses to allow the CDFW to salvage any rare or endangered native plant material. Due to the potential presence of rare and endangered native plants within the proposed project property, the Native Plant Protection Act was considered in the evaluation of the proposed project.

*Sections 3503 and 3503.5 of the State Fish and Game Code*

These sections of the Code provide regulatory protection to resident and migratory birds and all birds of prey within the State of California, including the prohibition of the taking of nests and eggs, unless otherwise provided for by the Code. Specifically, these sections of the Code make it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by the Code.

*Sections 1600 through 1603 of the State Fish and Game Code*

All diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake in California are subject to the regulatory authority of CDFW pursuant to Sections 1600 through 1603 of the Code and require preparation of an SAA. Pursuant to the Code, a *stream* is defined as a body of water that flows at least periodically, or intermittently, through a bed or channel having banks and supporting fish or other aquatic life. Based on this definition, a watercourse with surface or subsurface flows that support or have supported riparian vegetation is a stream and is subject to CDFW jurisdiction. Altered or artificial waterways valuable to fish and wildlife are subject to CDFW jurisdiction.

**Local***City of Los Angeles General Plan*

The City of Los Angeles General Plan includes the following policies related to biological resources:

- Require evaluation, avoidance, and minimization of potential significant impacts, as well as mitigation of unavoidable significant impacts on sensitive animal and plant species and their habitats and habitat corridors relative to land development activities.
- Identify significant habitat areas, corridors and buffers and to take measures to protect, enhance and/or restore them.
- Work cooperatively with other agencies and entities in protecting local habitats and endangered, threatened, sensitive and rare species.

Specifically, there are two policies that are applicable to the development of single-family residences:

Section 6, Policy 1: continue to require evaluation, avoidance, and minimization of potential significant impacts, as well as mitigation of unavoidable significant impacts on sensitive animal and plant species and their habitats and habitat corridors relative to land development activities.

Section 12, Policy 1: continue to identify significant habitat areas, corridors and buffers and to take measures to protect, enhance and/or restore them.

*Sherman Oaks–Studio City–Toluca Lake–Cahuenga Pass Community Plan*

The Sherman Oaks–Studio City–Toluca Lake–Cahuenga Pass Community Plan portion of the City of Los Angeles General Plan had no additional regulations or policies on biological resources. The project applicant will be required to demonstrate compliance with the goals of the City of Los Angeles General Plan during the project entitlement process.

*Protected Tree Ordinance*

The City of Los Angeles has issued a protected tree ordinance No. 177404 that protects oaks, such as valley oak (*Quercus lobata*) and coast live oak (*Q. agrifolia*), Southern California black walnut (*Juglans*

*californica* var. *californica*), western sycamore (*Platanus racemosa*), and California bay (*Umbellularia californica*) from relocation, removal, or any act that may result in the death of a protected tree without authorization. Further limitations prohibit construction activity within the dripline of a protected tree. Due to the presence of protected trees on the proposed project property, ordinance No. 177404 was considered in the evaluation of the proposed project.

#### *Mulholland Scenic Parkway Specific Plan*

The MSPSP has measures in place for potential development projects within a one-half-mile radius of the scenic parkway to ensure compatibility with the environment. These measures include restrictions on grading along prominent ridges, construction within a designated distance of a stream bank without approval, removal of oak trees without approval, and restrictions on plant species approved in landscaping. The proposed project lies within the outer corridor of the MSPSP; therefore, the MSPSP was considered in the evaluation of the proposed project. Applicable environmental protection measures include:

- 1) Streams: No project shall be constructed and no more than 100 cubic yards of earth shall be moved within 100 feet of either stream bank without the prior written approval of the Director pursuant to Section 11. In granting an approval, the Director shall make the following findings:
  - a. The applicant has employed a biologist to prepare a report which contains the following: the location(s) of the stream's banks, an assessment of the riparian resources, an evaluation of the project's impact on the riparian resources and a recommendation of feasible mitigation measures.
  - b. The applicant has submitted to the Director for his approval, a copy of the biologist's report and a covenant and agreement which runs with the land and which states that the mitigation measures recommended by the biologist and approved by the Director will be incorporated in the project and maintained. The covenant and agreement shall be recorded by the applicant.
  - c. The project preserves the natural vegetation and the existing ecological balance.
  - d. The project protects prominent ridges, streams, and environmentally sensitive areas and the aquatic, biologic geologic and topographic features therein.
  - e. The project will not damage the integrity of a stream.
  
- 2) Oak Trees: No oak tree (*Quercus agrifolia*, *Q. lobata*, *Q. virginiana*) shall be removed, cut down or moved without the prior written approval of the Director. The Director may approve the removal, cutting down or moving of an oak tree after making the following findings:
  - a. The removal, cutting down or moving of an oak tree will not result in an undesirable, irreversible soil erosion through diversion or increased flow of surface waters.
  - b. The oak tree is not located with reference to other trees or monuments in such a way as to acquire a distinctive significance at said location.

## ENVIRONMENTAL SETTING

### Special-Status Species and Critical Habitat

#### *State and Federally Listed Species*

There are five listed species with *extant* populations within 10 miles of the proposed project based on a query of the CNDDDB, eBird, and herbaria records (Figure IV.B-1, *CNDDDB Records of Extant Populations*; Table IV.B-1, *Federally and State-Listed Species in the Project Vicinity*) (Appendix E). However, surveys and habitat evaluations conducted between 2002 and 2006 and updated in 2014 found that there was no habitat present for the two plant and three bird species that are federally or state-listed as endangered and threatened. Furthermore, none of these species were observed during plant and/or wildlife surveys conducted in on April 15, 2002; January 22, 2003; April 23, 2004; March 10, 2005; June 8, 2005; March 28, 2006; October 9, 2014; October 23, 2014, and November 17, 2014. The proposed project site lacks sandy or gravelly wash habitat suitable for Nevin's barberry (*Berberis nevinii*) and slender-horned spinyflower (*Dodecahema leptoceras*).<sup>18,19,20,21</sup> The 1.0 acre of "coastal scrub" community present on the proposed project site, which was classified as Laurel Sumac Scrub (*Malosma laurina* Shrubland Alliance), is not habitat for coastal California gnatcatcher (*Polioptila californica californica*) because California gnatcatcher needs more coastal scrub given that its home range size of 4 and 11 acres.<sup>22</sup> Likewise, the riparian habitat on the proposed project site is too small, isolated from other riparian plant communities by urban development, and lacks dense understory, meaning it is not habitat for southwestern willow flycatcher (*Empidonax traillii extimus*) and least Bell's vireo (*Vireo bellii pusillus*).<sup>23,24,25,26</sup> The proposed project does not involve federal lands; permits, licenses, or other authorizations; or funding. There are no species listed or under consideration for listing pursuant to the federal ESA that are known to be present on the project site, and there are no anticipated requirements for permits pursuant to Section 10(a) of the federal ESA. There are no species listed or under consideration for listing pursuant to the California ESA that are known to be present on the project site, and there are no anticipated requirements for permits pursuant to Section 2081 of the State Fish and Game Code.

<sup>18</sup> Dale, Nancy. 1986. Flowering Plants: The Santa Monica Mountains, Coastal and Chaparral Regions of Southern California. Santa Barbara, CA: Capra Press.

<sup>19</sup> McMinn, H.E. 1939. An Illustrated Manual of California Shrubs. Berkeley, CA: University of California Press.

<sup>20</sup> Available at: <http://sandiego.sierraclub.org/rareplants/029.html>

<sup>21</sup> Available at: <http://www.rareplants.cnps.org/detail/1056.html>

<sup>22</sup> Small, Arnold. 1994. California Birds: Their Status and Distribution. Vista, CA: Ibis.

<sup>23</sup> Garrett, K., and J. Dunn. 1981. Birds of Southern California: Status and Distribution. Los Angeles Audubon Society.

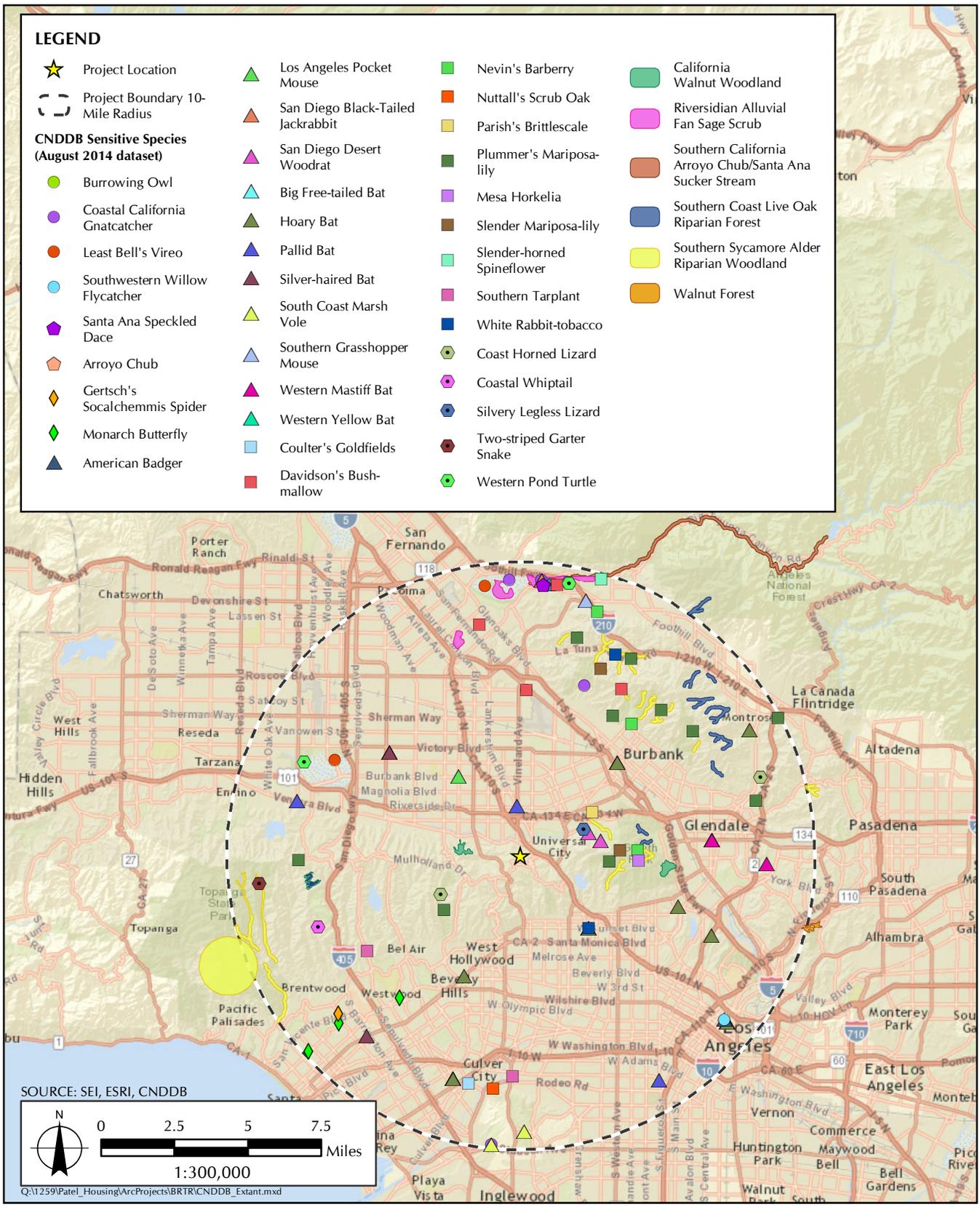
<sup>24</sup> Available at: [http://www.fws.gov/nevada/protected\\_species/birds/species/swwf.html](http://www.fws.gov/nevada/protected_species/birds/species/swwf.html)

<sup>25</sup> U.S. Fish and Wildlife Service. 2002. Final Recovery Plan for the Southwestern Willow Flycatcher (*Empidonax traillii extimus*). Prepared by: Southwestern Willow Flycatcher Recovery Team Technical Subgroup.

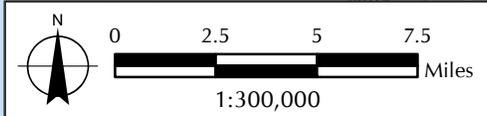
<sup>26</sup> U.S. Fish and Wildlife Service. 1998. Draft Recovery Plan for the Least Bell's Vireo. Fish and Wildlife Service.

**LEGEND**

- ★ Project Location
- ⬢ Project Boundary 10-Mile Radius
- CNDDDB Sensitive Species (August 2014 dataset)**
- Burrowing Owl
- Coastal California Gnatcatcher
- Least Bell's Vireo
- Southwestern Willow Flycatcher
- Santa Ana Speckled Dace
- Arroyo Chub
- Gertsch's Socialchemmis Spider
- Monarch Butterfly
- ▲ American Badger
- ▲ Los Angeles Pocket Mouse
- ▲ San Diego Black-Tailed Jackrabbit
- ▲ San Diego Desert Woodrat
- ▲ Big Free-tailed Bat
- ▲ Hoary Bat
- ▲ Pallid Bat
- ▲ Silver-haired Bat
- ▲ South Coast Marsh Vole
- ▲ Southern Grasshopper Mouse
- ▲ Western Mastiff Bat
- ▲ Western Yellow Bat
- ▲ Coulter's Goldfields
- ▲ Davidson's Bush-mallow
- Nevin's Barberrry
- Nuttall's Scrub Oak
- Parish's Brittsescale
- Plummer's Mariposa-lily
- Mesa Horkelia
- Slender Mariposa-lily
- Slender-horned Spineflower
- Southern Tarplant
- White Rabbit-tobacco
- Coast Horned Lizard
- Coastal Whiptail
- Silvery Legless Lizard
- Two-striped Garter Snake
- Western Pond Turtle
- California Walnut Woodland
- Riversidian Alluvial Fan Sage Scrub
- Southern California Arroyo Chub/Santa Ana Sucker Stream
- Southern Coast Live Oak Riparian Forest
- Southern Sycamore Alder Riparian Woodland
- Walnut Forest



SOURCE: SEI, ESRI, CNDDDB



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**FIGURE IV.B-1**

CNDDDB Records of Extant Populations

**Table IV.B-1  
Federally and State-Listed Species in the Project Vicinity**

Species	Special Status	Status at Proposed Site	Habitat Requirements and Historical Records
<b>Plants</b>			
Nevin's barberry ( <i>Berberis nevinii</i> )	FE, SE, 1B.1	Absent/ No habitat	Preferred habitats include sandy and gravelly areas along margins of dry washes in the foothills of the Transverse and Peninsular Ranges below 2,000 feet in chaparral, coastal sage, cismontane woodland, and riparian scrub communities. <sup>1,2</sup> One record is presumed to be a transplanted population in Griffith Park below water tower #113 along Vista Del Valle Road; this is the only record in the Santa Monica Mountains. Two naturally occurring records were from the Verdugo Mountains in Big Tujunga Wash and Wildwood Canyon. No historical records for this species exist at this location. The nearest historical record location is 4 miles away to the east. This species was not observed as a result of surveys conducted between 2002 and 2006 and in 2014. The proposed project site is not located within designated critical habitat for this species.
slender-horned spineflower ( <i>Dodecahema leptoceras</i> )	FE, SE, 1B.1	Absent/ No habitat	Preferred habitats include chaparral, coastal sage scrub, alluvial fan sage scrub; often found along flood deposited terraces and washes; once known from more than a dozen locations on outwash alluvial fans and terraces from the San Fernando Valley east along the San Gabriel Mountains frontage to the San Bernardino Valley and to Riverside County. <sup>2</sup> Two records from within the Crescenta Valley; one record population is possibly extirpated due to development of La Crescenta-Montrose, but the second record in Big Tujunga Wash is likely extant. No historical records for this species exist at this location. The nearest historical record location is 9 miles away to the northeast. This species was not observed as a result of surveys conducted between 2002 and 2006 and in 2014. The proposed project site is not located within designated critical habitat for this species.
<b>Birds</b>			
southwestern willow flycatcher ( <i>Empidonax traillii extimus</i> )	FE, SE	Absent/ No habitat	Requires riparian woodland and breeds in relatively dense riparian tree and shrub communities associated with rivers, swamps, and other wetlands. Habitat patches must be at least 0.25 acre in size and at least 9 meters (30 feet) wide. One CNDDDB record within 10 miles was from 1894. No habitat on the proposed project site given the riparian area is 0.1 acre and lacks understory. No historical records for this species exist at this location. The nearest historical record location is 8 miles to the southeast. This species was not observed as a result of surveys conducted between 2002 and 2006 and in 2014. The proposed project site is not located within designated critical habitat for this species.

**Table IV.B-1  
Federally and State-Listed Species in the Project Vicinity**

Species	Special Status	Status at Proposed Site	Habitat Requirements and Historical Records
least Bell's vireo ( <i>Vireo bellii pusillus</i> )	FE, SE	Absent/ No habitat	Habitat is riparian forest, riparian scrub, and riparian woodland with dense understory, which is required for nesting. Nests usually 1 meter (3.3 feet) above ground. Population in Los Angeles County is increasing, with recent CNDDDB records at Hansen Dam and Sepulveda Basin and numerous other eBird records in appropriate habitat. No habitat exists on the proposed project site given the riparian area is 0.1 acre and lacks understory. No historical records for this species exist at this location. The nearest historical record location is nearly 3 miles to the southeast. This species was not observed as a result of surveys conducted between 2002 and 2006 and in 2014. The proposed project site is not located within designated critical habitat for this species.
coastal California gnatcatcher ( <i>Polioptila californica californica</i> )	FT, SSC	Absent/ No habitat	A locally uncommon, nonmigratory obligate nester of dense coastal sage scrub habitats occurring below or on arid hillsides, mesas, and washes. Its distribution is fragmented and restricted to Southern California; historical range extends from the southernmost coastal counties of Ventura, Los Angeles, Orange, San Diego, San Bernardino, and Riverside. Most recent records within 10 miles have been near Hansen Dam and Tujunga Valley. No habitat exists on the proposed project site given the level of surrounding development, plant community structure, and coastal scrub is about 1 acre. No historical records for this species exist at this location. The nearest historical record location is 5 miles to the north. This species was not observed as a result of surveys conducted between 2002 and 2006 and in 2014. The proposed project site is not located within designated critical habitat for this species.
<p><i>Note:</i> FE = federal endangered; FT = federal threatened; SE = state endangered; SSC = State of California Species of Special Concern                      California Native Plant Society (CNPS) categories: California Rare Plant Rank: List 1B: Rare, threatened, or endangered in California and elsewhere; 0.1: Seriously endangered in California.</p> <p><i>Source:</i> <sup>1</sup> Munz, Philip A. 1974. A Flora of Southern California. Berkeley, CA: University of California Press.  <sup>2</sup> Skinner, M.W., and B.M. Pavlik, eds. 1994. California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California. Sacramento, CA: California Native Plant Society.</p>			

*Fully Protected and Sensitive Species*

There are 33 sensitive species with extant populations within 10 miles of the proposed project based on a query of the California Native Diversity Database, eBird, and herbaria records (Figure IV.B-1) (Appendix E). However, a habitat evaluation conducted between 2002 and 2006 and updated in 2014 found there was no habitat present for the following 25 species: southern tarplant (*Centromadia parryi* ssp. *australis*), Coulter’s goldfields (*Lasthenia glabrata* ssp. *coulteri*), Parish’s brittlescale (*Atriplex parishii*), Plummer’s mariposa-lily (*Calochortus plummerae*), white rabbit-tobacco (*Pseudognaphalium leucocephalum*), mesa horkelia (*Horkelia cuneata* var. *puberula*), nuttall’s scrub oak (*Quercus dumosa*), monarch butterfly (*Danaus plexippus*), Gertsch’s socialchemmis spider (*Socalchemmis gertschi*), arroyo chub (*Gila orcuttii*), Santa Ana speckled dace (*Rhinichthys osculus* ssp. 3), western pond turtle (*Emys marmorata*), two-striped garter snake (*Thamnophis hammondi*), south coast marsh vole (*Microtus californicus stephensi*), silvery legless lizard (*Anniella pulchra pulchra*), burrowing owl (*Athene cunicularia*), San Diego black-tailed jackrabbit (*Lepus californicus bennettii*), American badger (*Taxidea taxus*), peregrine falcon (*Falco peregrinus*), western yellow bat (*Lasiurus xanthinus*), western mastiff bat (*Eumops perotis californicus*), big free-tailed bat (*Nyctinomops macrotis*), southern grasshopper mouse (*Onychomys torridus ramona*), Los Angeles pocket mouse (*Perognathus longimembris brevinasus*), and San Diego desert woodrat (*Neotoma lepida intermedia*) (Appendix E).

There were eight sensitive species with extant populations within 10 miles of the proposed project and that had habitat on the proposed project site (Table IV.B-2, *Sensitive Species with Habitat on the Proposed Project Site*). The entire site is potential habitat for Davidson’s bush-mallow (*Malacothamnus davidsonii*), Cooper’s hawk (*Accipiter cooperii*), silver-haired bat (*Lasionycteris noctivagans*), hoary bat (*Lasiurus cinereus*), and pallid bat (*Antrozous pallidus*). Only the chaparral/coast sage scrub areas have habitat for slender mariposa-lily (*Calochortus clavatus* var. *gracilis*), coast horned lizard (*Phrynosoma blainvillii*), and coastal whiptail (*Aspidoscelis tigris stejnegeri*). Of these eight species, seven were determined to be absent based on marginal habitat and directed surveys conducted between 2002 and 2006 and in 2014 (Table IV.B-2); only the Cooper’s hawk was observed to be present on the proposed project site.

**Table IV.B-2  
Sensitive Species with Habitat on the Proposed Project Site**

Species	Rarity Rank	Status at Proposed Site	Habitat Requirements and Historical Records
<b>Plants</b>			
Davidson’s bush-mallow ( <i>Malacothamnus davidsonii</i> )	1B.2	Absent/ Habitat present	The habitat is chaparral, cismontane woodland, coastal scrub, and riparian woodland on slopes and washes. <sup>1,2</sup> The majority of records within Los Angeles County are on south-facing slopes on the northern edges of San Fernando Valley. No records exist from the Santa Monica Mountains. The laurel sumac scrub on site is marginal habitat. Bush mallows are evident at this time of the year; reference population visited. No historical records for this species exist at this location. The nearest historical record location is 5 miles to the north. This species was not observed as a result of surveys conducted between 2002 and 2006 and in 2014.

**Table IV.B-2  
Sensitive Species with Habitat on the Proposed Project Site**

Species	Rarity Rank	Status at Proposed Site	Habitat Requirements and Historical Records
slender mariposa-lily ( <i>Calochortus clavatus</i> var. <i>gracilis</i> )	1B.2	Absent/ Habitat present	The habitat is chaparral plant communities in the shaded foothill canyons. <sup>1,2</sup> There is limited chaparral plant community on the proposed project site, and community structure is less favorable for this species. The laurel sumac scrub is habitat, but a site visit to a reference population indicates that the proposed project site is not optimal habitat. No historical records for this species exist at this location. The nearest historical record location is more than 3 miles to the east. This species was not observed as a result of surveys conducted between 2002 and 2006 and in 2014.
<b>Reptiles</b>			
coast horned lizard ( <i>Phrynosoma blainvillii</i> )	SSC	Absent/ Habitat present	Habitat is coastal scrub, coastal bluff scrub, valley and foothill grassland, chaparral, cismontane woodland, pinyon and juniper woodlands, riparian scrub, riparian woodland and desert. Habitat is low-quality and only within the open areas around the laurel sumac scrub; the closed canopy throughout a majority of the parcel is not habitat for this species. No historical records for this species exist at this location. The nearest historical record location is nearly 3 miles to the southwest. This species was not observed as a result of surveys conducted between 2002 and 2006 and in 2014.
coastal whiptail ( <i>Aspidoscelis tigris stejnegeri</i> )	CSA	Absent/ Habitat present	Occurs in open habitats that are primarily hot and dry with sparse foliage in chaparral, woodland, and riparian areas. Vegetation is generally too dense, and the location of the proposed project site within a north-facing canyon is likely too cool for this species. Habitat is low-quality and only within the open areas around the laurel sumac scrub; the closed canopy throughout a majority of the parcel is not habitat for this species. No historical records for this species exist at this location. The nearest historical record location is more than 7 miles to the southwest. This species was not observed as a result of surveys conducted between 2002 and 2006 and in 2014.
<b>Birds</b>			
Cooper's hawk ( <i>Accipiter cooperii</i> )	CSA	Present	Often found in suburban areas with interspaced woodlots or large planted trees. This forest hawk is adapted at hunting prey from under the forest canopy and within brush. Commonly hunts small birds at backyard feeders. This species was observed flying through the project site by biologists during the 2014 surveys. While no nest was located, trees within the project site provide suitable nesting habitat for this species.

**Table IV.B-2  
Sensitive Species with Habitat on the Proposed Project Site**

Species	Rarity Rank	Status at Proposed Site	Habitat Requirements and Historical Records
<b>Mammals</b>			
silver-haired bat ( <i>Lasionycteris noctivagans</i> )	SSC	Absent/ Habitat present	Habitat is primarily forested areas adjacent to lakes, ponds, or streams. Roosts and nursery sites are in tree foliage, cavities, or under loose bark. Large trees suitable for roosting and foraging are present on the proposed project site. No historical records for this species exist at this location. The nearest historical record location is more than 5 miles to the northwest. This species was not observed as a result of surveys conducted between 2002 and 2006 and in 2014.
hoary bat ( <i>Lasiurus cinereus</i> )	CSA	Absent/ Habitat present	Forages over a wide range of habitats, but prefers open habitats with water and access to trees for roosting. Primarily roosts in trees and foliage. Large trees suitable for roosting and foraging are present on the proposed project site. No historical records for this species exist at this location. The nearest historical record location is more than 3 miles to the southeast. This species was not observed as a result of surveys conducted between 2002 and 2006 and in 2014.
pallid bat ( <i>Antrozous pallidus</i> )	SSC	Absent/ Habitat present	Habitat is chaparral, coastal scrub, desert wash, Great Basin grassland, Great Basin scrub, Mojavean desert scrub, riparian woodland, Sonoran desert scrub, upper montane coniferous forest, and valley grassland. Roosts within hollow trees, under bridges, and in buildings but sometimes in rock crevices. Large trees suitable for roosting and foraging are present on the proposed project site. No historical records for this species exist at this location. The nearest historical record location is more than 1 miles to the north. This species was not observed as a result of surveys conducted between 2002 and 2006 and in 2014.
<i>Note:</i>	CNPS categories: California Rare Plant Rank: List 1B: Rare, threatened, or endangered in California and elsewhere; 0.1: Seriously endangered in California; 0.2: Fairly threatened in California. SSC = State of California Species of Special Concern; CSA = California Special Animal: a general term that refers to all of the taxa the CNDDDB is interested in tracking, regardless of their legal or protection status. The CDFW considers the taxa on this list to be those of greatest conservation need. For those species with statuses identified by USFWS and/or CDFW, the status is noted. Those species included on the list due to identification by other governmental agencies and/or non-governmental conservation organizations are listed as CSA.		
<i>Source:</i>	<sup>1</sup> The Jepson Manual, Vascular Plants of California, 2nd ed. 2012. Edited by Bruce G. Baldwin, Douglas H. Goldman, David J. Keil, Robert Patterson, Thomas J. Rosatti, Dieter H. Wilken. Berkeley: University of California Press. <sup>2</sup> Available at: <a href="http://www.rareplants.cnps.org/detail/1062.html">http://www.rareplants.cnps.org/detail/1062.html</a>		

Cooper's hawk, a CDFW watch list species, was observed within the proposed project site during surveys in 2014. This hawk has adapted to living in suburban areas and frequently hunts bird feeders for small birds. No nest was observed during surveys but the trees in the vicinity of the proposed project provide suitable nesting habitat for this species. No bats, bat signs, or bat roosts were observed during surveys. However, almost every large oak on the property had holes in the trunk that would be suitable roosts for tree-dwelling bats, but the lack of nearby water limits the value to these woodlands as roosting habitat.

### Common Species

The proposed project site serves as habitat for commonly encountered species of plants and animals that can tolerate a high level of urban development. As a result of surveys, Sapphos Environmental, Inc. observed 28 plants, 27 birds, 1 reptile, and 3 mammals (Appendix E). Forty-three percent (12 of 28) of the plants species observed were nonnative species. Four plant species had been previously observed but are currently extirpated, absent because of the drought, or present in very low abundance.

In addition to the species observed, CDFW and nearby residents identified 14 additional species, which were not observed during surveys, that have the potential to be present, including: California treefrog (*Pseudacris cadaverina*), Baja California treefrog (*Pseudacris hypochondriaca*), western toad (*Anaxyrus boreas halophilus*), black-chinned hummingbird (*Archilochus alexandri*), western scrub jay (*Aphelocoma californica*), northern rough-winged swallow (*Stelgidopteryx serripennis*), phainopepla (*Phainopepla nitens*), song sparrow (*Melospiza melodia*), owls (western screech-owl [*Megascops kennicottii*]/great horned owl [*Bubo virginianus*]), raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), bobcat (*Lynx rufus*), rabbit species (*Sylvilagus* sp.), and Virginia opossum (*Didelphis virginiana*).<sup>27,28</sup> As a result of surveys, there was no habitat for two of these species, including California treefrog and northern rough-winged swallow; in addition, phainopepla is unlikely given the lack of mistletoe in the oak trees. The proposed project has habitat for nesting birds; it is anticipated that bird nests will need to be avoided by performing construction in the non-breeding season or by adding buffer to nests found during the breeding season.

### Critical Habitat

The proposed project site is not located within the boundaries of any land designated or proposed for designation, as critical habitat for any plant or wildlife species listed as threatened or endangered pursuant to the federal ESA.

## Riparian and State-Sensitive Plant Communities

### Plant Communities

The soils on the proposed project site and the surrounding properties are classified as primarily consisting of weathered sandstone and claystone. The underlying rock unit is a member of the Topanga Formation from the Middle Miocene, and consists of steeply bedded, mostly gray micaceous clay shale or claystone, crumbly where weathered, and thin interbeds of gray to tan semi-friable sandstone.<sup>29</sup>

There were no designated state-sensitive plant communities present on the proposed project site based on plant community mapping in 2014 using the classification system outlined in *A Manual of California Vegetation*, second edition,<sup>30</sup> and accepted by CDFW.<sup>31</sup> Three common native plant communities were identified: coast live oak woodland, arroyo willow thicket, and laurel sumac scrub

<sup>27</sup> California Department of Fish and Wildlife. 23 June 2006. Streambed Alteration Agreement #1600-2005-0279-R5.

<sup>28</sup> Soluk, Alexandra, and John Soluk. 2 January 2007. Appeal Letter/Master Appeal Form to the City Council of Los Angeles. Los Angeles, California. Subject: CEQA: ENV. 2003-9111 MND; 3599 Lankershim Blvd.

<sup>29</sup> Hoots, H. W. 1930. Geology of the Eastern Part of the Santa Monica Mountains, Los Angeles, County, California. Shorter Contributions to General Geology.

<sup>30</sup> Sawyer, J.O., T. Keeler-Wolf, and J.M. Evens. 2009. *A Manual of California Vegetation*. Second Edition. Sacramento, CA: California Native Plant Society Press.

<sup>31</sup> Available at: <http://www.dfg.ca.gov/biogeodata/vegcamp/pdfs/natcomlist.pdf>

(Figure IV.B-2, *Plant Communities*; Table IV.B-3, *Plant Communities on the Proposed Project Site*). In addition, there is 0.01 acre of developed land, composed of an existing driveway, within the proposed project site.

**Table IV.B-3  
Plant Communities on the Proposed Project Site**

Name from Manual of California Vegetation, 2nd Edition	Wildlife Habitat Type	Available Acres	Maximum Potential Impact Area
Coast Live Oak Woodland	Oak Woodland	0.25	0.09
Arroyo Willow Thicket	Riparian	0.10	0.006
Laurel Sumac Scrub	Chaparral/Coastal Sage Scrub	0.14	0.12
Developed	Not applicable	0.01	0.01
<b>Total</b>		<b>0.50</b>	<b>0.226</b>

#### *Riparian Habitat*

The arroyo willow thicket, as previously described, is considered a riparian plant community. Therefore, this area is subject to the CDFW jurisdiction. This riparian plant community on the proposed project site and adjacent parcel is 0.16 acre, with 0.10 acre located on the proposed project parcel. Furthermore, the riparian habitat is isolated from any other riparian plant communities. Any water that flows through the riparian habitat enters a covered storm drain at the base of the existing driveway; the storm drain remains covered until it makes a connection with a tributary of the Los Angeles River one mile north. The Los Angeles River is a concrete flood control channel at the point of connection.

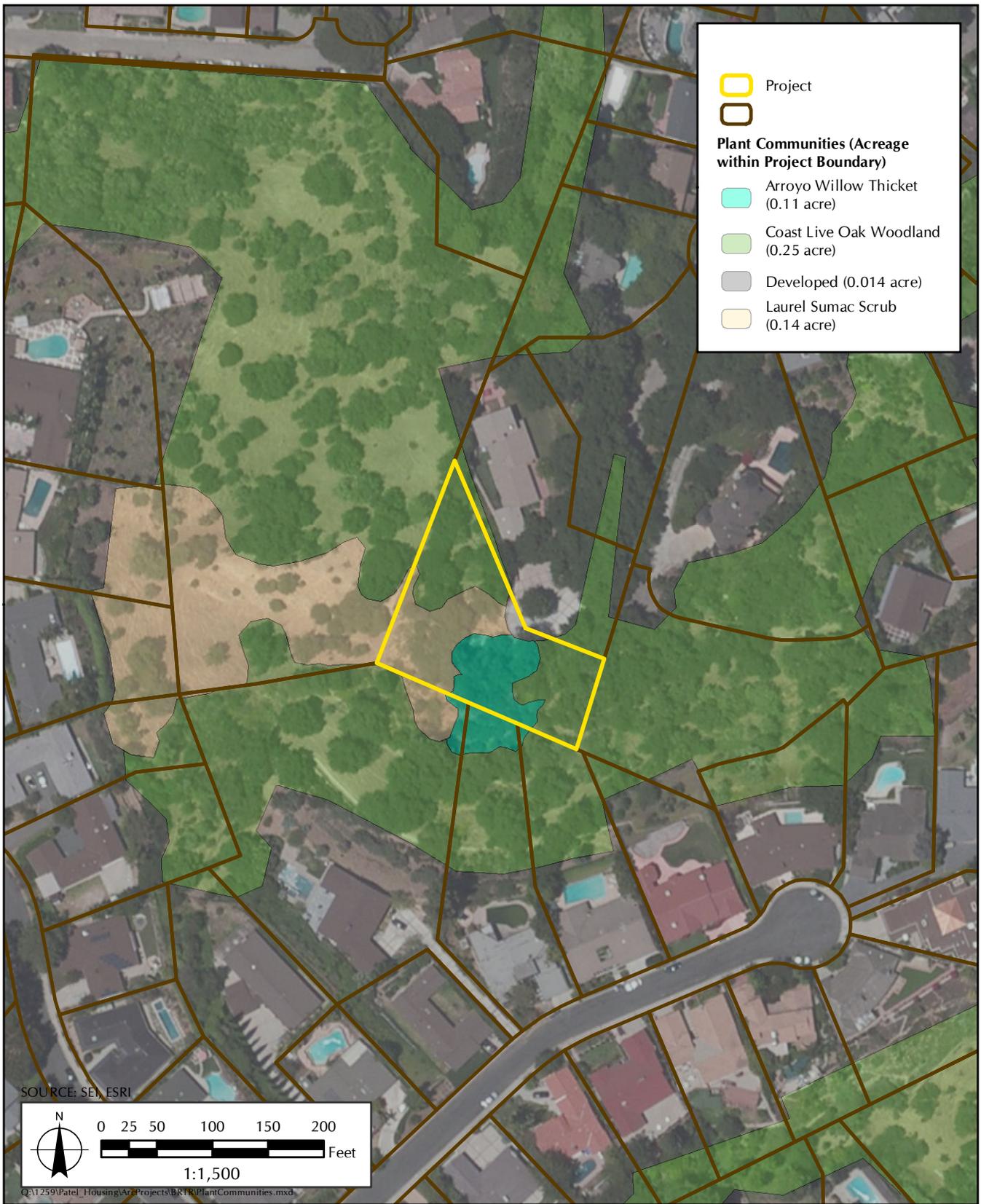
#### **Migratory Corridors and Nursery Sites**

##### *Migratory Corridors*

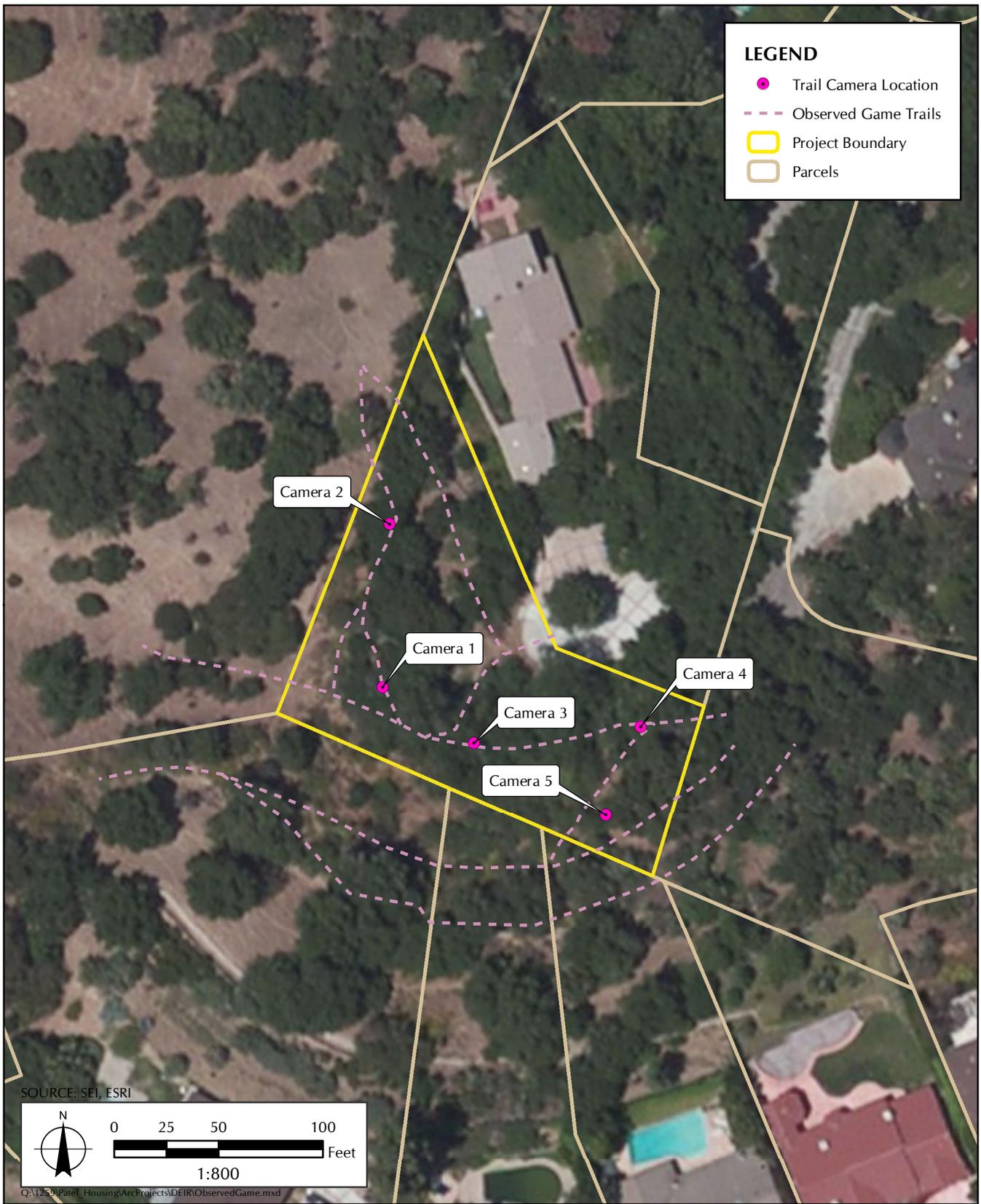
Game trails are present on the proposed project site (Figure IV.B-3, *Approximate Location of Observed Game Trails*); however, the proposed project parcel has limited value as a corridor because the majority of the surrounding area is developed as single-family homes and roads (Figure IV.B-4, *Potential Corridors of Undeveloped Areas within Developed Areas*). Approximately 85 percent of the 10 square miles surrounding the proposed project site is developed with single-family homes, County arterials, and local roads, which are not conducive to wildlife movement. Wildlife corridors have been determined to be crucial in increasing the effective amount of habitat that is available for species and effectively reversing habitat fragmentation, but these corridors depend on having a linkage between two areas of habitat.<sup>32</sup> A review of Missing Linkages, a statewide analysis to identify the location of, and threats to, California's most important wildlife movement corridors, determined that there were no major wildlife corridors near the proposed project site.<sup>33</sup> Based on surveys in 2014 and photos/video from five remote cameras placed on the proposed project site, the area is being used by local movement of mule deer (*Odocoileus hemionus*) and coyote (*Canis latrans*). Mule deer have a home range of 0.8 to 2 square miles, and coyotes have a home range of 4 to 8 square miles, meaning that both species could use the proposed project parcel for foraging only and be bedding down/denning in larger areas of contiguous habitat within several miles of the proposed project site (Appendix E).

<sup>32</sup> ConservationEconomy.net. n.d. The Patterns of a Conservation Economy. Available at: <http://www.conservationeconomy.net/content.cfm?PatternID=21>.

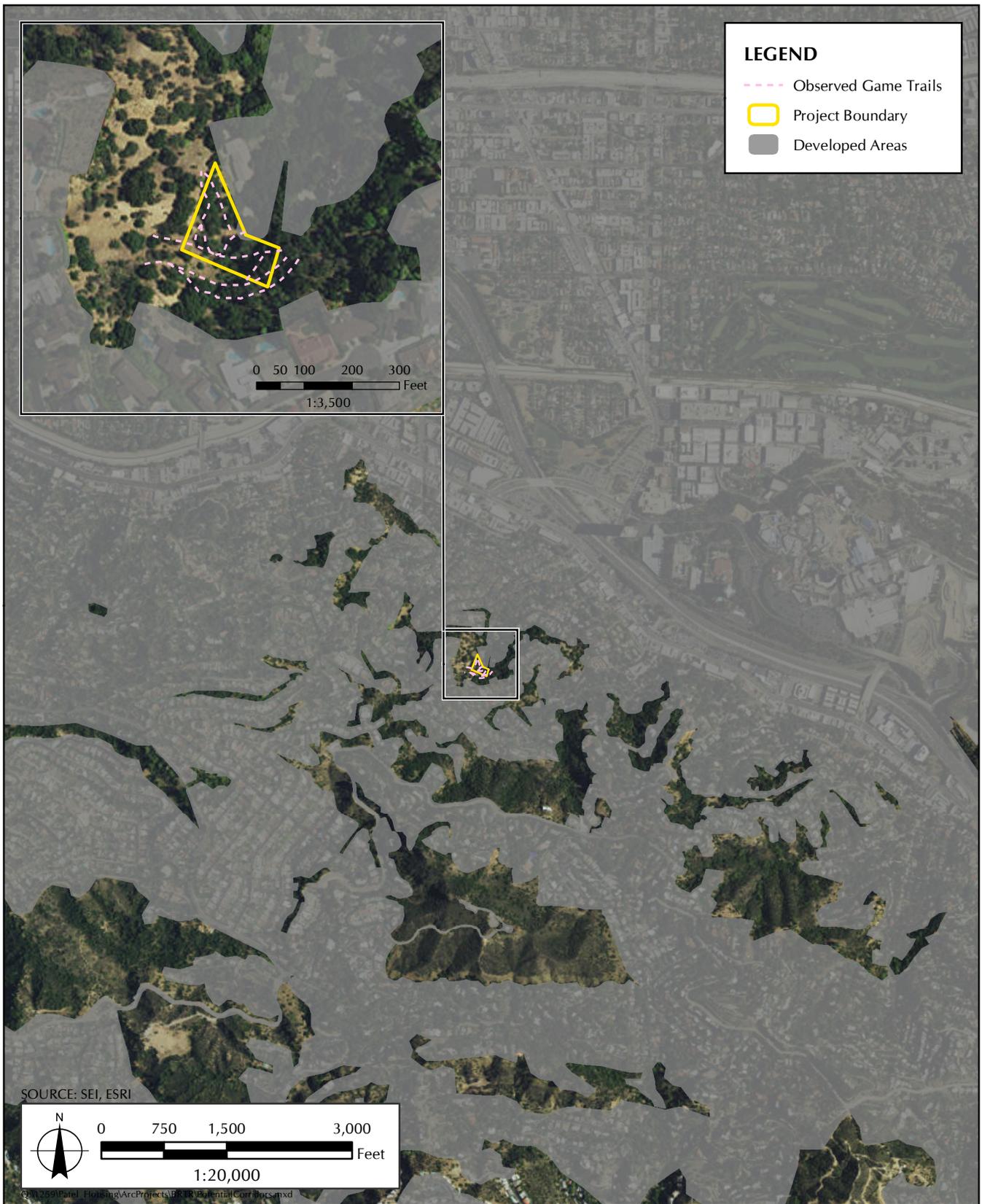
<sup>33</sup> California Wilderness Coalition. 2002. Missing Linkages: Restoring Connectivity to the California Landscape. Available at: <http://www.calwild.org>.



**FIGURE IV.B-2**  
Plant Communities



**FIGURE IV.B-3**  
Approximate Location of Observed Game Trails



**FIGURE IV.B-4**

Potential Corridors of Undeveloped Areas within Developed Areas

### *Nursery Sites*

No migratory fish routes or nurseries would be affected as a result of the proposed project given the lack of permanent water connecting to waterways. Birds have a potential to nest on-site; however, no rookeries are present. The proposed project would be required to comply with the provisions of Sections 3503 and 3503.5 of the State Fish and Game Code to ensure that there would be no impacts to breeding birds during the breeding season.

### **Local Ordinances and Policies**

#### *City of Los Angeles General Plan*

Section 6, Policy 1, and Section 12, Policy 1, of the City of Los Angeles General Plan were evaluated through plant community mapping (including mapping of riparian habitat) and plant/wildlife surveys. Existing conditions related to these policies have been disclosed above.

#### *Protected Tree Ordinance*

The Protected Tree Ordinance established which species are protected and the regulations enacted for those tree species within the boundaries of the City of Los Angeles. An oak tree survey was performed by a certified arborist, which documented two oak species, coast live oak and scrub oak, with a trunk diameter of 2 inches or greater;<sup>34</sup> both species were observed on October 9 and 23, 2014. However, only the coast live oak is classified as “Protected Trees” under the oak tree ordinance because the ordinance does not extend to scrub oaks. Although the ordinance specifically calls out *Quercus dumosa* scrub oak, a rare plant, *Q. dumosa* is a term that is often applied to six-plus scrub oak species within the *Q. dumosa* complex, whose taxonomy has been periodically realigned.<sup>35</sup> According to the oak tree report, there are 11 coast live oaks (*Quercus agrifolia*) in the proposed project footprint, 8 of which were rated D by the certified arborist, meaning that the trees are in various states of decline as a result of disease, pests, or stress and could be considered hazardous.<sup>36</sup>

#### *Mulholland Scenic Parkway Specific Plan*

The proposed project site is located within the area subject to the provisions of the MSPSP that protect biological resources.

## **ENVIRONMENTAL IMPACTS**

### **Thresholds of Significance**

#### ***CEQA Thresholds***

The potential for the proposed project to result in impacts related to biological resources was analyzed in relation to the questions contained in Appendix G of the State CEQA Guidelines, using the screening

<sup>34</sup> Arbor Essence. 10 March 2005. 3599 Lankershim Boulevard, Oak Tree Report and Impact Evaluation Based on Proposed Development. Contact: Sapphos Environmental, Inc., Pasadena, CA.

<sup>35</sup> Fryer, Janet L. 2012. *Quercus berberidifolia*, *Q. dumosa*. In: Fire Effects Information System. U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station, Fire Sciences Laboratory. Available at: <http://www.fs.fed.us/database/feis/>

<sup>36</sup> Arbor Essence. 10 March 2005. 3599 Lankershim Boulevard, Oak Tree Report and Impact Evaluation Based on Proposed Development. Contact: Sapphos Environmental, Inc., Pasadena, CA.

criteria established in the *L.A. CEQA Thresholds Guide*. The State CEQA Guidelines recommend the consideration of six questions when addressing the potential for significant impacts to biological resources. Each project must be evaluated to determine if there would be a significant impact on biological resources if it would:

- a. Have 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 California Department of Fish and Game or U.S. Fish and Wildlife Service.
- b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations; or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance
- f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

### *Los Angeles CEQA Thresholds*<sup>37</sup>

The City of Los Angeles provides the following thresholds of significance relating to biological resources in determining the significance of a project's impacts during the CEQA process in Los Angeles.

A project would normally have a significant impact on biological resources if it could result in:

- 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; or
- 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.

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<sup>37</sup> City of Los Angeles, 2006. *L.A. CEQA Thresholds Guide*. Available at: <http://www.environmentla.org/programs/Thresholds/Complete%20Threshold%20Guide%202006.pdf>

## Project Impacts

The CEQA Guidelines define *direct impacts* as those impacts that result from a project and occur at the same time and place. *Indirect impacts* are caused by a project, but can occur later in time or farther removed in distance while still being reasonably foreseeable and related to the project. The potential direct and indirect impacts discussed in this analysis are those most likely to be associated with construction and the permanent conversion of land as a result of this proposed project. The proposed project permanent impacts were considered to include (1) a project footprint of 0.22 acre, including the driveway (0.04 acre) and house/patio (0.1 acre) and (2) a 15-foot-wide construction zone (0.08 acre) around the edge of the house to provide sufficient space for the construction crews. Adjacent to the riparian habitat, the construction zone has been limited to 5 feet wide in order to minimize and avoid impacts. The impact analysis was conducted based on this information and using geographic information systems (GIS) to determine spatial impacts in relation to features associated with biological resources on site. It is anticipated that after the completion of the residence, the construction zone would be landscaped by the property owner; therefore, the construction zone has been included as a permanent impact area. However, the impacts could be reduced if portions of the construction buffer were restored to native habitat, thereby resulting in a temporary rather than permanent impact.

**(a) *Candidate, Sensitive, or Special Status Species Identified in Local or Regional Plans, Policies, or Regulations, or by the CDFW/USFWS***

There is no occupied habitat or potential habitat for the five listed federally or state-threatened and endangered species that have the potential to occur in the region; therefore, there would be no impacts to listed species (Table IV.B-1). The proposed project site does not include proposed or designated critical habitat of any species.

The proposed project would result in significant impacts to sensitive species through the loss of suitable habitat. The proposed project would result in the loss of less than 0.25 acre of potentially suitable habitat for eight sensitive species: Davidson's bush mallow, slender mariposa-lily, coast horned lizard, coastal whiptail, Cooper's hawk, silver-haired bat, hoary bat, and pallid bat. Indirect effects on Davidson's bush mallow and slender mariposa-lily are not expected to be significant because the overall size of the habitat is 1.0 acre, isolated from other coastal scrub/chaparral communities by development, and about 0.2 acre of potential habitat would be affected (Table IV.B-4, *Habitat Impacts*) (Appendix E). Likewise, coast horned lizard and coastal whiptail were not observed, but could occur on adjacent parcels, and would have about 0.2 acre of habitat affected (Appendix E). The proposed project would result in the loss of nesting habitat for Cooper's hawk on and adjacent to the parcel; however, Cooper's Hawk could benefit because suburban dwellings has the potential to increase prey, such as house sparrows (*Passer domesticus*), house finches (*Haemorhous mexicanus*), and other small birds that use feeders and native landscaping. Therefore, impacts to Cooper's hawk can be mitigated to be below the level of significance through the implementation of mitigation measures. Silver-haired bat, hoary bat, and pallid bat are not typically faithful to a single roost,<sup>38</sup> meaning that the loss of specific trees may not substantially impact a population of tree roosting species because they will switch roost trees from night to night. However, the removal of these potential roost trees may result in impacts to these species should they be present during tree removal. The proposed project would result in impacts to sensitive plant and wildlife species, warranting the consideration of mitigation measures.

<sup>38</sup> Lewis, S.E. 1995. Roost Fidelity of Bats: A Review. *Journal of Mammalogy* 76: 481-496.

**Table IV.B-4  
Habitat Impacts**

Species	Potential Habitat	Plant Community	Available Acres on the Parcel	Impact Area
Davidson's bush-mallow	Coastal scrub, riparian, cismontane woodlands	Laurel Sumac Scrub, Coast Live Oak Woodland	0.5	0.2
slender mariposa-lily	Coastal scrub	Laurel Sumac Scrub	0.14	0.12
coast horned lizard	Coastal scrub, riparian, cismontane woodlands	Laurel Sumac Scrub,* Arroyo Willow Thicket, Coast Live Oak Woodland	0.5	0.2
coastal whiptail	Coastal scrub, riparian, cismontane woodlands	Laurel Sumac Scrub,* Arroyo Willow Thicket, Coast Live Oak Woodland	0.5	0.2
Cooper's hawk	Coastal scrub, riparian, cismontane woodlands	Laurel Sumac Scrub,* Arroyo Willow Thicket, Coast Live Oak Woodland	0.5	0.2
silver-haired bat	Coastal scrub, riparian, cismontane woodlands	Laurel Sumac Scrub, Arroyo Willow Thicket, Coast Live Oak Woodland*	0.5	0.2
hoary bat	Coastal scrub, riparian, cismontane woodlands	Laurel Sumac Scrub, Arroyo Willow Thicket, Coast Live Oak Woodland*	0.5	0.2
pallid bat	Coastal scrub, riparian, cismontane woodlands	Laurel Sumac Scrub, Arroyo Willow Thicket, Coast Live Oak Woodland*	0.5	0.2

*Note:* \* Indicates community that would be the primary habitat on the proposed project site.

**(b) Riparian Habitat or Other Sensitive Natural Community Identified in Local or Regional Plans, Policies, or Regulations, or by the CDFW/USFWS**

There are no non-riparian state sensitive plant communities on the proposed project site.<sup>39</sup> The proposed project would result in impacts for up to 0.2 acre of commonly occurring plant communities. These impacts are considered temporary because the landscape plan for the proposed project includes designs for restoration within the project buffer to a coast live oak woodland community using existing on-site plant types and native plants from the Approved Mulholland Plant List.

A maximum of 0.01 acre of riparian habitat would be graded as a result of construction of a driveway, which amounts to less than 6 percent of the total riparian plant community as mapped, including its presence within the parcel and on the adjacent parcel. The potential area of impact is limited to the proposed project site.

<sup>39</sup> Available at: [http://www.dfg.ca.gov/biogeodata/vegcamp/natural\\_communities.asp](http://www.dfg.ca.gov/biogeodata/vegcamp/natural_communities.asp)

An SAA was created for an earlier version of the project and determined by CDFW to be complete on June 14, 2005. The proposed project has since been redesigned to reduce the impacts to riparian habitat from 0.1 acre to 0.01 acre. The 0.01 acre of impact to riparian habitat would require an SAA pursuant to Section 1600 of the State Fish and Game Code to demonstrate no net loss of habitat function or value as a result of the proposed project.

**(c) *Federally Protected Wetlands as Defined by Section 404 of the Clean Water Act***

The Initial Study (Appendix C) determined that no significant impacts to federally protected wetlands and waterways would occur as a result of the proposed project. Therefore, this question was not carried forward for detailed analysis in the EIR.

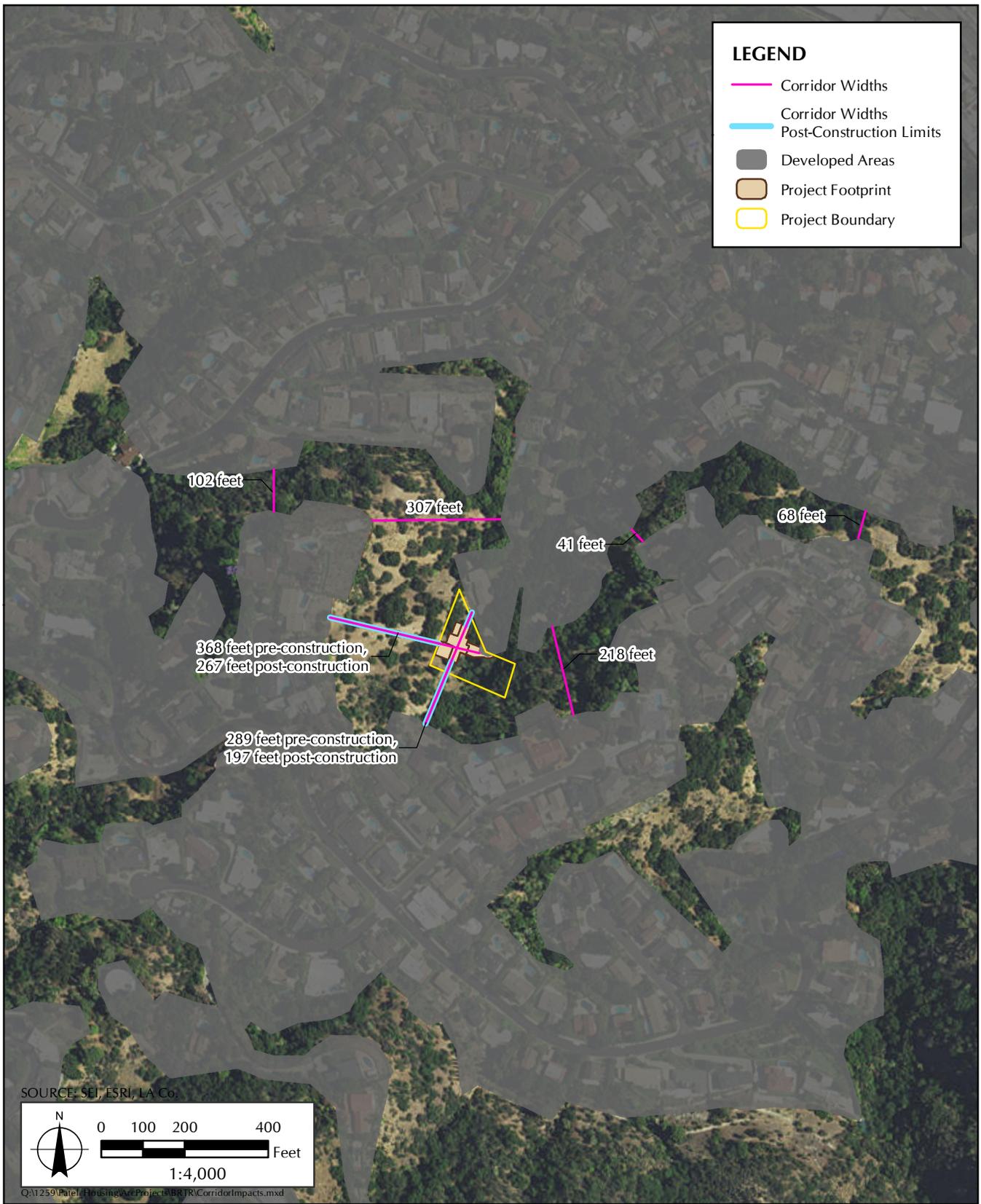
**(d) *Movement of Native Resident or Migratory Fish, Wildlife Species or Corridors, and Native Wildlife Nursery Sites***

The proposed project would not substantially interfere with the movement of any native resident or migratory fish or wildlife species or impede the use of native wildlife nursery sites because the majority of the parcel would not be subject to construction and permanent development. The proposed project would not be expected to encumber any *potential* wildlife corridors because (1) less than half of the existing potential corridor habitat would be reduced; (2) the remaining corridor would still be larger than the potential corridors to the east and west of the proposed project site; (3) up to three game trails may be impacted, but there are a large number of trails on site, including ones that currently bypass the proposed project and are actively used by the resident deer populations; (4) any wildlife that wanted to move between Griffith Park and the western Santa Monica Mountains would likely be moving higher upslope where larger patches of habitat exist; and (5) east-west movement of wildlife across the proposed project site would either end at Ventura Boulevard or backtrack to traverse housing in order to get to larger tracts uphill. Removal of up to three game trails may shift the local game movement but not completely eliminate the movement. The location of the proposed house has been situated so that the potential wildlife corridor shall remain at least 49 meters wide, which is comparable in size or larger than nearby corridors (Figure IV.B-5, *Potential Corridor Widths after Impacts*).

As a result of a review of the CNDDDB, no recognized wildlife nursery was identified within the region of the proposed project area. The single drainage and isolated spring located at the proposed project site is not interconnected to any waterway or aquatic habitat. As a result of field visits, no wildlife breeding or bird nesting sites were identified on the proposed project site. No wildlife breeding or bird nesting sites were observed during the biological resources assessment and riparian habitat assessment. Therefore, there would be no significant impacts to biological resources related to impeding the use of native wildlife nursery sites. However, the removal of vegetation during the nesting season has the potential to adversely affect nesting birds afforded protection by the MBTA, thus requiring the consideration of mitigation measures.

**(e) *Local Plans or Ordinances Protecting Biological Resources***

The proposed project would not be expected to conflict with policies of the City of Los Angeles General Plan protecting biological resources. The proposed project is not in conflict with Section 6, Policy 1 of the City of Los Angeles General Plan because, while sensitive wildlife has the potential to occur and riparian habitat is present, the proposed project was redesigned from the original plan to avoid and minimize impact to the maximum extent practicable, consistent with the provisions and policies of the City of Los Angeles General Plan. Therefore, the proposed project is not in conflict with Section 6, Policy 1. The proposed project would also not be in conflict with Section 12, Policy 1, because impacts to wildlife movement through the proposed project site would be less than significant. Approximately 85 percent of



**FIGURE IV.B-5**  
Potential Corridor Widths After Impacts

the surrounding 10 square miles are developed lands; therefore, the project site does not serve as an important wildlife movement corridor. However, there is local movement of common species such as mule deer and coyote. The 3,826-square-foot single-family residence would occupy approximately 17 percent of the 22,282-square-foot lot. The remaining 83 percent would be preserved as open space. Therefore, the project would allow for continued local movement of wildlife such as mule deer and coyote (Figure IV.B-5).

The proposed project would result in impacts to up to 7 of the 11 mature oak trees protected by the City of Los Angeles Protected Tree Ordinance<sup>40</sup> and the MSPSP<sup>41</sup> on the property, constituting a significant impact requiring the consideration of mitigation measures. Development of the proposed project would result in the removal of up to three mature oak trees. Grading required to construct the proposed project has the potential to encroach within the dripline of up to four additional mature oak trees (Figure IV.B-6, *Oaks within Maximum Footprint*). Activity within the driplines is considered impacts under the City of Los Angeles Protected Tree Ordinance because construction could damage the root system. Most of the trees on the proposed project site were rated by an arborist as having a below average/poor overall condition.<sup>42</sup> Based on the tree condition specified by the certified arborist, these trees may be permitted for removal, contingent on approval by the Board of Public Works, because the ordinance allows for removal of protected trees that show “a substantial decline from a condition of normal health and vigor, and restoration.” The mature oak trees located along the driveway would not be directly affected during construction because the grading footprint has been designed to avoid the root system of these trees. Oak trees are drought-tolerant trees and do not require surface water for survival. Instead, oak trees utilize their substantial root systems to access deep subsurface moisture. The proposed project construction would not result in a disruption to any required water source for these oak trees. Occupancy of the single-family home would not adversely affect the oak trees, as similar nearby oak trees are in good health on many of the surrounding properties (Figure IV.B-6).

The proposed project has complied with the provisions of the Protected Tree Ordinance and the MSPSP by providing written notice and submitting the appropriate tree permit applications to the Director of the City Planning Department and the City of Los Angeles Board of Public Works. Although an adjacent parcel is preserved as open space, it is not considered “parkland” because of the lack of public access; therefore, it is not protected under the provisions of the MSPSP. Likewise, the proposed project site does not have any other resources that are applicable to the MSPSP provisions because a review of the USGS topographical maps revealed that there are no streams located on the project parcel as defined by the MSPSP.<sup>43</sup> The removal of up to seven protected oak trees would have the potential to conflict with the City of Los Angeles Protected Tree Ordinance and the oak tree provisions of the MSPSP, and the implementation of mitigation measures is required to reduce impacts to below the level of significance.

***(f) Habitat Conservation Plans and Natural Community Conservation Plans***

The Initial Study (Appendix B) determined that the proposed project would not result in significant impacts to biological resources in relation to a conflict with any applicable HCP or NCCP. Therefore, this question was not carried forward for detailed analysis in the EIR.

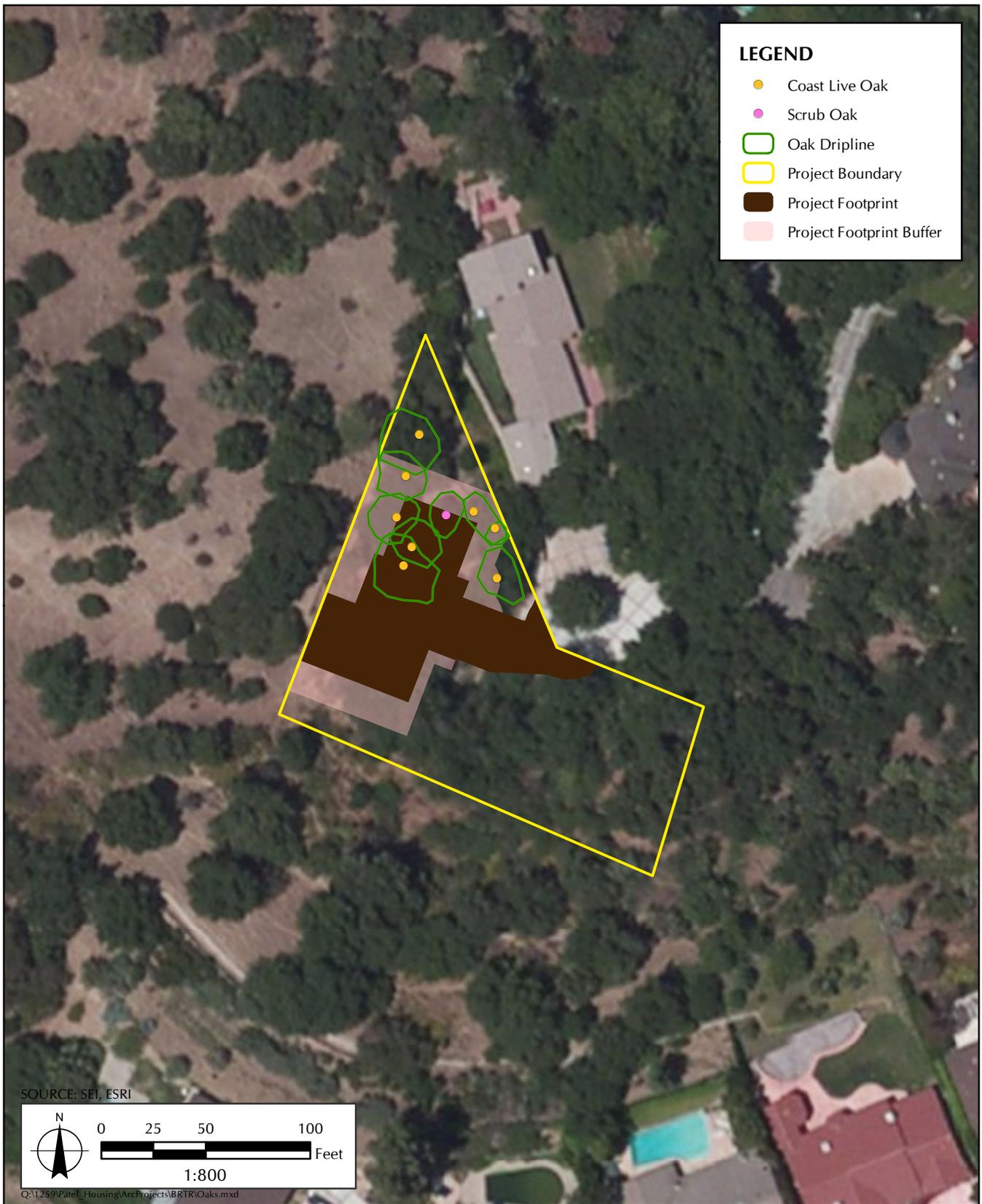
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<sup>40</sup> City of Los Angeles Ordinance No. 177404.

<sup>41</sup> City of Los Angeles Planning Department. 13 May 1992. Mulholland Scenic Parkway Specific Plan.

<sup>42</sup> Arbor Essence. 10 March 2005. 3599 Lankershim Boulevard, Oak Tree Report and Impact Evaluation Based on Proposed Development. Contact: Sapphos Environmental, Inc. Pasadena, CA.

<sup>43</sup> U.S. Geological Survey. [1966] Photo inspected 1972. 7.5-Minute Series, Burbank, California, Topographic Quadrangle. Scale 1:24,000. Reston, VA.



**FIGURE IV.B-6**  
Oaks within Maximum Footprint

## CUMULATIVE ANALYSIS

The incremental impacts of the proposed project to biological resources, when added to the related past, present, or reasonably foreseeable, probable future projects listed in Table II.B-1, *Related Projects*, would not be expected to be significant. The biological resources present on this vacant project site is consistent with what would be expected of a suburban area, surrounded by houses, that has been designated as Very-Low-Density residential uses according to the Sherman Oaks–Studio City–Toluca Lake–Cahuenga Pass Community Plan of the City's General Plan. A majority of projects occurring in the Los Angeles area are infill projects and have limited impacts on plants and wildlife and their habitats. The proposed project would have no impact on state or federally listed plant or wildlife species, non-riparian state sensitive plant communities, federally protected wetlands or waters of the United States, or migratory corridors; nor would it conflict with policies protecting biological resources in the City of Los Angeles General Plan or conflict with the provisions of Habitat Conservation Plans or Natural Community Conservation Plans. Therefore, no cumulative impacts to these resources are anticipated. The proposed project would be expected to contribute incrementally to the net loss of habitat for the rare and sensitive species identified as having habitat present on the proposed project site, riparian habitat, nesting birds, and oak trees protected by local ordinances. The mitigation measures outlined below are required to reduce cumulative impacts to these biological resources to below the level of significance.

## MITIGATION MEASURES AND REGULATORY COMPLIANCE MEASURES

Implementation of the proposed project has the potential to result in indirect effects to eight rare or sensitive species, impacts on breeding native birds, direct and indirect effects to 0.01 acre of riparian state sensitive plant communities, and impacts to protected trees. The following mitigation measures have been proposed to reduce the level of impact to below the level of significance for rare and sensitive species, breeding native birds, riparian habitat, and protected trees:

**MM-BIO-1:** Impacts to occupied habitat for species afforded protection pursuant to the Fur Bearing Mammals Act will be avoided by ensuring that occupied breeding areas for such species are adequately protected from construction activities during the breeding season. Prior to initial ground-disturbance and vegetation removal activities for all proposed project-related construction activities, a qualified biologist shall conduct a pre-construction sweep of the project site for special-status plants and wildlife.

In the unanticipated event that special status plants are discovered within the grading footprint, plants will be salvaged or seed collected by a qualified botanist and relocated to suitable habitat within the conserved open space within the property.

Pre-construction sweep surveys shall include one diurnal survey for reptiles, birds, and mammals, and one nocturnal survey for roosting bats. Surveys for bats shall be conducted by a qualified bat biologist. Wherever feasible, suitable habitat shall be removed outside the breeding season. Surveys are to be conducted within the maternity season (March 1 to July 31). Alternatively, clearing may occur in the non-maternity season (August 1 to February 28) without bat-specific surveys, provided that no sign of bats are observed around the oaks during pre-construction sweeps. If evidence of bats is present, then the project proponent shall create a non-disturbance buffer of 200 feet around each occupied oak tree. No work shall be allowed within the buffer until a bat biologist has determined that bats have not been observed leaving or entering the oak tree.

**MM-BIO-2:** Impacts to nesting birds afforded protection pursuant to the Migratory Bird Treaty Act shall be accomplished by removing vegetation and potentially suitable nesting structures in the non-breeding season (September 1 to December 31), wherever feasible. A qualified biologist shall conduct a breeding bird nest survey for raptors and owls (January 1 to August 31) and small birds (February 1 to August 31) no more than two weeks prior to initial ground-disturbance and vegetation removal activities for all proposed project-related construction activities. Where construction continues into the breeding season, a nesting bird survey shall be conducted for all areas within 300 feet of project construction activities. If active nests are found during preconstruction surveys, the project proponent shall create a non-disturbance buffer of 300 feet around each active nest (500 feet for raptors). On-site monitoring by a qualified biologist shall be required to ensure that construction activities do not result in “take” or “harassment” of breeding birds afforded protection pursuant to the Migratory Bird Treaty Act.

**MM-BIO-3:** Prior to the issuance of a building permit, the project applicant shall demonstrate:

- a. That an updated Streambed Alteration Agreement (SAA) has been obtained from the California Department of Fish and Wildlife (CDFW). All required avoidance and minimization measures, as finalized through consultations with CDFW, shall be implemented during construction. The final SAA shall specify any and all mitigation requirements, including performance standards, such as: 1) the provision of restoration of the riparian area, 2) a conservation easement through a portion of the proposed project site, 3) the placement of a wildlife guzzler, or 4) the purchase of mitigation bank property.
- b. Construction shall avoid the existing riparian vegetation except for the maximum of 0.01 acre needed to place the driveway. Construction crews shall avoid entering the riparian area outside of the project impact area unless a qualified biologist is present. Riparian areas within the buffer shall be avoided, but any temporary impacts shall be restored post-construction with native riparian shrubs.
- c. The driveway design shall be engineered to divert run-off away from the riparian area to avoid erosion.
- d. Construction crew shall be required to construct temporary erosion controls so that soil is not added to the existing drainage.
- e. Landscaping post-construction shall be used to prevent further erosion into the existing riparian area. Potential soil erosion can also be controlled with appropriate structures, such as retaining walls.
- f. In the event that construction activities take place during the rainy season, silt fence shall be put in place, near drainages, to minimize erosion.
- g. Pollution resulting from servicing and refueling of equipment shall be prevented to the maximum extent feasible by disposing of waste properly and selecting service and refueling areas away from wet areas and surface water. All residues, waste oil, and other materials shall be removed from the proposed project property and disposed of properly.

**RCM-BIO-1:** Prior to the issuance of a building permit, the project applicant shall apply for and obtain a Tree Removal Permit from the City of Los Angeles Department of Public Works. The project applicant shall consult with the Board of Public Works and the Bureau of Street Services to determine the value of the trees and determine the required mitigation and appropriate replacement tree ratios.

**MM-BIO-4:** Prior to construction, a certified arborist shall place “No Work” buffers around coast live oak trees that are not required to be removed in order to implement the proposed project. The minimum buffer size shall be no smaller than the extent of the individual trees dripline. Only foot traffic is allowed within the “No Work” buffer. Activities prohibited within the “No Work” buffer include equipment storage, grading, vegetation removal, equipment movement, trimming, or the placement of fill. Equipment refueling shall not occur adjacent to the buffer.

#### **LEVEL OF SIGNIFICANCE AFTER MITIGATION**

Impacts related to rare and sensitive species would be reduced to below the level of significance with the incorporation of Mitigation Measures BIO-1 and BIO-2.

Impacts to riparian plant communities protected pursuant to Section 1600 of the State Fish and Game Code would be reduced to below the level of significance with the implementation of Mitigation Measure BIO-3.

Implementation of the proposed project would not result in significant impacts to nursery sites. Potential impacts to roosting bats and nesting birds would be reduced to below the level of significance by Mitigation Measures BIO-1 and BIO-2.

Impacts related to conflicts with the City of Los Angeles Protected Tree Ordinance and the Mulholland Scenic Parkway Specific Plan would be reduced to below the level of significance with the implementation of Regulatory Compliance Measure RCM-BIO-1 and Mitigation Measure BIO-4.

Implementation of the proposed project would result in no impacts or less than significant impacts to species listed as rare, threatened, or endangered pursuant to the federal and/or state ESAs; to critical habitat; on state or federally listed plant or wildlife species; to non-riparian state sensitive plant communities; to federally protected wetlands; to migratory corridors; would not conflict with policies protecting biological resources in the City of Los Angeles General Plan; or in regard to habitat conservation plans and natural community conservation plans. Therefore, no mitigation measures are required. Cumulative impacts would also be less than significant with the implementation of the project's mitigation measures.