3C Biological Resources

3C.1 Introduction

This section includes a discussion of the potential biological resources at the project site and in the project site vicinity and evaluates the potential for the proposed project to result in significant impacts to such resources. The regulatory setting, potential impacts, and subsequent mitigation measures associated with the construction and operation of the proposed project are then described. The full biological resources evaluation is contained within Appendix E.

3C.2 Environmental Setting

The project site is located within the Hollywood Hills portion of the Santa Monica Mountains, an east-west trending mountain range. Specifically, the survey site is located within the upper portions of a northwest trending canyon containing steep slopes. On-site elevations range from 1,157 feet above mean sea level (AMSL) on the east side of the property to 978 feet AMSL on the west side.

Standard database researches were performed prior to a site visit on May 13, 2007. The database searches were conducted in order to provide an assessment of sensitive plant and animal species that are known and/or which could potentially occur within the project vicinity and/or on-site, respectively. The California Department of Fish and Game's (CDFG) California Natural Diversity Database (CNDDB) and California Native Plant Society (CNPS) were utilized. A total of three USGS topographical quadrangles were queried and included, Hollywood, Beverly Hills and Van Nuys, California. The results of these queries are contained within Appendix E.

Site Visit

A site visit was performed on May 13, 2007 (7:00 A.M. to 9:00 A.M.) to determine existing biological conditions on-site. A general assessment of wildlife usage and potential suitability for sensitive plant and animal species was undertaken. No focused vascular plant or animal surveys were conducted on-site. A cursory plant community map was prepared and is contained within Appendix E. The site survey was performed by Gilberto Ruiz (United States Fish and Wildlife Service Recovery Permit TE 840036-3). Survey conditions were suitable and included mild temperatures, clear skies and wind speeds of less than seven miles per hour. Portions of the project site (southwestern side) were inaccessible due to dense vegetation or steep slopes. Eight power binoculars were utilized to survey inaccessible portions of the site and to view on-site wildlife.

A number of trees have been removed from the site; the species of trees removed is unknown, and these trees are not addressed by this document.

BIOLOGICAL SURVEY RESULTS

Plant Community

Appendix E contains on-site photos of the survey locale. As noted in the photographs, the survey local is best described as containing two dominant plant communities which include bigpod ceanothus-hollyleaf redberry (BCHR) and California annual grassland series (CAGS).

Bigpod Ceanothus- Hollyleaf Redberry – This plant community is dominated by bigpod ceanothus (*Ceanothus megacarpus*) and hollyleaf redberry (*Rhamnus ilicifolia*). Species typically found within this plant community include birchleaf mountain mahogany (*Cercocarpus betuloides*), black sage (*Salvia mellifera*), chamise (*Adenostoma fasciculatum*), scrub oak (*Quercus berberidifolia*) and or toyon (*Heteromeles arbutifolia*).

Considerable portions of the on-site BCHR series have been disturbed due to brush clearance and are largely remnant. However, the southwestern portion of the survey site contains pure intact stands of this plant community.

California Annual Grassland Series – This plant community is dominated by annual grasses and herbs in the ground layer. Species typically found within this plant community include bromes (*Bromus spp.*), California poppy (*Eschscholzia californica*), filaree (*Erodium spp.*), goldfields (*Lasthenia spp.*), lupines, (*Lupinus spp.*), mustards (*Brassica spp.*) oats, (*Avena spp.*), owl's clover (*Castillegia spp.*), ryegrasses (*Lolium spp.*) and/or star-thistles (*Centaria spp.*).

This plant community dominates large portions of the survey locale and is largely present due to brush clearance.

Vascular Plant Species

A number of vascular plant species typically present within the on-site plant communities were observed. Appendix E contains a list of vascular plant species observed.

Table 3C-1: Rare Vascular Plants contains a description of species known to occur or potentially present from the USGS topographical quadrangles queried. It should be noted that most of the species noted are considered extirpated and/or extant within these quadrangles.

TABLE 3C-1:
RARE VASCULAR PLANTS

Species	Ranking	Plant Community	Blooming Period	Elevation	On-site Potential
Plummer's mariposa lily (*Calochortus plummerae*)	CNPS List 1B.2 CA-Endemic	•Chaparral (Chprl) •Cismontane woodland (CmWld) •Coastal scrub (CoScr) •Lower montane coniferous forest (LCFrs) •Valley and foothill grassland (VFGrs)/granitic, rocky	May-Jul	100 - 1700 meters	Potentially present, but not observed.
coastal dunes milk-vetch (*Astragalus tener var. titi*)	CNPS List 1B.1 CA-Endemic	•Coastal bluff scrub (CBScr)(sandy) •Coastal dunes (CoDns) •Coastal prairie (CoPrr)(mesic)	Mar-May	1 - 50 meters	No potential due to lack of suitable habitat.
Lewis' evening-primrose (*Camissonia lewisii*)	CNPS List 3	•Coastal bluff scrub (CBScr) •Cismontane woodland (CmWld) •Coastal dunes (CoDns) •Coastal scrub (CoScr) •Valley and foothill grassland (VFGrs)/sandy or clay	Mar-May(Jun)	0 - 300 meters	Low potential due to lack of suitable habitat.
beach spectaclepod (*Dithyrea maritima*)	CNPS List 1B.1	•Coastal dunes (CoDns) •Coastal scrub (CoScr)(sandy)	Mar-May	3 - 50 meters	No potential due to lack of suitable habitat.
salt spring checkerbloom (*Sidalcea neomexicana*)	CNPS List 2.2	•Chaparral (Chprl) •Coastal scrub (CoScr) •Lower montane coniferous forest (LCFrs) •Mojavean desert scrub (MDScr) •Playas (Plyas)/alkaline, mesic	Mar-Jun	15 - 1530 meters	Potentially present, but not observed.
Braunton's milk-vetch (*Astragalus brauntonii*)	Federally Endangered (FE) CNPS List 1B.1	•Closed-cone coniferous forest (CCFrs) •Chaparral (Chprl) •Coastal scrub (CoScr) •Valley and foothill grassland (VFGrs)/recent burns or disturbed areas, usually	Feb-Jul	4 - 640 meters	Potentially present, but not observed.

	CA-Endemic	sandstone with carbonate layers			
Parish's brittlescale (*Atriplex parishii*)	CNPS List 1B.1	•Chenopod scrub (ChScr) •Playas (Plyas) •Vernal pools (VnPls)	Jun-Oct	25 - 1900 meters	No potential due to lack of suitable habitat.
southern tarplant (*Centromadia parryi ssp. australis*)	CNPS List 1B.1	•Marshes and swamps (MshSw)(margins) •Valley and foothill grassland (VFGrs)(vernally mesic) •Vernal pools (VnPls)	May-Nov	0 - 425 meters	Low potential due to lack of suitable habitat.
mesa horkelia (*Horkelia cuneata ssp. puberula*)	CNPS List 1B.1 CA-Endemic	•Chaparral (Chprl) •Cismontane woodland (CmWld) •Coastal scrub (CoScr)/sandy or gravelly	Feb-Jul(Sep)	70 - 810 meters	Potentially present, but not observed.
mud nama (*Nama stenocarpum*)	CNPS List 2.2	•Marshes and swamps (MshSw)(lake margins, riverbanks)	Jan-Jul	5 - 500 meters	No potential due to lack of suitable habitat.
salt marsh bird's-beak (*Cordylanthus maritimus ssp. maritimus*)	CNPS List 1B.2	•Coastal dunes (CoDns) •Marshes and swamps (MshSw)(coastal salt)	May-Oct	0 - 30 meters	No potential due to lack of suitable habitat.
round-leaved filaree (*California macrophylla*)	CNPS List 1B.1	•Cismontane woodland (CmWld) •Valley and foothill grassland (VFGrs)/clay	Mar-May	15 - 1200 meters	Low potential due to lack of suitable habitat.
many-stemmed dudleya (*Dudleya multicaulis*)	CNPS List 1B.2 CA-Endemic	•Chaparral (Chprl) •Coastal scrub (CoScr) •Valley and foothill grassland (VFGrs)/often clay	Apr-Jul	15 - 790 meters	Potentially present, but not observed.
San Bernardino aster (*Symphyotrichum defoliatum*)	CNPS List 1B.2 CA-Endemic	•Cismontane woodland (CmWld) •Coastal scrub (CoScr) •Lower montane coniferous forest (LCFrs) •Meadows and seeps (Medws) •Marshes and swamps (MshSw) •Valley and foothill grassland	Jul-Nov	2 - 2040 meters	Low potential due to lack of suitable habitat.

		(VFGrs)(vernally mesic)/near ditches, streams, springs			
Ventura marsh milk-vetch (*Astragalus pycnostachyus var. lanosissimus*)	CNPS List 1B.1 CA-Endemic	•Coastal dunes (CoDns) •Coastal scrub (CoScr) •Marshes and swamps (MshSw)(edges, coastal salt or brackish)	Jun-Oct	1 - 35 meters	No potential due to lack of suitable habitat.
Santa Barbara morning-glory (*Calystegia sepium ssp. binghamiae*)	CNPS List 1A CA-Endemic	•Marshes and swamps (MshSw)(coastal)	Apr-May	0 - 20 meters	No potential due to lack of suitable habitat.
Los Angeles sunflower (*Helianthus nuttallii ssp. Parishii*)	CNPS List 1A CA-Endemic	•Marshes and swamps (MshSw)(coastal salt and freshwater)	Aug-Oct	10 - 1675 meters	No potential due to lack of suitable habitat.
white rabbit-tobacco (*Pseudognaphalium leucocephalum*)	CNPS List 2.2	Chaparral (Chprl) •Cismontane woodland (CmWld) •Coastal scrub (CoScr) •Riparian woodland (RpWld)/sandy, gravelly	(Jul)Aug-Nov(Dec)	0 - 2100 meters	Potentially present, but not observed.
Gambel's water cress (*Rorippa gambelii*)	CNPS List 1B.1	•Marshes and swamps (MshSw)(freshwater or brackish)	Apr-Sep	5 - 330 meters	No potential due to lack of suitable habitat.
San Fernando Valley spineflower (*Chorizanthe parryi var. fernandina*)	CNPS List 1B.1 CA-Endemic	•Coastal scrub (CoScr)(sandy)	Apr-Jul	150 - 1220 meters	No potential due to lack of suitable habitat.
Nevin's barberry (*Berberis nevinii*)	FE, California Endangered, CNPS List 1B.1 CA-Endemic	•Chaparral (Chprl) •Cismontane woodland (CmWld) •Coastal scrub (CoScr) •Riparian scrub (RpScr)/sandy or gravelly	Mar-Jun	295 - 825 meters	Potentially present, but not observed.

Source: CNPS, 2007.

Wildlife

The survey locale and adjacent areas are largely urbanized with single family homes and roadways situated within the intervening canyons. Native plant communities are highly fragmented and limited to ridgelines and slopes. These plant communities which provide refugia, travel, cover, forage and nesting opportunities are subject to human disturbances, including noise, lighting and startle. In addition, non-native species including landscape material, cats and dogs are common and affect the integrity and quality of the habitat. As such, most of the wildlife species expected to use the survey site and/or adjacent areas are tolerant of urban areas or are habitat generalist. In addition, due to the extent of urbanization in this portion of the Santa Monica Mountains, most sensitive wildlife species have either been extirpated or are extant. A review of the CDFG's CNDDB for the USGS's Hollywood, Beverly Hills and Van Nuys topographical quadrangle reflects this condition for most sensitive species known to occur within the on-site plant communities found in other areas of southern California.

Reptiles & Amphibians

Reptiles likely to occur on site and/or within the immediate area include western fence lizard (*Sceloporus occidentalis*) (observed), common side blotched (*Uta Stansburiana*) (observed), western skink (*Eumeces skiltonianus*), chaparral whipsnake (*Masticophis lateralis lateralis*), gopher snake (*Pituophis catenifer*), common garter snake (*Thamnophis sirtalis*) and western rattlesnake (*Crotalus viridis*). Amphibian use of the site is expected to be limited and may include such species as western toad (*Bufo boreas*) and Pacific treefrog (*Hyla regilla*).

Birds

Birds likely to occur on site and/or within the immediate area include Cooper's hawk (*Accipiter cooperii*) (observed), red-tailed hawk (*Buteo jamaicensis*) (observed), turkey vulture (*Cathartes aura*), barn owl (*Tyto alba*), western screech owl (*Otus kennicottii*), burrowing owl (*Athene cunicularia*), mourning dove (*Zenaida macroura*) (observed), common poorwill (*Phalaenoptilus nuttallii*), Anna's hummingbird (*Calypte anna*) (observed), western kingbird (*Tyrannus verticalis*), ash-throated flycatcher (*Myiarchus cinerascens*) observed), black phoebe (*Sayornis nigricans*), common raven (*Corvus corax*) (observed), scrub jay (*Aphelocoma coerulescens*) (observed), bushtit (*Psaltriparus minimus*) (observed), Bewick's wren (*Thryomanes bewickii*) (observed), wrentit (*Chamaea fasciata*), northern mockingbird (*Mimus polyglottos*) (observed), California thrasher (*Toxostoma redivivum*) (heard), yellow-rumped warbler (*Dendroica coronata*), Bullock's oriole (*Icterus galbula bullockii*), western tanager (*Piranga ludoviciana*), white-crowned sparrow (*Zonotrichia leucophrys*) (heard), sage sparrow (*Amphispiza belli*), song sparrow (*Melospiza melodia*), rufous-sided towhee (*Pipilo erythrophthalmus*) (observed), California towhee (*Pipilo crissalis*) (observed), house finch (*Carpodacus mexicanus*) and purple finch (*Carpodacus purpureus*).

Mammals

Mammals likely to occur on site and/or within the immediate area include Virginia opossum (*Didelphis virginiana*), desert shrew (*Notiosorex crawfordi*), broad-footed mole (*Scapanus latimanus*), coyote (*Canis latrans*), gray fox (*Urocyon cinereoargenteus*), Raccoon *(Procyon lotor)*, striped skunk (*Mephitis mephitis*), mule deer (*Odocoileus hemionus),* desert cottontail (*Sylvilagus auduboni),* deer mouse (*Peromyscus maniculatus),* California Ground Squirrel (*Spermophilus beecheyi),* bobcat (*Lynx rufus),* woodrat *(Neotoma spp.)* and various bats *(Myotis* spp).

Sensitive Species

A review of the CDFG's CNDDB for the Hollywood, Beverly Hills and Van Nuys topographical quadrangles indicates that the following species are known to occur and/or have historically occurred within these areas.

- least Bell's vireo (*Vireo bellii pusillus)* - This species is considered Federally Endangered and State Endangered. It is known to occur in riparian habitat. It is considered extant and extirpated from the USGS topographical quadrangles queried for the survey locale. No suitable habitat for this species is contained on-site.

- southwestern willow flycatcher (*Empidonax traillii extimus*) – This species is considered Federally Endangered and State Endangered. It is known to occur in riparian habitat. It is considered extant and extirpated from the USGS topographical quadrangles queried for the survey locale. No suitable habitat for this species is contained on-site.

- coastal California gnatcatcher (*Polioptila californica californica*) – This species is considered Federally Threatened. This species is known to occur within coastal sage scrub. It is considered extant and extirpated from the USGS topographical quadrangles queried for the survey locale. No suitable habitat for this species is contained on-site.

- South coast marsh vole (*Microtus californicus stephensi)* – This species is considered a Species of Special concern by the CDFG. This species is known to occur in coastal shore areas. No suitable habitat for this species is contained on-site.

- big free-tailed bat (*Nyctinomops macrotis)* – This species is considered a Species of Special concern by the CDFG and is known to occur within southern California. The big free-tailed bat inhabits rocky country, where it roosts in crevices high up on cliff faces, but it has been known to roost in buildings. No suitable habitat for this species is contained on-site.

- American badger (*Taxidea taxus)* - This species is considered a Species of Special concern by the CDFG and is known to occur within southern California. This species prefers grasslands and friable soils. It is considered extant and extirpated from the USGS

topographical quadrangles queried for the survey locale. No suitable habitat for this species is contained on-site.

- southwestern pond turtle (*Emys (=Clemmys) marmorata pallida)* - This species is considered a Species of Special concern by the CDFG and is known to occur within the Santa Monica Mountains, but in isolated locales. Although this species is normally associated with aquatic environments, it spends a considerable amount of time in upland areas. No suitable habitat for this species is contained on-site.

- Coast (San Diego) horned lizard (*Phrynosoma coronatum (blainvillii))* – This species is considered a Species of Special concern by the CDFG and is known to occur within the Santa Monica Mountains, but in isolated locales. This species is known to occur within a variety of habitats including chaparral (chamise). Suitable habitat is contained on-site although its potential for presence is considered low.

Wildlife Movement/Corridors

Wildlife migration corridors are essential to maintain populations of healthy and genetically diverse plant and wildlife species. At a minimum, wildlife corridors promote colonization of habitat and genetic variability for both plant and wildlife species by connecting fragments of habitat that are separated by otherwise foreign or inhospitable habitats. Because the isolation of plant and wildlife populations can have many harmful effects and may contribute significantly to local species extinctions, wildlife corridors are important to sustain individual species distributions within these habitat fragments. Wildlife movement corridors are considered sensitive by local, state, and federal resource and conservation agencies because these corridors allow wildlife to move between adjoining open space areas that are becoming increasingly isolated as open space becomes fragmented from urbanization, rugged terrain, and/or changes in vegetation (Beier and Loe 1992). Studies have concluded that many wildlife species would not likely persist in these habitat fragments over time because isolation through fragmentation would prohibit the infusion of new individuals and genetic information into the population (MacArthur and Wilson 1967; Soule 1987; Harris and Gallagher 1989; Bennett 1990).

Wildlife movement corridors can be classified as either regional corridors or local corridors. Regional corridors are defined as those linking two or more large areas of natural open space, and local corridors are defined as those allowing resident animals to access critical resources (i.e., food, cover, and water) in a smaller area that might otherwise be isolated by some form of urban development (i.e., roads, housing tracts, etc.). Both regional and local wildlife corridors reduce the effects of habitat fragmentation by (1) allowing wildlife to move between remaining habitat fragments, thereby permitting depleted populations to be replenished and promoting genetic exchange; (2) providing escape routes from fire, predators, and human disturbances, thus reducing the risk of catastrophic events (such as fire or disease) on a population that may cause local species extinction; and (3) serving as travel routes for individual animals as they move within their home ranges in search of food, water, mates, and other life cycle requirements (Noss 1983; Farhig and Merriam 1985; Simberloff and Cox 1987; Harris and Gallagher 1989).

Within these wildlife corridors, wildlife movement activities typically fall into one of three movement categories: (1) dispersal (i.e., juvenile animals from natal areas or individuals extending range distributions); (2) seasonal migration; and (3) movements related to home range activities (i.e., foraging for food or water, defending territories, searching for mates). A number of terms have been used in various wildlife movement studies, such as "travel route", "wildlife corridor", and "wildlife crossing" to refer to areas in which wildlife move from one area to another. To clarify the meaning of these terms and facilitate the discussion on wildlife movement in this analysis, these terms are defined as follows:

Travel Route. A travel route is a landscape feature (such as a ridgeline, drainage, canyon, or riparian strip) within a larger natural habitat area that is used frequently by animals to facilitate movement and provide access to necessary resources (i.e., water, food, cover, den sites). The travel route is generally preferred because it provides the least amount of topographic resistance in moving from one area to another. It contains adequate food, water, and/or cover, while moving between habitat areas and provides a relatively direct link between target habitat areas. Travel routes within the study area would include canyons and ridgelines.

Wildlife Corridor. A wildlife corridor is a piece of habitat, usually linear in nature, which connects two or more habitat patches that, otherwise, would be fragmented or isolated from one another. Wildlife corridors are often bounded by urban land uses or other areas that are unsuitable for wildlife. A corridor generally contains suitable cover, food, and/or water to support species and facilitate movement while in the corridor. Larger, landscape-level corridors (often referred to as habitat or landscape linkages) can provide both transitory and resident habitat for a variety of species.

Wildlife Crossing. A wildlife crossing is a small, narrow area, relatively short in length and generally constricted in nature, that allows wildlife to pass under or through an obstacle or barrier that otherwise hinders or prevents movement. Crossings typically are manmade and include culverts, underpasses, drainage pipes, and tunnels that provide access across or under roads, highways, pipelines, or other physical obstacles.

The survey locale and adjacent areas are highly urbanized containing many habitat fragments, but are part of a local wildlife movement corridor linking the eastern and western portions of the Santa Monica Mountains. As noted previously, most intervening canyons and ridge lines (travel routes) within the survey locale and adjacent areas contain homes and are urbanized. In addition, most of the major historical canyons within this area have been converted to roadways. For instance, the survey locale is located approximately 1,000 feet west of Laurel Canyon Boulevard, a major north/south connector linking the San Fernando Valley with the Los Angeles Basin. During daytime and evening hours it experiences high travel volumes. No wildlife crossings were observed within the survey locale or adjacent areas.

Wildlife movement within the Santa Monica Mountains and the survey locale and adjacent areas in particular are largely affected by a species' mobility, habitat requirements, ability to adapt to urban edge environments and the presence of humans (and associated pets). For instance, most bird species are highly mobile and would be able to move easily throughout the survey locale and

adjacent areas. Similarly, many mammal species including mule deer, bobcat, raccoon, striped skunk and woodrat could (and do) move through the local landscape. However, many reptile and amphibian species may not be able to move as easily. This is especially true for slow moving species which often are killed by passing motorist.

JURISDICTIONAL DETERMINATION

The survey locale was evaluated to determine if on-site areas contained resources subject to the United States Army Corps (ACOE) or CDFG jurisdiction. As noted previously, the topography of the site is steep. Precipitation is either percolated on-site or conveyed via sheet flow off-site to adjacent areas. A review of the USGS Hollywood, CA topographical quadrangle (see Attachment E) in which the survey locale is located indicates that no USGS-designated "blue line" streams are contained on-site or within one-half mile. In addition, there were no drainages, riparian areas, wetlands or vernally moist areas observed on-site or plants or plant communities (see Appendix E and table 3C-1: Rare Vascular Plants) generally associated with these resources. Based upon this information, the survey locale does not contain areas subject ACOE or CDFG jurisdiction.

ADJACENT USES

Adjacent land uses in the vicinity include single-family detached homes.

3C.3 Applicable Regulations

Federal Migratory Bird Treaty Act. The MBTA is a statute implemented in the 1916 Convention between the United States and Great Britain (for Canada) for the protection of migratory birds. Later amendments implemented treaties between the United States and Mexico, the United States and Japan, and the United States and the Soviet Union (now Russia).

The MBTA establishes a federal prohibition, unless permitted by regulations, to:

> *"pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention . . . for the protection of migratory birds . . . or any part, nest, or egg of any such bird" (16 U.S.C. 703).*

The MBTA is applicable for the proposed project because harassment of migratory birds that causes nest abandonment is considered "take."

California Fish and Game Code. Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit "take" of all birds and their active nests, including raptors and other species.

City of Los Angeles Municipal Code: Protected Tree Relocation and Replacement

Oak trees (*Quercus spp*.), Southern California Black Walnut (*Juglans californica*), California/Western Sycamore (*Platanus racemosa*) and California Bay (*Umbellularia californica*) are protected by the City of Los Angeles Tree Ordinance, which prohibits the cutting, moving, removal, or encroachment into the protected zone[1] of a protected oak tree measuring 4 inches or greater in diameter at breast height (dbh). Oaks are protected under the City of Los Angeles Municipal Code (Chapter IV, Article 6, Section 46.00), with regulations paralleling those of the County. Prior to removal of protected trees, a permit must be obtained in advance. Conditions of such permits typically include measures to minimize and mitigate for project impacts to oaks. The project site contains two native tree species which include coast-live oak (*Quercus agrifolia*) and scrub oak (*Quercus berberidifolia*)

The City of Los Angeles requires all existing protected trees and relocation and replacement trees specified by the Advisory Agency to be shown on a plot plan. All the trees must be identified and described by a map and documentation as required by the Deputy Advisory Agency. The site does not contain protected trees, there are nine unprotected trees on-site which could be considered a visual resource of the project site (See Section 3A).

Mulholland Scenic Parkway Specific Plan, Design and Preservation Guidelines

Guideline 13: Projects that are near parks and wildlife corridors should be sensitive to preserving wildlife habitats and the ecology of the Scenic Parkway. Fencing should be placed to not interfere with wildlife movement. In some cases, the recording of a Covenant and Agreement affecting wildlife protection may be recommended as condition of project implementation.

Guideline 57: New Plants – Emphasize a variety of native type plants in the landscape design for the project (see Appendix B, Preferred Plant List); retain existing native plants whenever possible.

3C.4 Significance Criteria

The proposed project has been evaluated for conformity with the federal, state, and local goals, objectives, and policies related to biological resources based on a reconnaissance-level survey of the project site performed on May 13, 2007. The criteria used to determine the significance of an impact are based on Appendix G of the *CEQA Guidelines*. Several criteria were eliminated from further consideration and will not be discussed in this section (riparian habitat, wetlands, migratory wildlife, conflict with local tree protection or habitat conservation ordinances). Please refer to the Initial Study (Appendix A) for further clarification. For this analysis, the proposed project may result in significant impacts if it would:

1 The protected zone, as defined by L.A. County Ordinance, encompasses the area within an oak's dripline and extends from the dripline to a point at least 5 feet distant or 15 feet from the trunk of a tree, whichever distance is greater.

- Interfere substantially with the movement of any native resident or wildlife species; impede the use of native wildlife nursery sites; or
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

3C.5 Impacts and Mitigation

The environmental impact analysis presented below is based on the determinations made in the Initial Study for issues that were potentially significant and potentially significant with mitigation incorporated (see Appendix A).

Impact 3C.1: Construction of the proposed project could result in the direct loss of nesting trees or cause nest abandonment of migratory birds or raptors and could affect common wildlife species. Potentially significant.

Construction of the proposed project would require the removal of about two non-native trees. As such, the proposed project could cause the direct loss of nesting trees or the abandonment of nests by migratory birds or raptors due to harassment by noise and dust. This would be a violation of the MBTA and Fish and Game Code and could impede the use of native wildlife nursery sites, which are both potentially significant impacts. Native trees would not be removed and would be protected during construction. As noted above, the project site is located within a highly fragmented area of the Santa Monica Mountains with much of the remaining on-site habitat largely degraded. Most wildlife species anticipated to utilize the project site are those species which are largely and/or highly tolerant of urbanized areas. However, during construction, some species which utilize the area may avoid the project site due to noise, dust and the presence of humans. These species would likely seek alternate travel routes in the adjacent habitats. It should be noted however, that construction impacts would be temporary and many of the species utilizing this area would likely return, provided necessary resources (e.g., refugia, nesting opportunities, etc.) remain available. Therefore, construction of the proposed project would not interfere substantially with the movement of any native resident or wildlife species or impede the use of native wildlife nursery sites.

The residences on the project site, and associated increased human presence could result in nest abandonment for some bird species and disruption to adjacent wildlife due to the introduction of lighting, noise and other human disturbance, and predation of animals by domestic cats and dogs. Night lighting would be detrimental to animals in nearby areas for a variety of reasons including disruption of circadian rhythms and avoidance due to light sensitivity in species with exceptional night vision. The typical net effect of lighting is that adjacent areas are utilized less than to their fullest extent.

The close proximity/presence of humans and the introduction of pets (i.e., dogs and cats) and nighttime lighting could result in potentially significant impacts to nesting birds and some common wildlife (primarily small mammals) due to pet predation.

Mitigation

Mitigation Measure 3C-1: To address the potential presence of nesting migratory birds and raptors and resulting MBTA and Fish and Game Code impacts, within 15 days of any project actions that will cause a potentially substantial increase or other change in existing disturbance, the project proponent shall have a qualified biologist conduct a preconstruction migratory bird and raptor nesting survey. This survey should cover all reasonably potential nesting locations for the relevant species on or closely adjacent to the project site.

If an active nesting effort is confirmed or considered very likely by the biologist, no construction activities should occur within at least 500 feet of the nesting site until measures to address the constraint are agreed to by the project proponent, U.S. Fish and Wildlife Service (USFWS) personnel, and California Department of Fish and Game (CDFG) personnel.

Potentially appropriate measures to take may include one or more of the following as authorized by the USFWS and CDFG: (1) delaying work at the nest site location until either the nest has failed (for non-project-related reasons) or seven days after the last young leaves the nest, or (2) taking the young nestlings to a qualified wildlife rehabilitation center. Note that in the latter situation, it will normally be necessary for the biologist retrieving the young to be properly experienced and permitted for the specific work required.

In some cases both the USFWS and CDFG will waive the regulatory constraint based on the type of species nesting and the urgency of the project.

Mitigation Measure 3C-2: A pet policy shall be developed and residents shall be required to adhere to measures of this policy to prevent impacts to wildlife from domestic animals. The pet policy shall limit the number of animals per residence and require enforcement of all applicable leash laws especially within open space areas to prevent harassment of wildlife. In addition, an education program for residents shall be developed including posted interpretive signs and informational materials regarding the sensitivity of natural habitats, and the dangers of unleashed domestic animals and human disturbance in these areas.

Level of Significance After Mitigation: Less than significant.

Impact 3C.2: Construction of the proposed project would result in the direct loss of two trees. (Less than significant.)

Construction of the proposed project could require the removal of two non-native trees (see Chapter 3A. Aesthetics).

Mitigation: None required.

Level of Significance After Mitigation: Less than significant.

Impact 3C.3: Implementation of the proposed project would not result in an adverse impact to cumulative biological resources. (Less than significant.)

The proposed project would be developed on a site that contains fragmented habitat and affords limited opportunities for biological resources, mainly nesting opportunities for birds within the trees and shrubs at the site, and deer and other common wildlife that utilize this portion of the Santa Monica Mountains. Although implementation of the project could incrementally continue to reduce the amount of land available in the Santa Monica Mountains to larger animals such as deer, coyote and bobcat. There are currently available travel corridors on the northwest side of the canyon that connect Nichols and Laurel Canyons. In addition, since brush clearance is already undertaken on the project site it is not anticipated that the continuation of these activities will result in new impacts. Most common wildlife associated with this portion of the Santa Monica Mountains will continue to move through the on-site areas of cleared brush.

The proposed project is located in a generally developed area that has limited sensitive biological resources. The on-site plant communities are found commonly throughout the Santa Monica Mountains and southern California in general. Construction and operation of the proposed project would not appreciably affect sensitive biological species and associated resources to the point where a significant cumulative impact to biological resources would occur. As a result, there would be a less-than-significant impact to cumulative biological resources.

The project includes preservation of the central part of the site as an open space easement (either through donation of the 13 lots to the Santa Monica mountains Conservancy or other means). To the extent that the site functions to allow wildlife movement, this easement would allow such movement to continue.

Mitigation:

> **Mitigation Measure 3C-3:** The project shall, as appropriate consistent with site conditions and surroundings, be extensively landscaped with native plants as identified in the Mulholland Scenic Parkway Specific Plan.
>
> **Mitigation Measure 3C-4:** The majority of the site (13 lots) shall be preserved through a dedicated open space easement, either through donation to the Santa Monica Mountains Conservancy or other means. Wildlife corridors through the site shall be created and maintained; a wildlife consultant shall be retained to evaluate the feasibility of such corridors through the site, and to recommend project features (such as breaks in fences) that would facilitate wildlife movement through the site.

Level of Significance After Mitigation: Less than significant.