APPENDIX C

BIOLOGICAL RESOURCES REPORT

January 19, 2009

Mr. Dwight Steinert, Vice President Planning Associates, Inc. 4040 Vineland Avenue, Suite 108 Studio City, CA 91604

RE: 2008 Biological Surveys on Studio City Golf Course, Los Angles County,

California

Dear Mr. Steinert:

This is a follow-up to our previous telephone discussion relative to site development for the Studio City Golf Course. Per your previous request, Aquatic Consulting Services Inc, biological staff conducted additional field surveys at the referenced site on June 25, July 1, 9, 16, 25, 31, and August 8, 2008. The purpose of these surveys was to identify the squirrels and birds found at the site as a follow-up to the 2007 surveys. We summarized these surveys in draft Field Report 109.08 titled, "Results of Biological Surveys performed on the Studio City Golf Course Property, City of Los Angeles, Los Angeles County, California." Allen Concepcion reviewed this draft report and requested some revisions/corrections. Enclosed find a copy of the revised report for your review and comment.

Should you have any questions regarding the enclosed report, please call me at (805) 521-1397.

Sincerely,

Louis A. Courtois, President

Enclosure: Revised Field Report 109.08

RESULTS OF BIOLOGICAL SURVEYS PERFORMED ON THE STUDIO CITY GOLF COURSE PROPERTY, CITY OF LOS ANGELES, LOS ANGELES COUNTY, CALIFORNIA

Prepared for:

Planning Associates Studio City, California

Prepared by:

Aquatic Consulting Services, Inc. Fillmore, California Field Report 109.08 October 2008 (Revised 12-23-08)

I. INTRODUCTION

This report summarizes the findings of surveys performed on the Studio City Golf and Tennis Property by Aquatic Consulting Services, Inc. (ACS) at the request of Planning Associates, Inc. (Planning Associates) in response to public comments made during the scoping sessions regarding public concern for a proposed senior housing project to potentially affect squirrels and exotic parakeets known to occur in the vicinity of the property (public comments provided at scoping sessions: January and April 2007, and April 2008, personal communication: Dwight Steinert, Planning Associates, October 10, 2008). These surveys provide baseline biological information regarding the animal species residing in and around the golf course at the present time.

II. SITE LOCATION AND DESCRIPTION

The approximately 16.1-acre Studio City Golf and Tennis Property is located west of Whitsett Avenue and north of the Los Angeles River flood-control channel in Studio City, City of Los Angeles, Los Angeles County, California. Figures 1 and 2, respectively, show the general geographic location of the project site and the specific location relative to existing roadways. Figure 3 shows the property limits of the proposed 4.44-acre tennis court development area, and locations of ground-level photographs are provided at the end of this report.

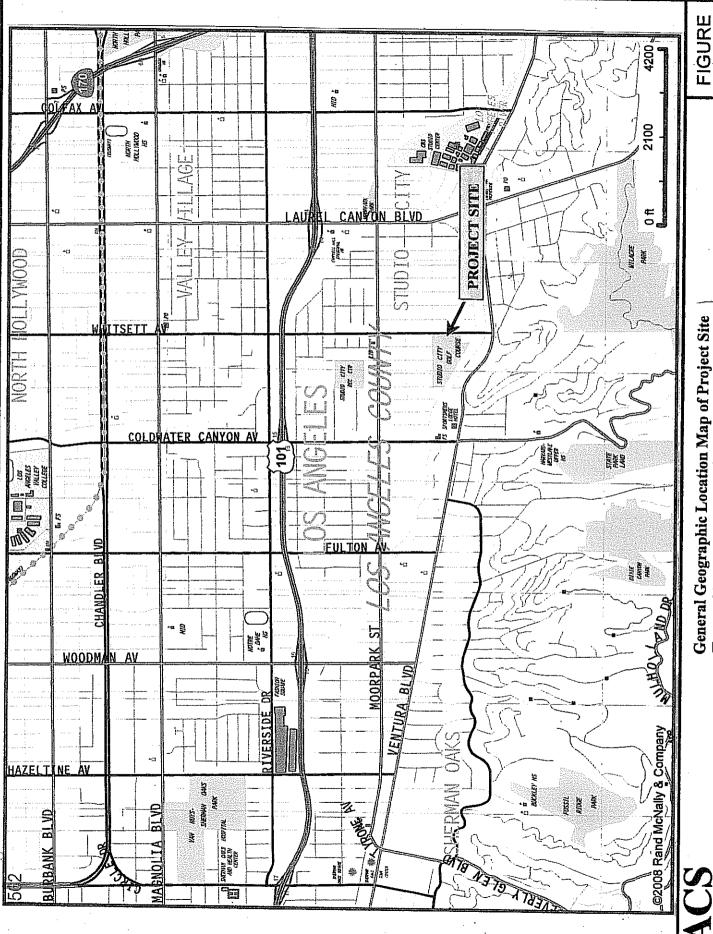
III. BACKGROUND

Survey efforts for both the 2007 and 2008 surveys have been focused within the golf course portion of the property (hereafter, Studio City Golf Course) due to the lack of suitable habitat for squirrels and nesting birds within the tennis court complex. The following summarizes findings of the 2007 surveys and provides information regarding the focus of the 2008 surveys.

In 2007, ACS performed surveys within the Studio City Golf Course (Survey Dates: April 2, 9, 17, and 25, 2007). The purpose of the 2007 surveys was to identify squirrels and bird species occurring on site, and determine if any birds were actively nesting. The Studio City Golf Course is a developed golf course vegetated by turf grass and ornamental trees and shrubs. Although dominated by exotics, the vegetation on-site does provide suitable nesting and foraging habitat for native bird species. Similarly, the presence of vegetative cover and lack of paved surfaces within the Studio City Golf Course provides suitable habitat for squirrels. Two common squirrel species and a variety of bird species, including exotic parakeets, were observed during the 2007 surveys¹. Of the 22 bird species observed in 2007, possible and confirmed nesting activities were observed for two species (possible nesting activity observed 2007: bushtit, *Psaltriparus minimus*; Nesting confirmed 2007: house finch, *Carpodacus mexicanus*).

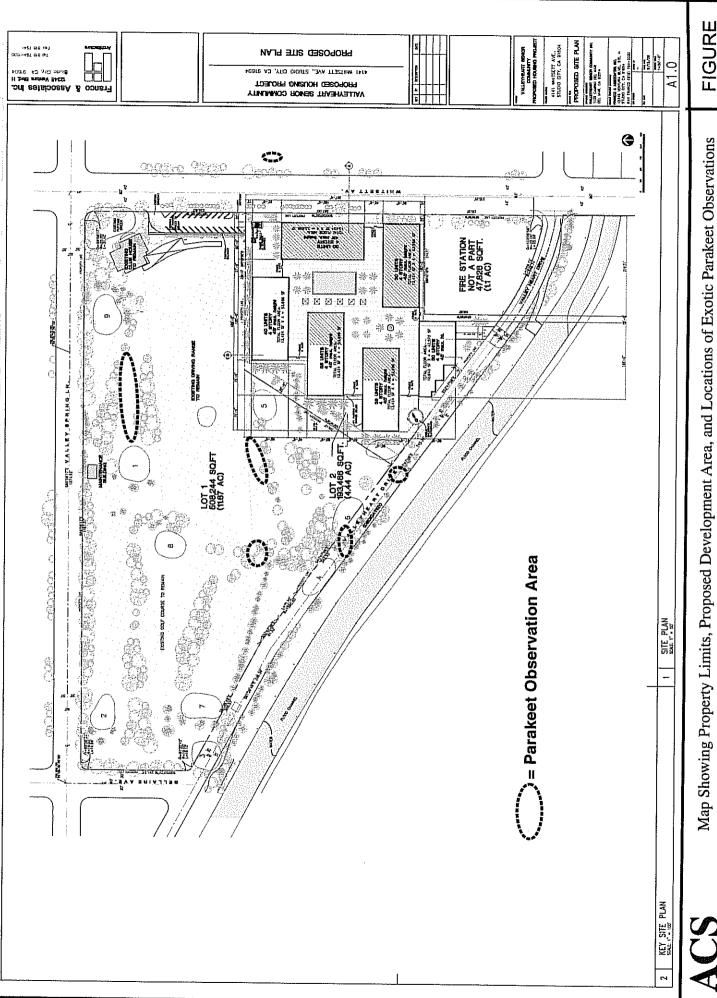
¹ May 7, 2007 Aquatic Consulting Services, Inc. letter to Planning Associates concerning preliminary results of 2007 biological surveys.





General Geographic Location Map of Project Site (From: 2008 Thomas Guide, Los Angeles County)

PAGE 3



FIGURE

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(From Franco & Associates Proposed Site Plan, 9-15-08)

PACE 4

FIELD REPORT 109.08

The parakeets were not identified to species at the time of the 2007 surveys because their rapid, high elevation flight pattern prevented observation of diagnostic features. In 2008, Planning Associates requested that ACS perform additional bird surveys focusing on identifying the parakeets to species. Subsequently, ACS performed bird surveys within the Studio City Golf Course on June 25; July 1, 9, 16, 25, 31; and August 8, 2008 and identified the parakeets as the red-masked parakeet (*Aratinga erythrogenys*).

IV. SURVEY METHODOLOGY

Both the 2007 and 2008 survey series were performed on the Studio City Golf Course between 7:00 and 10:30 a.m. in weather conditions that were conducive to bird and mammal surveying. Survey areas were walked and visually surveyed. Squirrels were identified by direct observation, and birds were identified by direct observation and/or call.

V. SURVEY RESULTS

The following table is a composite list of animal species encountered during the 2007 and 2008 survey series performed on the Studio City Golf Course.

Table 1. Vertebrate Species Identified (by physical sighting, track, scat, or call) on the Studio City Golf Course²

COMMON NAME	SCIENTIFIC NAME		
Made	REPTILIA ³		
Iguanid Lizards	Iguanidae		
Western fence lizard	Sceloporus occidentalis		
	MAMMALIA ⁴		
Squirrels	Sciuridae		
California ground squirrel	Spermophilus beecheyi		
Fox Squirrel ⁵	Sciurus niger		
	AVES ⁶		
Hawks	Accipitridae		
Hawk, Cooper's	Accipiter cooperii		
Hawk, Red-shouldered	Buteo lineatus		
Hawk, Red-tailed	Buteo jamaicensis		
Pigeons and Doves	Columbidae		
Dove, Mourning	Zenaida macroura		
Parrots and allies	Psittacidae		
Red-masked parakeet	Aratinga erythrogenys		

² This composite list includes species observations from the 2007 and 2008 survey series.

³ Nomenclature from: Western Reptiles and Amphibians, Stebbins 1985.

⁴ Nomenclature from: The Audubon Society Field Guide to North American Mammals, Whitaker Jr. 1980.

⁵ Previously (2007) identified as the Eastern Gray Squirrel (Sciurus carolinensis)

⁶ Nomenclature from: Sibley Guide to Birds (2003), National Audubon Society.

Apodidae		
Aeronautes saxatalis		
Trochilidae		
Salasphorus sasin		
Calypte anna		
Archilochus alexandri		
Selasphorus sasin		
Picidae		
Picoides nuttallii		
Tyrannidae		
Sayornis nigricans		
Hirundinidae		
Hirundo rustica		
Hirundo pyrrhonota		
Aegithalidae		
Psaltriparus minimus		
Troglodytidae		
Thryomanes bewickii		
Muscicapidae		
Regulus calendula		
Sturnidae		
Sturnus vulgaris		
Parulidae		
Mniotilta varia		
Dendroica occidentalis		
Dendroica townsendi		
Dendroica coronata		
Emberizidae		
Zonotrichia leucophrys		
Icteridae		
Icterus bulockii		
Icterus cucullatus		
Fringillidae		
Carpodacus mexicanus		
Carduelis psaltria		
Passeridae		
House sparrow		

Of the species listed in Table 1, five (Allen's hummingbird, rufous hummingbird, Cooper's hawk, Nuttal's woodpecker, and hermit warbler) are listed on the California Department of Fish and Game's California Natural Diversity Database CNDDB) Special Animals List (California Department of Fish and Game, February 2008). "Special Animals" is a broad term used to refer to all fauna the CNDDB is interested in tracking, regardless of their legal or protection status. These taxa generally fall into one or more of the following categories:

- Officially listed or proposed for listing under the State and/or Federal Endangered Species Acts;
- State or Federal candidate for possible listing;

- Taxa which meet the criteria for listing, even if not currently included on any list, as described in Section 15380 of the California Environmental Quality Act (CEQA) Guidelines;
- Taxa considered by the California Department of Fish and Game to be a Species of Special Concern;
- Taxa that are biologically rare, very restricted in distribution, declining throughout their range, or have a critical, vulnerable stage in their life cycle that warrants monitoring;
- Population(s) in California that may be peripheral of a taxon's range, but are threatened with extirpation in California;
- Taxa closely associated with a habitat that is declining in California at an alarming rate (e.g., wetlands, riparian, old growth forests, desert aquatic systems, native grasslands, vernal pools, etc.);
- Taxa designated as a special status, sensitive, or declining species by other state or federal agencies, or non-governmental organization.

Table 2 lists the current regulatory status of animal species that occur on site. The following provides specific life history information for these special-status species, as well as fauna of particular interest to these surveys (squirrels and parakeets).

Table 2. Special-Status Animals Occurring on the Studio City Golf Course Property

COMMON NAME	SCIENTIFIC NAME	STATUS	COMMENTS
BIRDS			
Allen's hummingbird	Salasphorus sasin	AUDUBON-WL, IUCN7-LC, USBC-WL	Of interest only when nesting
Cooper's hawk	Accipiter cooperii	DFG - WL, IUCN-LC	Of interest only when nesting
Hermit warbler	Dendroica occidentalis	ABC - GL, AUDUBON-WL, IUCN-LC	Of interest only when nesting
Nuttal's woodpecker	Picoides nuttallii	ABC – GL, AUDUBON–WL, IUCN-LC, USBC-WL	Of interest only when nesting
Rufous hummingbird Selasphorus rufous		ABC – GL, AUDUBON–WL, IUCN-LC, USBC-WL	Of interest only when nesting

Status Abbreviations:

California Endangered Species Act Listing Codes		Other listing Codes (continued)	
CESA-E	California Endangered Species Act - Endangered	DFG-FP	California Department of Fish and Game -Fully Protected Species
Endangered Specie	s Act (Federal) Listing Codes	IUCN-DD	IUCN - Data Deficient
ESA-E	Federal Endangered Species Act - Endangered	IUCN-EN	IUCN - Endangered
ESA-FC	Federal Endangered Species Act - Candidate Species	IUCN-LC	IUCN - Least Concern
ESA-T	Federal Endangered Species Act - Threatened	IUCN-NT	IUCN - Near Threatened
Other listing Codes		IUCN-VU	IUCN - Vulnerable
ABC – GL	American Bird Conservancy Green List	USFS-S	U.S. Forest Service - Sensitive
AUDUBON-WL	Audubon Watch List	USFWS-BCC	U.S. Fish and Wildlife Service Birds of Conservation Concern
BLM-S	Bureau of Land Management-Sensitive	WBWG-H	Western Bat Working Group - High Priority
DFG-SSC	California Department of Fish and Game – Species of Special Concern	WBWG-M	Western Bat Working Group - Medium Priority
DFG - WL	California Department of Fish and Game - Watch List	USBC-WL	United States Bird Conservation Watch List

⁷ IUCN = International Union for Conservation of Nature

A. SPECIAL-STATUS ANIMALS

1. Birds

a. Allen's hummingbird (Salasphorus sasin)

Allen's hummingbird is a common summer resident (January to July) and migrant along most of the California coast. Breeders are most common in coastal scrub, valley foothill hardwood, and valley foothill riparian habitats, but also are common in closed-cone pine-cypress, urban, and redwood habitats. Sprinklers, birdbaths, and other human water sources are used for bathing and possibly drinking, but water is also obtained from nectar and dew. Breeding occurs in sparse and open woodlands, coastal redwoods, and sparse to dense scrub habitats from mid-February to early August with peak activity in April. The Special Animals List indicates that monitoring organizations are only interested in tracking nesting locations. Nesting was not confirmed on the Studio City Golf Course; however, this species has the potential to be a resident on or near the property due to the presence of large, mature trees within the Studio City Golf Course and surrounding off-site residential neighborhoods that could provide suitable nesting habitat.

b. Cooper's hawk (Accipiter cooperi)

Cooper's hawk is frequently found in patchy woodlands, with dense stands of live oak, riparian deciduous, or other forest habitats occurring near water. Cooper's hawk is breeding resident throughout most of the wooded portion of the state, with nesting occurring in dense stands containing moderate crown-depth. Small birds, especially young during nesting season, and small mammals, are the primary prey; however, reptiles and amphibians are also taken. Hunting occurs in broken woodland and habitat edges; prey is caught in the air, on the ground, and in vegetation. Vegetative cover is required to hide, attack, and approach prey. This common winter migrant and occasional summer resident in Southern California breeds in oak woodland habitats and southern cottonwood-willow riparian woodland. The Watch List designation for this species refers to actively nesting individuals, only. Nesting was not confirmed on the Studio City Golf Course; however, this species has the potential to be a resident on or near the property due to the presence of large, mature trees within the Studio City Golf Course and surrounding off-site residential neighborhoods that could provide suitable nesting habitat.

c. Hermit warbler (Dendroica occidentalis)

Hermit warbler is a fairly-common to common summer visitor and migrant throughout California. Spring migration occurs through April and May; fall migration occurs through August and early September. They are common spring and fall migrants in the mountains, and also occur in valley foothill hardwood habitat and in stands of planted pines during migration and in winter. Breeding occurs in mature ponderosa pine, montane hardwood-conifer, mixed conifer, Douglas fir, redwood, red fir, and Jeffery pine habitats within major mountain ranges from San Gabriel and San Bernardino Mountains northward, excluding coastal ranges south of Santa Cruz County. The Special Animals List indicates that monitoring organizations are only interested in tracking nesting locations. The observations of this species on the Studio City Golf Course were limited to two survey days in April of 2007. Considering that these observations occurred during the spring migration period, and

were limited to two survey days, hermit warbler is not expected to breed at the Studio City Golf Course, or be a resident on-site.

d. Nuttal's woodpecker (Picoides nuttallii)

Nuttal's woodpecker occurs in the Central Valley, Transverse and Peninsular Ranges, Coast Ranges north to Sonoma County and rarely to Humboldt County, lower portions of the Cascade and Sierra Nevada Ranges, and as a vagrant in the Owens Valley. Nuttal's woodpecker is a common, permanent resident of low-elevation riparian deciduous and oak habitats, and forages mostly within oak and riparian habitats; insects are gleaned from foliage, and sap is acquired by pecking, probing, or drilling into trunks and branches. Nuttal's woodpecker was observed on-site during the 2007 and 2008 surveys. The Special Animals List indicates that monitoring organizations are only interested in tracking nesting locations. Nesting was not confirmed on the Studio City Golf Course; however, this species has the potential to be a resident on or near the property due to the presence of large, mature trees within the Studio City Golf Course and surrounding off-site residential neighborhoods that could provide suitable nesting habitat in-spite of the lack of preferred native riparian and oak habitats.

e. Rufous hummingbird (Selasphorus rufous)

Rufous hummingbird is a common migrant and uncommon summer resident of California in general, and a rare, but likely regular winter resident in southern California. Rufous hummingbird is found in a wide variety of habitats that provide nectar-producing flowers, and trees and shrubs in many habitats provide cover. The Special Animals List indicates that monitoring organizations are only interested in tracking nesting locations. Nesting was not confirmed on the Studio City Golf Course; however, suitable habitat is present, and both male and female rufous hummingbirds were observed together during the 2007 surveys, indicating the potential for nesting to occur on-site.

B. OTHER ANIMALS OF INTEREST

The following are not special-status species; however, as the public has expressed concern for these species, they have been included in this discussion.

1. Parakeets

The parakeets occurring on the Studio City Golf Course have been identified as red-masked parakeet (*Aratinga erythrogenys*); however per conversations with Kimball Garrett, both the red-masked and mitred parakeets (*Aratinga mitrata*), which may form mixed flocks with red-masked parakeets, also occur in the vicinity of the Studio City Golf Course. Both the red-masked parakeet and the mitred parakeet are native to South America; however escaped individuals previously kept as pets have become naturalized in residential, urban, and suburban areas primarily within coastal southern California. Scattered observations and smaller naturalized populations occur elsewhere in California, including the San Francisco Bay Area. In their native range, red-masked parakeet occurs in a range of habitats including

⁸ Personal communication with Mr. Kimball Garrett (Collections Manager, Natural History Museum of Los Angeles County) on October 6, 2008 discussing wild parakeet populations located within the Studio City area.

humid forests, deciduous forest, dry Acacia scrub, open sparsely vegetated desert, and intensely farmed areas and towns, while mitred parakeet is found primarily in small forest patches, arid mountain slopes and valleys, steep hills and rock faces, and legume-dominated cloud forest. In North America, the nesting season for both species generally extends between spring and summer. Nesting typically occurs within cavities; older trees are preferred, but non-traditional cavities (drain pipes, abandoned cavity nests used by other species, etc) are also used. Based on Forshaw (2006), the female has one clutch per year. Eggs incubate for 23 days, and the young typically fledge within 50 days. Food items vary from nectar to seeds and berries.

Although not included in the Special Animals list, and not afforded regulatory protection in California or the United States due to their presence as an introduced exotic species, both red-masked parakeet and mitred parakeet have been evaluated for population status by the International Union for Conservation of Nature (IUCN) within their natural range: the red-masked parakeet has been assigned a status of Near Threatened (IUCN-NT), indicating that this species nearly qualifies for listing as threatened within its range; mitred parakeet has been assigned a status of Least Concern (IUCN-LC), indicating that it does not approach the threshold for the population decline criterion used by the IUCN (i.e., declining more than 30% in ten years or three generations).

2. Squirrels

a. California ground squirrel (Spermophilus beecheyi)

California ground squirrels are found within open areas, including rocky outcrops, fields, pastures, and sparsely wooded hillsides from southern central Washington, western Oregon, most of California, and west central Nevada. California ground squirrels form loose colonies of multiple individuals that occupy a single burrow that is accessed individually through used and maintained entrances. California ground squirrels may climb into brush or trees to bask, but otherwise remain on the ground. Plant materials are the primary food source; however insects and small vertebrates may be eaten. Hibernation occurs from November through February; however, first-year individuals may remain above ground. California ground squirrels are residents within the Studio City Golf Course.

b. Fox Squirrel (Sciurus niger)

Fox squirrel, the largest of the North American tree squirrels, is native to the eastern United States, and inhabits woods, mixed forests, cypress and mangrove swamps, and areas containing pine trees. The fox squirrels present on the Studio City Golf Course are not native to California, but likely represent a small population that has become established and locally naturalized within the golf course and the portions of the surrounding neighborhoods that contain suitable tree cover. Fox squirrels are active all year, and feed on nuts, seeds, berries, some fungi, and corn in areas of agricultural production. Summer nests are located in tree branches and formed of leaves; winter nests may be in a tree cavity and occupied with several other squirrels. These squirrels are somewhat larger than the Eastern gray squirrel (*Sciurus carolinensis*)⁹. Their coat is more colorful and has a brownish tinge to the tail and rusty-gray under parts with a rusty-yellow or orange belly.

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Originally identified as occurring on site in 2007.

VI. CONCLUSIONS

Based on biological surveys conducted in 2007 and 2008, the Studio City Golf Course contains a variety of wildlife (reptiles, birds, and mammals) that have adapted to normal golf course operations. Although the proposed senior housing development located within the area currently containing tennis courts has no specific habitat area, the surrounding golf course provides suitable mature trees, brush, and vegetative cover used by existing wildlife species. The proposed development project will not remove any of the mature trees or brush so potential bird nesting habitat and squirrel nesting areas will remain intact. However, since the proposed development footprint is contiguous to these existing habitat areas, resident bird and wildlife species will need to be protected during construction. The following recommendations are proposed for protecting wildlife resources during project construction.

VII. RECOMMENDATIONS

A. BIRDS

The exotic parakeets observed on-site are not protected by state or federal regulation, but are of interest to the general public in the area. Acknowledging this public concern, the developer could, at their discretion, apply the following avoidance/protection measures (typically extended only to native bird species) to the exotic parakeets occurring on the Studio City Golf Course and thereby provide adequate measures to prevent impacts to these birds.

As most of the proposed construction is planned to occur within the existing footprint of the tennis court complex and immediately adjacent area, which generally lack suitable nesting and foraging habitat for the bird species observed on-site, it is likely that proposed construction activities within the tennis court area will have negligible impacts to birds generally occurring within the Studio City Golf Course area. However, as a standard measure, the following recommendations are presented to ensure that proposed construction activities comply with the conditions of the California Fish and Game Code, and the Federal Migratory Bird Species Treaty Act, which provide regulatory protection for nesting birds. It is recommended that:

- Biological monitoring of all construction activities be performed during the regular nesting season (February 1 through September 1). If birds begin to nest during construction, these nest areas will be marked and a 50-foot buffer/avoidance zone will be established to protect nesting/fledgling birds. Any nesting birds within this zone should be avoided until such time that all young have fledged and the nest is no longer active, or until the nest is observed to have been abandoned for a sufficient period of time to preclude egg viability. Heavy equipment (dozer, backhoe, trucks, excavator, and pile driver) used for project construction will avoid working within this 50-foot buffer area.
- Alternatively, excavation, grading, fill, pile driving or any other construction activity requiring the use of heavy equipment should be conducted outside the typical nesting season.

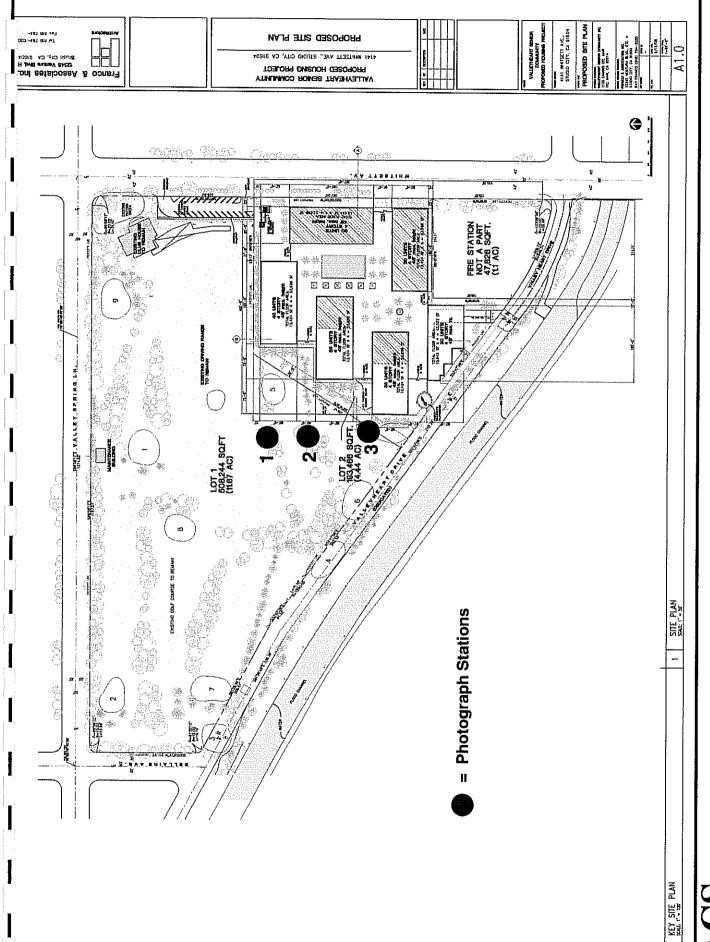
B. MAMMALS

Neither fox squirrels nor the California ground squirrels occurring on-site are special-status species, and are not provided any special state or federal regulatory protection. As most of the proposed construction is planned to occur within the 4.44-acre tennis court project area and the areas immediately adjacent, which generally lack suitable burrowing, nesting, and foraging habitat for the squirrel species observed on-site, it is likely that proposed operations will have negligible impacts to squirrels occurring on the adjacent Studio City Golf Course area. In addition, it should be noted that fox squirrels are exotic to California (native to the eastern portion of the United States), and the ground squirrel population occurring on-site is presently managed by golf course landscape and maintenance personnel in order to minimize damage caused by these burrowing mammals to the golf course fairway and green areas. Since the mature trees on site will be left intact, any fox squirrel nests will be left intact during construction. Therefore, there are no specific recommendations for protecting these animals.

VIII. REFERENCES

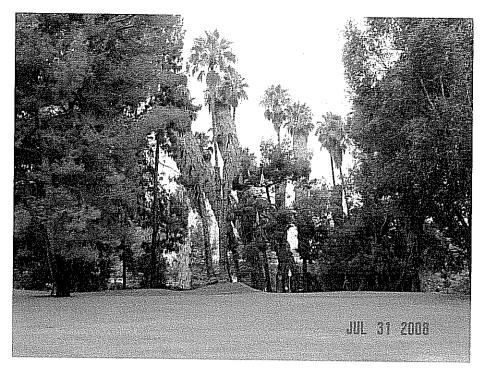
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Photograph Station Locations

|| || || FIELD REPORT 109.08



Photograph 1. View west taken from Photograph Station 1. Photograph shows the golf course area west of the proposed development area. Exotic parakeets have been observed within the fan palms shown within the center of the photograph. Date of Photograph: July 31, 2008.



Photograph 2. View west taken from Photograph Station 2. Photograph shows the golf course area west of the proposed development area. Exotic parakeets have been observed within the large eucalyptus trees shown within the center of the photograph (background). Date of Photograph: July 31, 2008.



Photograph 3. View west taken from Photograph Station 3. Photograph shows the golf course area west of the proposed development area. Exotic parakeets have been observed within the large eucalyptus trees shown within the center of the photograph (background). Date of Photograph: July 31, 2008.