Appendix D.1 Biological Resources Report

BIOLOGICAL RESOURCES TECHNICAL REPORT

Harvard-Westlake School Parking Structure

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BIOLOGICAL RESOURCES TECHNICAL REPORT

Harvard-Westlake School Parking Structure
3701 N. Coldwater Canyon Ave.
North Hollywood, CA 91604

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LDC PROJECT NO. 10003-001

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BIOLOGICAL RESOURCES

The analysis contained within this report describes the existing biological resources within the project site, potential environmental impacts, as well as recommended mitigation measures to reduce or avoid impacts to biological resources. Biological surveys were conducted on March 16 and 29, 2011 by Ty M. Garrison, Senior Biologist. This report is organized as an Environmental Impact Report section at the request of, and based on the format provided, by Sirius Environmental.

EXISTING CONDITIONS

Project Site Overview

The Harvard Westlake School parking structure site is located within the western section (Range 15 West, Township 1 North) of the United States Geological Surveys Van Nuys, California Topographical Quadrangle (7.5 Series, photo-revised, 1967).[1] The project site elevation ranges from approximately 720 feet to 820 feet above mean sea level. The 5.93± acre site is located at 3701 N. Coldwater Canyon Avenue, which is on the west side of the road. Harvard Westlake School Campus is located across Coldwater Canyon Avenue to the east. The site consists of an east-facing slope with two west to east trending drainages traversing the property. The westernmost portion of the site is relatively undisturbed, but most of the site consists of relatively level graded pads that appear to be used for temporary storage of construction equipment and supplies. At the time of the surveys, two houses occupied the eastern part of the site[2].

Proposed Action

Harvard–Westlake School proposes to construct a new multi-level parking structure and pedestrian bridge on the parcels that they own on the west side of Coldwater Canyon Avenue. The parking structure will also have an athletic field on the top level. The pedestrian bridge will span Coldwater Canyon Avenue at the intersection of Harvard-Westlake, a private street. Some modification to that intersection is proposed to accommodate the bridge and to make improvements for ingress/egress to the main campus and the new parking structure.

1 No Section number for the project site is contained within the Canoga Park, CA Quadrangle.

2 These two residences have since been demolished (Permit number: 11019-20000-00599).

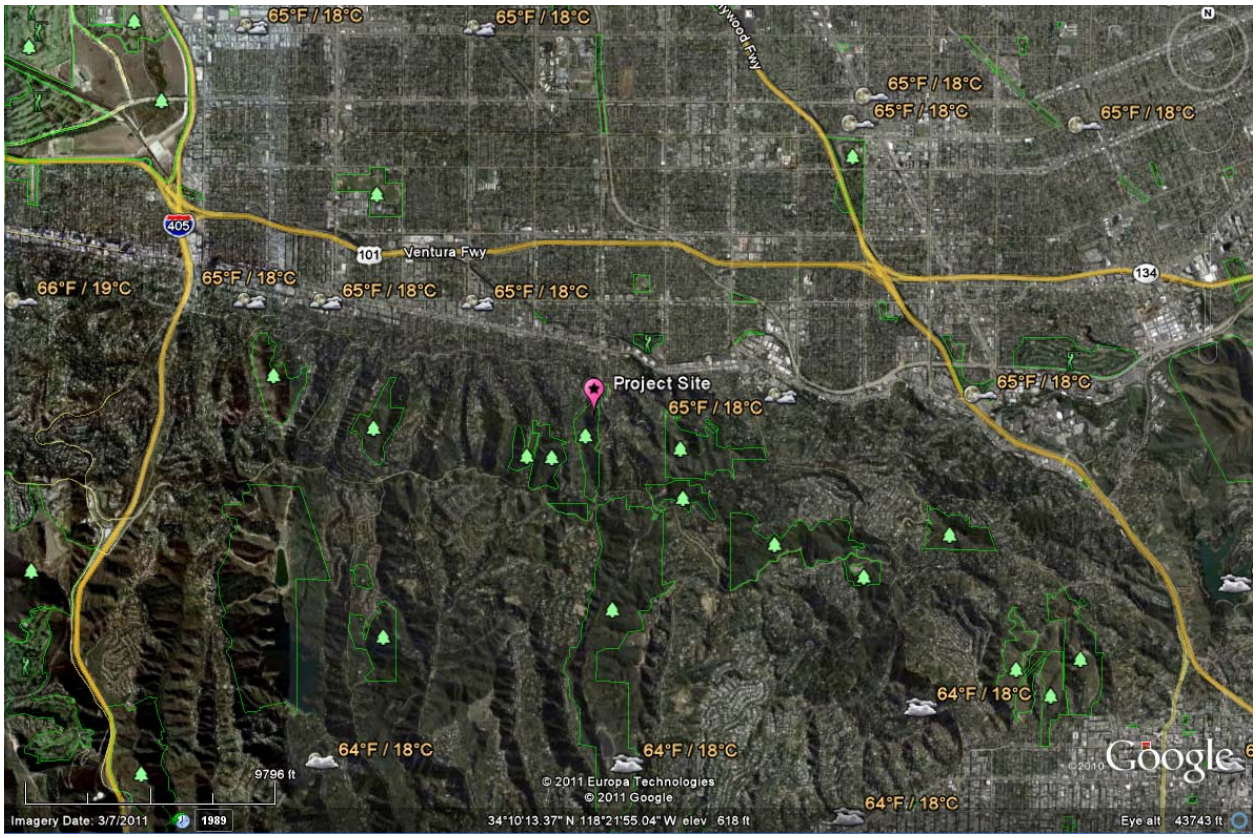

Figure 1 illustrates the site location.

Biological Resources

Regional

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

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

Plant Communities and Wildlife Habitats

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

Table 1 Plant Communities on the Harvard-Westlake School Parking Facility Site	
Southern live oak/southern walnut woodland	2.76 ac
Ruderal	0.33 ac
Landscaped/disturbed	2.84 ac

Southern Coast Live Oak/California Walnut Woodland

The project site is on the north side of the Santa Monica Mountains and the site is generally east facing with north facing slopes of the drainages. This topographical situation makes the site ideal for oak and walnut woodlands. There are 44 coast live oaks (*Quercus agrifolia*) and 271 California black walnuts (*Juglans californica* var. *californica*) on the site. Both oaks and walnuts are very important to regional wildlife because they depend on them for food and shelter. Most (about 78%) of the walnuts (of City ordinance size) on the site are infected with a fungus in the genus *Geosmithia*, which produces a condition commonly known as "thousand canker disease." This condition appears to always be fatal to infected trees. A detailed tree report has been prepared for the project PROTECTEDTREE REPORT *Harvard-Westlake School Parking Structure, 3701 N. Coldwater Canyon Ave., North Hollywood, CA 91604*. (Land Design Consultants, June 2011), for further information regarding the onsite tree resources, please refer to that report.

Ornamental Landscaping and Disturbed Areas

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

Landscaped areas are associated with the two existing residences and the cleared pad areas that may have once also contained residences. Trees used in the landscaping include Aleppo pine (*Pinus halapensis*), Peruvian pepper (*Schinus molle*), Chinese elm (*Ulmus parvifolia*), and silver wattle (*Acacia dealbata*). Several other landscape species, more commonly thought of as shrubs, have grown quite large, some approaching tree-like proportions. Among the shrubs used for landscaping

on the site are oleander (*Nerium oleander*), privet (*Ligustrum* sp.), Victorian box (*Pittosporum undulatum*), cotoneaster (*Cotoneaster* sp.), and Spanish bayonet (*Yucca aloifolia*).

Ruderal

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

Sensitive Biological Resources

Several species known to occur in the project vicinity are protected pursuant by Federal and/or State endangered species laws, or have been designated as Species of Concern by the USFWS or Species of Special Concern by the CDFG. In addition, Section 15380(b) of the California Environmental Quality Act (CEQA) Guidelines provides a definition of rare, endangered or threatened species that are not included in any listing. Species recognized under these terms are collectively referred to as "special-status species." For purposes of this analysis, special-status species include:

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

The California Natural Diversity Data Base (CNDDB 2011) and California Native Plant Society's online inventory, as well as personal knowledge of the project biologists were used to compile the list of sensitive species with the potential to occur on the project site. These databases were queried for reports of sensitive biological resources in the following USGS 7.5 minute quadrangle map areas: Van Nuys, San Fernando, Sunland, Canoga Topanga, Oat Mountain, Burbank, Beverly Hills, and Hollywood.

Table 2
SENSITIVE BIOLOGICAL RESOURCES IN THE
HARVARD WESTLAKE SITE VICINITY

COMMON NAME	SCIENTIFIC NAME	PRESENCE ONSITE	FWS	CDFG	CNPS PIF
Plants					
Malibu Baccharis	*Baccharis malibuensis*	N	--	--	1B
Southern Tarplant	*Centromadia parryi* ssp. *australis*	N	--	--	1B
Santa Susana Tarplant	*Deinandra minthornii*	N	--	R	1B
Los Angeles Sunflower	*Helianthus nuttallii* ssp. *parishii*	N	--	--	1A
Lyon's Pentachaeta	*Pentachaeta lyonii*	N	E	E	1B
Beach Spectacledpod	*Dithyrea maritima*	N	--	T	1B
Coulter's Saltbush	*Atriplex coulteri*	N	--	--	1B
Parrish's Brittlescale	*Atriplex parishii*	N	--	--	1B
Nevin's Barberry	*Berberis nevinii*	N	E	E	1B
Blochman's Dudleya	*Dudleya blochmaniae* ssp. *blochmaniae*	N	--	--	1B
Agoura Hills Dudleya	*Dudleya cymosa* ssp. *agourensis*	N	T	--	1B
Marcescent Dudleya	*Dudleya cymosa* ssp. *marcescens*	N	T	R	1B
Santa Monica Mountain Dudleya	*Dudleya cymosa* ssp. *ovatifolia*	N	T	--	1B
Many-stemmed Dudleya	*Dudleya multicaulis*	N	--	--	1B
Conejo Dudleya	*Dudleya parva*	N	T	--	1B
Braunton's Milk-vetch	*Astragalus brauntonii*	N	E	--	1B
Ventura Marsh Milk-vetch	*Astragalus pycnostachyus* var. *lanosissimus*	N	E	E	1B
Coastal Dunes Milk-vetch	*Astragalus tener var. titi*	N	E	E	1B
Davidson's Bush Mallow	*Malacothamnus davidsonii*	N	SC	--	1B
Round-leaved Filaree	*Erodium macrophyllum*	N	--	--	2
Mud Nama	*Nama stenocarpum*	N	--	--	2
Salt Spring Checkerbloom	*Sidalcea neomexicana*	N	--	--	2
San Fernando Valley Spineflower	*Chorizanthe parryi* var. *fernandina*	N	C	E	1B
Parry's Spineflower	*Chorizanthe parryi* var. *parryi*	N	--	--	3
Slender-horned Spineflower	*Dodecahema leptoceras*	N	E	E	1B
Conejo Buckwheat	*Eriogonum crocatum*	N	--	R	1B
Dune Larkspur	*Delpinium parryi* ssp. *blochmaniae*	N	--	--	1B
Salt Marsh Bird's-beak	*Cordyylanthus maritimus* ssp. *maritimus*	N	E	E	1B
Sonoran Maiden Fern	*Thelypteris puberula* var. *sonorensis*	N	--	--	2
Slender Mariposa Lily	*Calochortus clavatus* var. *gracilis*	N	--	--	1B
Plummer's Mariposa Lily	*Calochortus plummerae*	P	--	--	1B
Chaparral Nolina	*Nolina cismontane*	N	--	--	1B
California Orcutt Grass	*Orcuttia californica*	N	E	E	1B
Invertebrates					
Riverside Fairy Shrimp	*Streptocephalus woottoni*	N	E	--	--
Tengellid Spider	*Socalchemmis gertschi*	N	--	--	--
Santa Monica Shieldback Katydid	*Neduba longipennis*	N	--	--	--
Santa Monica Grasshopper	*Trimerotropis occidentaloides*	N	--	--	--
Sandy Beach Tiger Beetle	*Cicindela hirticollis gravida*	N	--	--	--

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SENSITIVE BIOLOGICAL RESOURCES IN THE
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COMMON NAME	SCIENTIFIC NAME	PRESENCE ONSITE	FWS	CDFG	CNPS PIF
Globose Dune Beetle	*Coelus globosus*	N	--	--	--
Monarch Butterfly (roosting)	*Danaus plexippus*	N	--	--	--
Fish					
Tidewater Goby	*Eucyclogobius newberryi*	N	E	--	--
Arroyo Chub	*Gila orcutti*	N	--	SC	--
Southern Steelhead	*Oncorhynchus mykiss irideus*	N	E	--	--
Amphibians					
Western Spadefoot	*Spea hammondii*	N	SC	SC	--
Arroyo Toad	*Bufo californicus*	N	E	SC	--
California Red-legged Frog	*Rana aurora draytonii*	N	T	SC	--
Reptiles					
Southwestern Pond Turtle	*Actinemys marmorata*	N	SC	SC	--
Coast (San Diego) Horned Lizard	*Phrynosoma coronatum blainvillei*	N	--	SC	--
Coastal Western Whiptail	*Aspidoscelis tigris stejnegeri*	P	--	SC	--
Silvery Legless Lizard	*Anniella pulchra pulchra*	V	SC	SC	--
San Diego Mountain Kingsnake	*Lampropeltis zonata pulchra*	N	--	SC	--
Two-striped Garter Snake	*Thamnophis hammondii*	N	--	SC	--
San Bernardino Ringneck Snake	*Diadophus punctatus modestus*	P	--	--	--
Birds					
Golden Eagle	*Aquila chrysaetos*	N	FP	SC	--
Coopers Hawk	*Accipiter cooperii*	V		SC	
Western Yellow-billed Cuckoo	*Coccyzus americanus occidentalis*	N	C	E	--
Burrowing Owl	*Athene cunicularia*	N	SC	SC	--
White-throated Swift	*Aeronautes saxatalis*	P-T	--	--	T&D
Rufous Hummingbird	*Selasphorus rufus*	O	--	--	T&D
Nuttall's Woodpecker	*Picoides nuttallii*	O	--	--	RR
Southwestern Willow Flycatcher	*Empidonax traillii extimus*	N	E	E	T&D
Least Bell's Vireo	*Vireo bellii pusillus*	N	E	E	T&D
Bank Swallow	*Riparia riparia*	N	--	T	--
Oak Titmouse	*Baeolophus inornatus*	O	SLC	--	T&D
Coastal California Gnatcatcher	*Polioptila californica*	N	T	SC	RR
Southern California Rufous-crowned Sparrow	*Europhilia reface's capeskins*	N	--	SC	--
Tricolored Blackbird	*Agelaius tricolor*	N	--	SC	RR
Mammals					
San Diego Black-tailed Jackrabbit	*Lupus californica Bennett*	N	--	SC	--
Los Angeles Pocket Mouse	*Perognathus longimembris brevinasus*	N			
San Diego Desert Woodrat	*Neotoma lepida intermedia*	N	--	SC	--
American Badger	*Taxidea taxus*	U	--	SC	--
Habitats					
California Walnut Woodland	--	O	--	--	--
Cismontane Alkali Marsh	--	N	--	--	--
Southern California Coastal Lagoon	--	N	--	--	--
Southern California Steelhead Stream	--	N	--	--	--

Table 2
SENSITIVE BIOLOGICAL RESOURCES IN THE
HARVARD WESTLAKE SITE VICINITY

COMMON NAME	SCIENTIFIC NAME	PRESENCE ONSITE	FWS	CDFG	CNPS PIF
Southern Coast Live Oak Riparian Forest*	--	O	--	--	--
Southern Coastal Salt Marsh	--	N	--	--	--
Southern Cottonwood Willow Riparian Forest	--	N	--	--	--
Southern Mixed Riparian Forest	--	N	--	--	--
Southern Riparian Scrub	--	N	--	--	--
Southern Sycamore Alder Riparian Woodlands	--	N	--	--	--
Southern Willow Scrub	--	N	--	--	--
Valley Needlegrass Grassland	--	N	--	--	--
Valley Oak Woodland*	--	N	--	--	--
Streamcourses**	--	N	--	--	--

FOOTNOTES FOR SENSITIVE BIOLOGICAL RESOURCES -- Table 1

OCCURRENCE

O Species **O**ccurs onsite.
O-T Species **O**ccurs onsite as a **T**ransient
V Species **V**ery likely occurs onsite.
P-T Species **P**ossibly Occurs onsite as a **T**ransient
P Species **P**ossibly may occur onsite.
U Species is **U**nlikely to occur onsite.
N **N**o occurrence onsite.

STATUS

E **E**ndangered; Species is in immediate danger of extirpation or extinction from existing pressures.
SC **S**pecies of **C**oncern, formerly a candidate for federal listing but that category was eliminated but these species are thought to warrant special attention due to suspected declines.
3A Species withdrawn from candidacy for federal listing; believed to be extinct.
3B Species withdrawn from candidacy for federal listing; believed not to be taxonomically valid given current information.
3C Species withdrawn from candidacy for federal listing; proven to be more widespread than previously believed and/or not subject to any identifiable threat.
FP **F**ully **P**rotected by special ordinance or statute.
CT / CE State candidate for listing as threatened (T) or Endangered (E).
PT **P**roposed **T**hreatened; Species for which a proposed rule to list as endangered or threatened has been published in the Federal Register (exclusive of taxa for which the proposed rule has been withdrawn or finalized).
T **T**hreatened; Species not presently threatened with extinction, but is likely to become an Endangered species in the foreseeable future in the absence of special protection and management efforts.
1A CNPS Priority List 1A; plant presumed extinct in CA.
1B CNPS Priority List 1B; plant Rare, Threatened, or Endangered in CA and elsewhere; eligible for State listing.
2 CNPS Priority List 2; plant rare, threatened, or Endangered in CA, but more common elsewhere; eligible for state listing.
3 CNPS Priority List 3; more information is needed about this species.
4 CNPS Priority List 4; on watch list for plants of limited distribution.
* CA has no authority to legally list invertebrate species; however, a legal agreement (1988) requires the state to monitor the status of federally listed species for threats of extinction and/or extirpation.
m Though not protected by the state or federal government, oaks are protected by a number of local ordinances and are invariably defended vehemently by public and private special interest groups.
SC CDFG Species of **S**pecial **C**oncern; native species not having state or federal Threatened or Endangered Species status, but thought to warrant monitoring due to declining population numbers. Includes those species tracked in the CNDDB but not given any other special status.
SLC **S**pecies of **L**ocal **C**oncern as reported in the FWS Sacramento region's Species of concern list.

CSC1 CDFG Species of Special Concern, Highest Priority; species appears to face a high probability of extinction or extirpation from their entire geographic range in CA if current trend continues.

c CDFG Species of Special Concern, Second Priority; population is definitely in jeopardy and declining, but the threat of extinction or extirpation is not immediate.

d CDFG Species of Special Concern, Third Priority; species does not appear to face extinction soon, but populations are declining seriously or they are otherwise highly vulnerable to human developments.

FSS **F**ederal (Bureau of Land Management and US Forest Service) **S**ensitive **S**pecies.

CNDDB ranks are shorthand formulas that provide information on the rarity of a species or subspecies, both throughout its global range and its range within the State. We use the best information available to assign these ranks and they are regularly updated as new information becomes available.

GLOBAL RANKS: Worldwide status of a full species: G1 to G5

G1 = Extremely endangered: <6 viable occurrences (EO's) or <1,000 individuals, or < 2,000 acres of occupied habitat

G2 = Endangered: about 6-20 EO's or 1,000 - 3,000 individuals, or 2,000 to 10,000 acres of occupied habitat

G3 = Restricted range, rare: about 21-80 EO's, or 3,000 – 10,000 individuals, or 10,000 – 50,000 acres of occupied habitat

G4 = Apparently secure; some factors exist to cause some concern such as narrow habitat or continuing threats

G5 = Demonstrably secure; commonly found throughout its historic range

STATE RANKS: Statewide status of a full species or a subspecies: S1 to S5

Same general definitions as global ranks, but just for the range of the taxa within California.

T-RANKS: Status of a subspecies throughout its range: T1 to T5

A subspecies is given a T-rank. This is attached to the G-rank for the full species. The S-rank, in this case, will refer to the status of the subspecies within California. The T-rank has the same general definitions as the global ranks.

RR T&D HC Partners in Flight (PIF) watch list is produced by a coalition of non governmental organizations including the National Audubon Society, American Bird conservancy, American Birding Association, National Fish and Wildlife Foundation, Colorado Bird Observatory, Cornell Lab of Ornithology and others. Watched species are those that are faced with population decline, limited geographic range, and/or threats such as habitat loss on their breeding and wintering grounds. The list excludes species listed under the ESA. HC – **H**ighest **C**oncern – Species that are in imminent danger of extinction in the wild. (may include listed species) RR **R**ange **R**estricted - indicates a species whose range is limited and which might be vulnerable to catastrophic events. T&D **T**hreatened and **D**eclining – Indicates a species for which existing data indicates that ongoing threats are resulting in a decline of the species throughout its range.

W **W**atch List; Location information for this species not computerized. The CNDDB is currently collecting distribution information.

* Protected by County Ordinance (all oak species)

** Protected by CDFG Code Chapter 1600 and Section 404 of the Clean Water Act (U.S. Army Corps of Engineers (USACE).

Sensitive Plant Communities

Oak trees are protected by the City Los Angeles oak tree protection ordinances and oak woodland habitat is protected by California State Senate Bill 1334. Forty four (44) coast live oaks are located within the property boundary or within the immediate off-site area of potential impact.

Wildlife

Because the project site is small and most of the wildlife observed is able to move freely between the habitat types present, no discussion of differential habitat utilization by the observed wildlife species will be presented. All of the wildlife observed or expected to occur on the site can be expected in all areas of the site. It is expected that wildlife would utilize the disturbed and ruderal areas to a lesser extent, and that these areas are of less importance to the resident wildlife than the relatively

undisturbed habitats present. The following paragraphs describe common representatives of each class of wildlife noted on the site.

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

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

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

Figure 2. A coyote peers from the castor bean on the Harvard Westlake School parking facility site.

Wildlife Movement Corridors/Habitat Linkages

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

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

Figure 3. A mule deer, observed onsite, is one of the species with a large home range that will utilize the site and the surrounding open space areas.

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

The area surrounding the project site is urbanized in the relatively sparse manner typical of the Santa Monica Mountains, with large houses on large lots that frequently lack fencing. This allows for the passage of terrestrial wildlife that is acclimated to the presence of people and pets. There is also an extensive network of natural open space preserves and undeveloped land that form a nearly contiguous east-west band of natural habitat that extends form the 101 Freeway to the east to Topanga Canyon State Park and the area known as the "Big Wild" to the west. The western boundary of the project site is contiguous with the Coldwater Canyon Open Space Preserve, which is a part of the previously described open space network. At present the site provides a very minimal barrier to wildlife movement that is principally based on the activities of the residents of the two houses on the site and the people using the existing pads as materials and equipment storage facilities. When activity levels are low, wildlife is expected to traverse the site unhindered. This

conclusion is supported by repeated sightings of deer and coyote on the site. However, the site is at the northern edge of one unit of this open space network, with the majority of the preserved and undeveloped open space located in a wide east-west band that is centered south of the project site. Figure 4 illustrates the regional open space network.

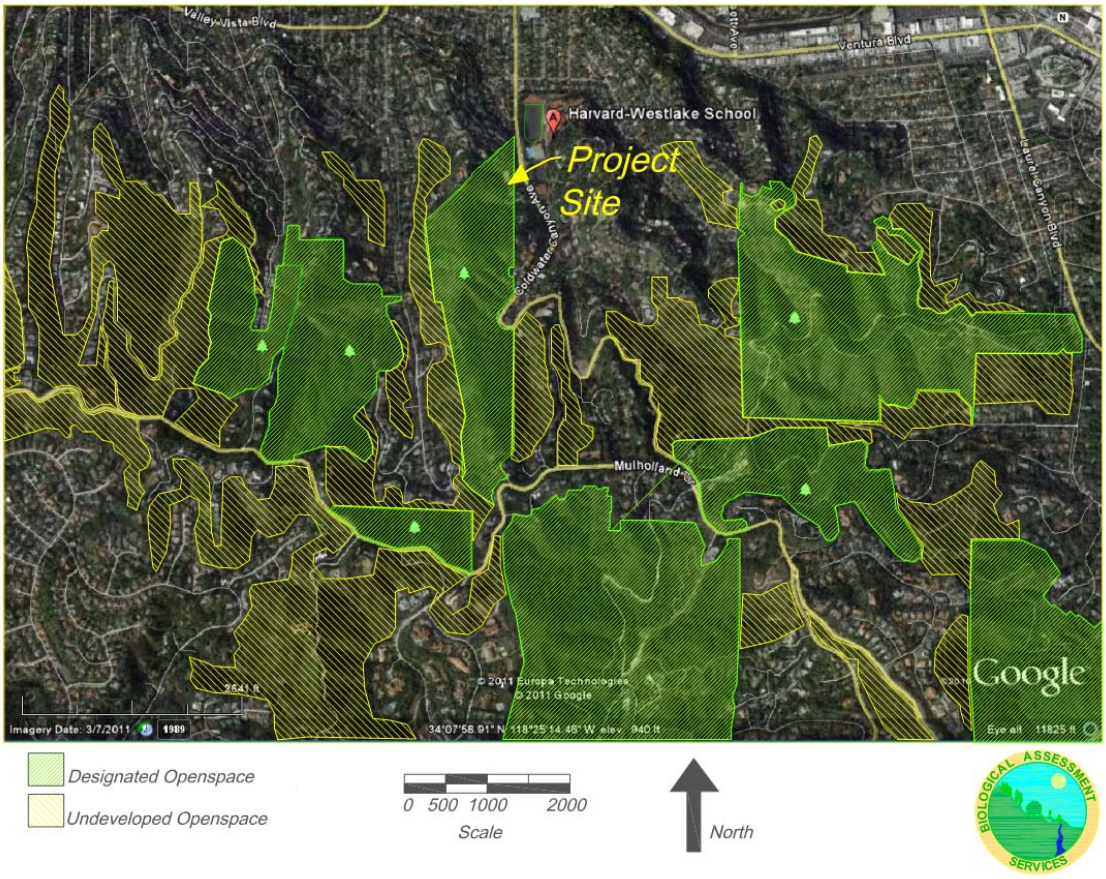

Figure 4. Open Space Network in the Site Vicinity.

Wetlands and Waters of the United States and California

Jurisdictional Determinations

ACOE "Waters of the U.S." There are no ACOE "Waters of the U.S." contained within the Harvard Westlake Parking Structure site.

ACOE Wetlands. There are no areas located within the site that meet the definition of wetlands, per ACOE criteria.

CDFG Jurisdictional Riparian Areas. There are no areas located within the site that meet the definition of riparian areas, per CDFG criteria.

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

The site is not located within an NCCP or HCP.

Regulatory Setting

Federal

Federal Endangered Species Act

Under the Federal Endangered Species Act (FESA), the Secretary of the Interior and the Secretary of Commerce have joint authority to list a species as threatened or endangered (16 United States Code [USC] 1533[c]). Pursuant to the requirements of FESA, a federal agency reviewing a proposed project within its jurisdiction must determine whether any federally listed, threatened, or endangered species, or species proposed for federal listing may be present in the project area and determine whether the proposed project will have a potentially significant impact on such species. In addition, the federal agency is required to determine whether the project is likely to jeopardize the continued existence of any species proposed to be listed under FESA or result in the destruction or adverse modification of critical habitat proposed to be designated for such species (16 USC 1536[3], [4]). Adverse project impacts on these species or their habitats would be considered potentially significant.

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

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

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

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (16 USC, Sec. 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. Birds of prey are protected in California under the State Fish and Game Code, Section 3503.5, 1992. Section 3503.5 states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "taking" by the CDFG. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact. Project impacts to these species would not be considered significant unless they are known or have a high potential to nest in the project area or to rely on it for primary foraging.

State

California Endangered Species Act

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

California Native Plant Protection Act

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

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

Section 15380 ("Rare or endangered species") provides for assessment of unlisted species as rare or endangered under CEQA if the species can be shown to meet the criteria for listing.

California Native Plant Society

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

Wetlands, Streams and Riparian Habitat

Federal

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

The term "waters of the U.S. " as defined in Code of Federal Regulations (33 CFR 328.3[a]; 40 CFR 230.3[s]) includes: (1) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; (2) All interstate waters including interstate wetlands; (3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mud flats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which could affect interstate or foreign commerce including any such waters which are or could be used by interstate or foreign travelers for recreational or other purposes; or from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or which are used or could be used for industrial purposes by industries in interstate

commerce; (4) All impoundments of waters otherwise defined as waters of the United States under the definition; (5) Tributaries of waters identified in paragraphs (1) through (4); (6) Territorial seas; and (7) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (1) through (6). The Corps requires obtaining a permit if a project proposes placing structures within navigable waters and/or alteration of waters of the United States.3

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

Individual Permit. An Individual Permit is required for any project that does not meet the NWP General Conditions. Additional regional requirements for maintaining upland buffer areas between authorized projects and open waters or streams may be conditions for granting any Corps permit. Activities authorized under an Individual Permit require compliance with Corps Section 404 regulations, EPA Section 404(b)(1) Guidelines, National Environmental Policy Act, the Federal Endangered Species Act (FESA), Section 106 of the National Historic Preservation Act, and Section 401 of the Clean Water Act (water quality certification).

State

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

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

Local

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

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

A detailed tree report has been prepared for the project PROTECTED TREE REPORT *Harvard-Westlake School Parking Structure, 3701 N. Coldwater Canyon Ave., North Hollywood, CA 91604*. (Land Design Consultants, June 2011), for further information regarding the onsite tree resources, please refer to that report. The Municipal Code permits the City's Board of Public Works to grant permission to remove or relocate this species.

Landscape Ordinance. The Emergency Water Conservation Plan of the City of Los Angeles (Municipal Code, Chapter XII, Article 1, Section 121.08) provides for the reduction in the City's water use through the regulation of landscape watering practices throughout the City. The ordinance states that no lawn, landscape, or other turf areas shall be watered or irrigated between the hours of 10:00 am and 5:00 pm from April 1 to September 30, or between the hours of 11:00 am and 3:00 pm from October 1 to March 31. In addition, Article IV of Chapter XII presently requires a ten percent reduction in the amount of water used for landscape irrigation on large turf areas, and provides for surcharges for water used in violation of the requirements. Lastly, LAMC Section 124.03 requires certain water conservation requirements for large turf areas. These mandate that:

(a) Owners of large turf areas in the City of Los Angeles shall reduce or caused to be reduced by ten percent the amount of water used for landscape irrigation purposes on large turf areas. The ten percent reduction shall be calculated based on the corresponding billing period in the base year.

(b) Owners of large turf areas shall comply with the requirements of Subsection (a) of this section by October 13, 1988.

(c) Owners of large turf areas who install water conservation devices that are specifically designed or manufactured, as determined by the Department of Water and Power, to reduce water consumption by at least ten percent shall be deemed to have complied with this section.

(d) The provisions of this section shall not apply to those owners of large turf areas who are determined by the Department of Water and Power to use reclaimed water for landscape irrigation purposes.

Urban Forest

An urban forest is the sum total of all vegetation growing in urban areas. According to the National Urban Forest Council, an urban forestry is defined as:

The art, science, and technology of managing trees, forests, and natural systems in and around urban areas for the health and well being of communities.

Urban forests, and in particular trees, provide significant benefits to communities although the urban ecosystem presents a less than optimal environment for tree growth. Urban sprawl has contributed to the decline of urban forests and the development of additional problems associated with urban heat islands and storm water runoff. In an attempt to deal with these additional problems, communities have experienced increased costs associated with the installation and repair or their gray infrastructures (sewers, utilities, buildings, roads, etc). As such, more communities are recognizing that vegetation, especially trees, make up a green infrastructure that has the potential to improve the quality of life in a more cost effective manner than the gray infrastructure.[4] The City of Los Angeles contains one of the largest urban forests in the United States.[5]

THRESHOLDS OF SIGNIFICANCE

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

- The project has a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies or regulations or by the CDFG or the USFWS.

- The project has a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations or by the CDFG or the USFWS.

- The project has a substantial adverse effect on state or federally protected wetlands as defined by Section 404 of the Federal Clean Water Act (CWA), CDFG or California Coastal Commission, including but not limited to marsh, coastal, etc. through direct removal, filling, hydrological interruption or other means.

- The project interferes substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impedes the use of native wildlife nursery sites.

- The project conflicts with any local policies or ordinances protecting biological resources such as a tree preservation policy or ordinance.

[4] Source: National Urban Forest Council, 2008.

[5] City of Los Angeles, Bureau of Street Services, Urban Forestry Division: http://www.lacity.org/boss/UrbanForestryDivision/index_managingUF.htm, accessed July 25, 2010.

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

- The loss of individuals, or the reduction of existing habitat, of a state or federal listed endangered, threatened, rare, protected, or candidate species, or a Species of Special Concern or federally listed critical habitat;

- The loss of individuals or the reduction of existing habitat of a locally designated species or a reduction in a locally designated natural habitat or plant community;

- Interference with wildlife movement/migration corridors that may diminish the chances for long-term survival of a sensitive species;

- The alteration of an existing wetland habitat;

- Interference with habitat such that normal species behaviors are disturbed (e.g., from the introduction of noise, light) to a degree that may diminish the chances for long-term survival of a sensitive species; or

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

IMPACT ASSESSMENT

Methodology

Potential impacts to biological resources were evaluated based on the biological resources known or thought likely to be present on the Harvard Westlake School parking structure site and the overlay of the proposed project impact area on the habitats present on the site.

ENVIRONMENTAL IMPACTS

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

Vegetation

1. The proposed project plans indicate approximately 3.44 acres of impact area or 58% of the project site. However, the impact to native habitat on the site is 0.65 acres of oak/walnut woodland. Table 3 below indicates the proposed impacts to the habitats found on the project site. A relatively small impact to offsite oak/walnut woodlands would occur in the area of a planned but never developed street adjacent to the south end of the site.

Table 3
Plant Community Impacts on the Harvard-Westlake School Parking Facility Site

Plant Community	Acres Present	Acres Impacted
Southern live oak/southern walnut woodland	2.76 ac	0.65
Offsite oak/walnut woodland	NA	0.04
Ruderal	0.33 ac	0.04
Landscaped/disturbed	2.84 ac	2.71

2. Southern Oak Woodland/Southern Walnut Woodland – Impacts to 0.65 acres of oak and walnut woodland would be considered significant because both oaks and walnuts are important parts of the regional ecosystem and because both resources are protected by local and state regulations. Of the 315 protected trees inventoried for the project, 104 are proposed for removal, 26 are proposed to sustain permanent encroachment, and 185 are proposed to be preserved in place. The proposed removal trees include 10 oaks and 94 walnuts. The proposed encroachment trees include three (3) oaks and 23 walnuts. As previously indicated, a separate report has been prepared for the tree resources on the site PROTECTED TREE REPORT *Harvard-Westlake School Parking Structure, 3701 N. Coldwater Canyon Ave., North Hollywood, CA 91604*. (Land Design Consultants, June 2011), for further information regarding the onsite tree resources, please refer to that report.

3. Ruderal – Project implementation would result in the conversion of 0.04 acre of ruderal habitat, consisting mostly of castor bean, a noxious weed. This impact is not considered significant.

Figure 5 Vegetation Impact Map. The red line indicates the limits of development with a 10-foot construction buffer.

4. Ornamental Landscape/Disturbed – Implementation of the proposed project would result in the elimination of 2.71 acres of ornamental landscape vegetation and previously disturbed portions of the site. Though landscape vegetation may provide some habitat value to native species, these species are generally well acclimated to urban and suburban environments and the loss of this habitat is not considered significant. Impacts to disturbed areas are not considered significant.

Wildlife

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

b. Other species can be expected to move to adjacent areas of similar habitat. Displaced wildlife, from this and other projects in the vicinity, will be forced to relocated to remaining open space areas of similar habitat in the area. Wildlife that does emigrate is subject to higher mortality by predation while in unfamiliar surroundings. Indirectly, wildlife populations in the surrounding area would be affected adversely by loss of available habitat within the project site as resident wildlife species are displaced by development. This displacement would cause temporary increased stress on nearby wildlife populations as competition for food, water, and nesting sites increased. As the area maintained as natural undeveloped land diminishes, greater competition for resources will occur and individual mortality will result within the displaced wildlife population. As a result of the encroaching urbanization in the Santa Monica Mountains remaining natural open space areas would increase in wildlife habitat value, relative to surrounding areas, as foraging and nesting areas and wildlife movement corridors become increasingly scarce. Without certain impacts to protected species, this impact is not considered significant.

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

Some plant species commonly used in landscaping are highly invasive and detrimental to local habitats and wildlife. These species frequently "escape" from yards and other intentionally landscaped areas and become established in native habitat areas. Because there are few, if any, natural control mechanisms, such as predators, the nonnative species eventually displace locally native plants. Native wildlife is not adapted to the nonnative plant community and uses it much less than the native community it replaced. Thus the spread of invasive exotic plants results in a decreased diversity of locally native plants and wildlife in the area.

7. Night lighting may be detrimental to animals in nearby natural areas for a variety of reasons. These include disruption of circadian rhythms and avoidance due to light sensitivity in species with exceptional night vision. Some insectivorous species benefit from night lighting because it attracts and concentrates large numbers of insects for feeding purposes. However, the typical net effect of lighting is that adjacent areas are utilized by wildlife to less than their fullest extent.

Sensitive Biological Resources

Plant Species

8. As previously noted, impacts to 0.65 ac of oak and walnut woodland would be considered significant because both oaks and walnuts are important parts of the regional ecosystem and because both resources are protected by local and state regulations. Of the 315 protected trees inventoried for the project, 104 are proposed for removal, 26 are proposed to sustain permanent encroachment, and 185 are proposed to be preserved in place. The proposed removal trees include 10 oaks and 94 walnuts. The proposed encroachment trees include three (3) oaks and 23 walnuts. As previously indicated, a separate report has been prepared for the tree resources on the site PROTECTED TREE REPORT *Harvard-Westlake School Parking Structure, 3701 N. Coldwater Canyon Ave., North Hollywood, CA 91604*. (Land Design Consultants, June 2011), for further information regarding the onsite tree resources, please refer to that report.

9. Of the 33 other sensitive plant species potentially occupying the project site, only the Plummer's mariposa lily would potentially occur there. The Plummer's mariposa lily could occur in the nonnative grassland portion of the ruderal habitat in the proposed area of direct impact (grading area). However, this area consists of less than 1000 square feet and if the species did occur there only a few individuals would likely be affected. This impact may be considered locally important but would not rise to the level of significance in accordance with CEQA guidelines.

Wildlife Species

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

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

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

12. The Cooper's hawk is primarily a bird predator and generally forages in oak and riparian woodlands., but in recent years the species has been breeding successfully in suburban environments with mature trees. Most of the habitat for the species will be preserved onsite. The loss of 0.69 acre of this habitat is not significant to the species, especially given that mitigation is required in accordance with the City of Los Angeles Municipal Code.

13. Three sensitive bird species utilizing the oak/walnut woodland will be directly impacted by loss of habitat resulting from implementation of the proposed project. Individual mortality of birds is unlikely and impacts to habitat are minor and would be insignificant to the species in question.

MITIGATION MEASURES

Although the impacts discussed above are regionally important, and impacts to the oak/walnut woodland are potentially significant, implementation of the following proposed mitigation measures would reduce them to a level of less than significant.

1. a. The project as proposed specifies the retention of approximately 2.49 acres (42%) of the project site as open space. To the extent that this area remains relatively free of human disturbance, it will continue to function as a component of the natural ecology of the area except in the immediate vicinity of the new development.

   b. In order to insure that direct impacts to habitats are limited to those proposed, temporary fences or other marking devices shall be placed at the limits of grading prior to the onset of grading to guide equipment operators and keep them within the limits of grading. Maximum effort shall be exercised during construction to restrict vehicle transportation routes and trips to a minimum number. Earth-moving equipment shall be confined to areas within the designated daylight grading area at all times during construction.

2. Oak/walnut woodland habitat will be mitigated in accordance with Los Angeles Municipal Code. This mitigation will, by definition, reduce the level of impacts to less than significant. The Protected Tree Report for the project indicates that the trees lost due to site development will be replaced at a 4:1 ratio with tree species determined to be acceptable by the City. The following list of recommendations and mitigation measures is paraphrased from the *Protected Tree Report* (dated 6-20-11) prepared by LDC:

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

   2.a The applicant shall be responsible for notifying the Advisory Agency and/or the City Forester of any changes in the scope of the work and shall ensure that all work is performed in accordance with applicable ordinances, permits, and procedures. Work performed within the drip line of the trees shall be preceded by not less than 48 hours notice to the City Forester and the project's Arborist (Certified/Registered Arborist).

   2.b Equipment, materials, and vehicles shall not be stored, parked or operated within the drip

line of a protected tree.

2.c Removal of the natural leaf mulch within the drip line of the protected trees onsite is prohibited except where absolutely necessary AND as approved by the project's Arborist.

2.d All trees not approved for encroachment shall be fenced prior to commencement of grading operations, and shall remain fenced until the City Forester approves removal of fencing.

2.e Any pruning, including dead wooding, shall be performed in compliance with the latest ANSI pruning standards by a certified arborist (or certified tree worker) or under direction of a certified arborist. Smaller limbs should be tied back out of the way to avoid unnecessary pruning for equipment clearance.

2.f Within 10 working days of completion of the work approved under this permit, the tree consultant shall provide a project certification letter to the City Forester. The applicant shall be responsible for notifying and coordinating all conditions with the City Forester and the project's Arborist.

Mitigation for Removals

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

Mitigation recommendations for the protected oak and walnut trees are outlined below. Ten (10) oak trees and 94 Southern California black walnut tree are proposed to be removed by the Harvard-Westlake School Parking Structure project.

2.g Given the significantly diseased condition of most of the walnut trees to be removed and the fact that there is currently no treatment available for the "thousand cankers disease" from which they suffer, we do ***not*** *recommend the planting of any new Southern California black walnuts.*

2.h To comply with the 4:1 replacement ratio, at least 416 mitigation trees should be planted on-site in the remaining open space areas of the Harvard-Westlake property. See Appendix IV of the Protected Tree Report for the Conceptual Mitigation Planting Plan. Color coding on the plan calls out areas potentially suited for the recommended mitigation trees for the site: Coast live oak (Q. agrifolia), California scrub oak (Quercus berberidifolia), western sycamore (platanus racemosa), and Mexican elderberry (Sambucus mexicana).

2.i Mitigation trees of the species called out herein may also be planted in the newly landscaped areas of the project as approved by the City Forester.

2.j City guidelines for mitigation trees call for "15-gallon specimen[s] measuring one inch or more in diameter at a point one foot above the base and not less than seven feet in height, measured from the base." However, given that the majority of the removal trees are walnuts in poor condition that should not be replaced "in-kind", it is recommended that a

range of smaller container sizes (such as one to five gallon) be allowed for mitigation trees in this project. Multi-stemmed trees should be allowed for mitigation purposes. The City Forester shall determine the final container sizes acceptable for each replacement species.

2.k Mitigation trees should be planted in groups, or clusters, of three to five trees in a circular or triangular pattern to mimic natural groups of trees. The City Forester shall determine the final placement of each replacement tree and/or group of trees on a Final Mitigation Planting Plan.

2.l The replacement trees must be planted by a Tree Expert, as defined by the City of Los Angeles Municipal Code, and carefully planted to maximize likelihood of survival.

2.mAll plantings will be generously watered immediately after planting and maintained for three years from the date of planting.

2.n The project applicant shall post a bond acceptable to the City Engineer to guarantee the survival of these replacement trees and shall provide protected tree maintenance information to the landscape maintenance contractor responsible for the mitigation trees.

2.o The Applicant shall provide a copy of the final tree removal permit conditions of approval to the project's Arborist.

2.p The project's Arborist shall review the final landscape plan for compliance with the recommendations of this report and the final tree removal permit conditions of approval.

2.q The project's Arborist shall be notified within one week prior to the commencement of mitigation tree planting.

2.r Within 30 days of all mitigation trees being planted, the project's Arborist shall inspect the plantings with the landscape contractor and an "As-Built" Mitigation Planting Plan shall be prepared by the project's Arborist and/or landscape architect on the Landscape & Irrigation Plan. This "as-built" plan shall be used to document the baseline placement and irrigation status of the mitigation trees for future monitoring visits by the project's Arborist and will be used for the first mitigation trees monitoring report.

2.s Three years of mitigation tree monitoring shall be documented by the project's Arborist to the Applicant and the City Forester through a number of regularly scheduled site inspections and reports. The number and sequence of inspections over the three year period will be determined at the discretion of the City Forester in the final tree removal permit conditions of approval.

2.t Walnut trees that are not impacted by the project, but die from Thousand Cankers Disease during the course of the project construction and post-project monitoring should be documented in the monitoring reports and recommendations for their removal may be made in the monitoring reports. Mitigation for the removal of dead walnut trees with confirmed TCD should not be required. This scenario should be addressed in the project's tree removal permit conditions to the satisfaction of the City Forester and the Board of Public Works.

Protection for Encroachment and Preservation Trees

One hundred eighty five (185) protected trees will be preserved onsite, twenty-six (26) of which, including twenty-three (23) walnuts and three (3) oaks, will sustain permanent encroachment within

drip line. Coast live oaks have a "good" relative tolerance to development impacts, but California black walnut has a "poor" relative tolerance and can "die slowly following even minor root injury or changes to water table…[and]…crown reduction pruning may be fatal" (Methany and Clark, 1989). Therefore, special care must be taken during project implementation to minimize impacts to the root zones and canopies of these trees. Implementation of the following measures is recommended.

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

2.v All work conducted within the drip line of the trees shall be performed in the presence of the project's Arborist. The drip line shall commence from the outer edge of the tree canopy and extend inwards to the trunk of the tree.

2.w Root-pruning within the drip line shall be reduced to the minimum amount that is absolutely necessary. All roots pruned shall consist of clean, 90º-angle cuts utilizing sharp hand tools and shall not be sealed unless directed by the City Forester. Any major roots (2" or greater in diameter) encountered shall be preserved to the extent possible, wrapped in moist burlap, until the soil is replaced. Soil shall be replaced as soon as possible around preserved roots.

2.x Upon completion of the work associated with this permit, a three to four-inch layer of certified mulch is recommended to be placed on the ground within the drip line of the encroachment trees (keep mulch six inches away from the trunks). Where feasible, the native leaf litter should be retained and used as the mulching material.

2.y All protected trees that have encroachment within their drip lines, or that end up being shaded out by new buildings, shall be monitored for possible failure as a result of project implementation.

2.z The applicant shall be responsible for the monitoring and maintenance of the encroachment trees for a minimum of three (3) years. If any of the protected trees should fail as a result of encroachment by the project, they shall be replaced at a 4:1 ratio in accordance with the current policy of the City of Los Angeles Board of Public Works, or as approved by the City Forester at the time of replacement. The applicant shall be responsible for the monitoring and maintenance of any replacement mitigation trees for a minimum of three (3) years. If the replacement trees die during the three-year period, the applicant shall plant new replacement trees and the three-year monitoring period shall begin again from the date of that planting.

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

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

5. No mitigation is required for the loss of relatively common wildlife species. Mitigation Measure one (1) provides preservation of the portions of the site not directly impacted by the project

6. To reduce the impact of exotic ornamental landscaping on local habitats and locally native wildlife the use of native plants in landscaping is encouraged. To reduce the invasion of aggressively invasive exotic plant species into the Santa Monica Mountains no landscaping for the project shall utilize any species found on the "CalEPPC List" -- more formally known as "Exotic Pest Plants of

Greatest Ecological Concern in California." Furthermore, if any species found on this list "volunteer" in the project area, whether in individual lots or common areas, they shall be removed immediately upon discovery. The current list can be found on the website: http://groups.ucanr.org/ceppc/Pest_Plant_List/

7. The potentially adverse effects of night lighting on surrounding open space areas can be mitigated by the following measures; (1) low-intensity lamps; 2) low elevation lighting poles; (3) internal silvering of the globe or external opaque reflectors, which direct light away from natural areas, and (4) utilizing motion sensing technology that cause lights to only be on when required by the presence of people.

8. See measure two (2) for mitigation regarding the loss of oaks and walnuts.

9. To offset potential impacts to the Plummer's mariposa lily, surveys will be conducted during the May-July flowering period for the species. After project approval, any Plummer's mariposa lilies located in the impact area will be relocated to suitable habitat outside the impact area.

10. To reduce the effect of direct mortality to wildlife, especially sensitive reptiles present on the project site, a wildlife salvage program will be conducted within 14 days prior to the commencement of grading on the project site. The salvage effort will be conducted by a qualified wildlife biologist with experience capturing and handling native wildlife. Wildlife captured will be relocated to one of the local designated open space preserves.

11. All vegetation removal within the approved impact area will take place between September 1 and February 15. This measure will protect any bird species from direct mortality as a result of project construction and nest removal. It is assumed that bird species occurring on the site would leave the construction area at the onset of brush clearing. If construction begins before February 15, and proceeds continuously through the summer, weekly monitoring visits will be made to determine if any birds are nesting in the remaining habitat onsite. If any birds are found to be nesting, the biologist will determine if construction is reducing nesting success. If construction is found to be reducing nesting success, a buffer zone will be established within which construction will not occur until nesting is complete. The buffer zone shall be 500 feet for raptors and 200 feet for other bird species.

12. No mitigation is required for insignificant impacts to the Cooper's hawk. Mitigation Measure one (1) provides compensation for the loss of general habitats on the project site.

13. No mitigation measure is required for the insignificant impacts to sensitive bird species utilizing oak /walnut woodland habitats. However, the impacts to this habitat will be mitigated in accordance with Los Angeles Municipal Code.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With implementation of the mitigation measures provided above, the potential for impacts to the proposed project related to biological resources, including protected trees, would be less than significant.