



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

Oct 26 2021

STATE CLEARINGHOUSE

October 25, 2021

Mr. Tim Fargo
City of Los Angeles
6262 Van Nuys Boulevard Suite 430
Van Nuys, CA 91401
Tim.Fargo@lacity.org

**Subject: The Curtis School Master Plan, Mitigated Negative Declaration,
SCH #2013081046, City of Los Angeles, Los Angeles County**

Dear Mr. Fargo:

The California Department of Fish and Wildlife (CDFW) has reviewed the Mitigated Negative Declaration (MND) from the City of Los Angeles (City; Lead Agency) for the Curtis School Master Plan (Project). The Project is proposed by the City of Los Angeles (Project Applicant).

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect State fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Mr. Tim Fargo
City of Los Angeles
October 15, 2021
Page 2 of 10

Project Description and Summary

Objective: The Project proposes the demolition of existing buildings, reconfiguration of open space, expansion of existing facilities, and construction of new buildings. Site preparation will involve tree removal, grading of approximately 115,229 cubic yards, and excavation for construction of buildings and reconfiguration activities. Haul trucks and additional machinery will arrive and leave the Project site via Mulholland Drive to Interstate 405 freeway and Interstate 5 freeway. Upon buildout, the Curtis School campus will consist of 130,053 square feet of school facilities. Ten to twenty new classrooms will be added to the campus as well as an increase in staff from 68 to 118. The Project is anticipated to be developed in phases starting from 2021 and ending in 2035.

Specifically, the Project involves the following activities:

- Removal of approximately 23,010 square feet of existing school facilities;
- Addition of approximately 82,940 square feet of new school facilities;
- Construction of a new Classroom Building, Science Building, Performing Arts Building, Gymnasium Building, and Commons Building;
- Reconfiguration of the athletic fields;
- Reconfiguration of the surface parking area to have access via Walt Disney Drive;
- Expansion of the parking area to provide space for 189 marked parking spaces;
- Installation of 3 retaining walls that will be located within the campus footprint and not visible from Mulholland Drive;
- Installment of new vegetation, landscaped gardens, and walkways throughout the Project site;
- Installment of additional low intensity lighting on campus to provide identification of circulation, gather spaces, and parking facilities; and,
- Installment of new signage throughout the Project site.

Location: The Project is located on a 27-acre parcel at 15871 West Mulholland Drive, in the City of Los Angeles, within the Encino-Tarzana Community Plan Area. The Project site is bounded by residential development to the north, Mulholland Drive to the west, Milken Community School to the south, and Interstate 405 to the east.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant impacts on fish and wildlife (biological) resources. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

Specific Comments

Comment #1: Impacts on Southern California Mountain Lion

Issue: The Project could indirectly impact Southern California mountain lion (*Puma concolor*),

Mr. Tim Fargo
City of Los Angeles
October 15, 2021
Page 3 of 10

which is listed as a candidate species under CESA.

Specific impacts: Project construction activities may impact mountain lions through noise, vibration, dust, additional lighting, habitat disturbance, alteration of movement patterns, loss of foraging, and mortality. Direct impacts that could potentially occur would include being trampled or killed by machinery during construction activities. In addition, installment of walls or barriers may force the species to travel onto public roads as an alternative route for movement.

Why impacts would occur: The biological resources assessment states that the Project site has undeveloped hillsides with mixed chaparral. Therefore, there is a moderate to high potential for mountain lions. Noise, vibration, dust, and additional lighting may indirectly disturb the species and result in habitat abandonment, avoidance of foraging, and alteration of movement patterns. In addition, installment of barriers may also force the species to travel onto public roads as an alternative route for movement. If a mountain lion was to enter the construction area, large equipment, vehicle traffic, and material staging may result in direct injury or mortality of the species.

Evidence impacts would be significant: Southern California mountain lion is a species designated as candidate for listing as threatened pursuant to CESA (Fish & G. Code, § 2050 *et seq.*). The Southern California mountain lion is granted full protection of a threatened species under CESA. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). As to CEQA, inadequate avoidance, minimization, and mitigation measures for impacts on Southern California mountain lion will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status by CDFW.

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends that the City add a mitigation measure to survey for mountain lions that may be within the Project site (Mitigation Measure 1). CDFW also recommends the City add a measure to outline what will happen in the event that a mountain lion is directly impacted (Mitigation Measures #2). CDFW does not recommend relocation, which can result in high stress to wildlife species. Relocation of a mountain lion can also result in direct harm, injury, or mortality to the species and/or the individual(s) conducting the relocation.

Mitigation Measure #1: A qualified biologist should complete pre-construction surveys no more than 48 hours prior to determine species presence within the Project site. The qualified biologist should be familiar with mountain lion behavior and life history and should conduct surveys in areas that may provide habitat for mountain lion. Surveys should be conducted when the species is most likely to be detected, during crepuscular periods at dawn and dusk (Pierce and Bleich 2003). Surveys should be repeated if construction activities are suspended for five days or more. Survey results including negative findings should be submitted to the City prior to initiation of project activities. If a mountain lion is identified, work should be suspended until the species leaves the site on their own. Work should resume only once it has been determined that the species has left the site, as determined by the qualified biologist.

Mitigation Measure #2: Impacts to mountain lion should be avoided to the greatest extent feasible. If "take" or adverse impacts to mountain lion cannot be avoided during project

Mr. Tim Fargo
City of Los Angeles
October 15, 2021
Page 4 of 10

development activities, the project proponent should consult CDFW to determine if a CESA Incidental Take Permit is required (pursuant to Fish & Game Code, § 2080 *et seq.*) The Project proponent should seek appropriate take authorization under CESA prior to implementing the Project if mountain lions presence is confirmed during surveys. If any mountain lion is found harmed, dead, or injured, work in the immediate area should stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW and the City within three calendar days of the incident or finding. The report should include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

Additional Recommendations

Nesting Birds. CDFW recommends that Mitigation Measure BIO-MM-3 be revised to include the language underlined and remove language in strikethrough: Construction in areas with trees and vegetation that may provide nesting habitat for birds shall be reduced to the maximum extent feasible. Trimming and removal of trees and vegetation shall be minimized and performed outside of the bird nesting season (typically February 1 to September 15) to the extent feasible. In the event trimming or removal of trees and vegetation must be conducted during the bird nesting season, nesting bird surveys shall be completed by a qualified biologist no more than 48 hours prior to trimming or clearing activities to determine if nesting birds are within the affected vegetation. Nesting bird surveys shall be repeated if trimming or removal activities are suspended for five days or more. In the event construction is scheduled during bird nesting season, nesting bird surveys shall be completed no more than 48 hours prior to construction to determine if nesting birds and active nests are in or within 500 feet of the construction area. Surveys shall be repeated if construction activities are suspended for five days or more. If nesting birds or raptors are encountered, all work in the area shall cease until a qualified biologist determines that young birds have fledged. In the event of active bird or raptor nests are identified, impacts to the nest will be avoided by delay of work or establishing a buffer. A buffer of 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active raptor nests, and 0.5 mile around active nests of a CESA or Endangered Species Act listed bird species. ~~In the event of nesting birds are found within 500 feet of the construction area, appropriate buffers (typically 150 feet for songbirds and 500 feet for raptors) shall be implemented, in coordination with the California Department of Fish and Wildlife, to ensure that nesting birds and active nests are not harmed.~~ No work will be conducted within the buffer area. Buffers shall include fencing or other barriers around the nests to prevent any access to these areas and shall remain in place until birds have fledged and/or the nest is no longer active, as determined by a qualified biologist.

Bats. According to the biological resources assessment, the trees and buildings within the Project site can potentially provide roosting habitat for some species of bats. CDFW recommends using acoustic recognition technology to maximize detection of bats. Depending on the survey results, a qualified bat specialist should discuss potentially significant effects of the Project on bats. The DEIR should include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125). Surveys, reporting, and preparation of robust mitigation measures by a qualified bat specialist should be completed and submitted to the City. Surveys and mitigation measures should be submitted prior to any

Mr. Tim Fargo
City of Los Angeles
October 15, 2021
Page 5 of 10

Project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats.

If bats are not detected, but the bat specialist determines that roosting bats may be present at any time, CDFW recommends the following tree removal process. During tree removal trees should be pushed down using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees should be pushed lightly two or three times. In between each push, pause approximately 30 seconds to allow bats to become active. The tree should then be pushed to the ground slowly and remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts should not be bucked or mulched immediately. A period of at least 24 hours, and preferable 48 hours, should elapse prior to such operations to allow bats to escape (Johnston et al. 2004).

Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database (i.e., California Natural Diversity Database) which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species detected by completing and submitting [CNDDB Field Survey Forms](#) (CDFW 2021a). The City should ensure the data has been properly submitted, with all data fields applicable filled out, prior to finalizing/adopting the environmental document. The City should provide CDFW with confirmation of data submittal.

Mitigation and Monitoring Reporting Plan. CDFW recommends the City update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist the City in developing mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The City is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the City of Los Angeles and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying Project approval to be operative, vested, and final (Cal. Code Regs., tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

Conclusion

We appreciate the opportunity to comment on the Project to assist the City of Los Angeles in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City of Los Angeles has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)].

Mr. Tim Fargo
City of Los Angeles
October 15, 2021
Page 6 of 10

If you have any questions or comments regarding this letter, please contact Julisa Portugal, Environmental Scientist, at (562) 330-7563 or Julisa.Portugal@wildlife.ca.gov.

Sincerely,

DocuSigned by:



B6E58CFE24724F5...

Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

ec: CDFW

Erinn Wilson-Olgin, Los Alamitos – Erinn.Wilson-Olgin@wildlife.ca.gov
Victoria Tang, Los Alamitos – Victoria.Tang@wildlife.ca.gov
Ruby Kwan-Davis, Los Alamitos – Ruby.Kwan-Davis@wildlife.ca.gov
Felicia Silva, Los Alamitos – Felicia.Silva@wildlife.ca.gov
Cindy Hailey, San Diego – Cindy.Hailey@wildlife.ca.gov
CEQA Program Coordinator, Sacramento – CEQACommentLetters@wildlife.ca.gov
State Clearinghouse, Office of Planning and Research – State.Clearinghouse@opr.ca.gov

References:

- [CDFWa] California Department of Fish and Wildlife. 2021. Submitting Data to the CNDDDB. Available from: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>
- Johnston, D., Tatarian, G., Pierson, E. 2004. California Bat Mitigation Techniques, Solutions, and Effectiveness. Available from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=10334>
- Pierce, B.M and V.C. Bleich. 2003. Mountain Lion. Pages 744-757 in G.A. Feldhamer, B.C. Thompson, and J.A. Chapman, editors. Wild mammals of North America: biology, management, and conservation. Second edition. The Johns Hopkins University, Baltimore, Maryland, USA.



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
 3883 Ruffin Road
 San Diego, CA 92123
 (858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a final environmental document for the Project.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
MM-BIO-1- Southern California mountain lion	A qualified biologist shall complete pre-construction surveys no more than 48 hours prior to determine species presence within the Project site. The qualified biologist shall be familiar with mountain lion behavior and life history and shall conduct surveys in areas that may provide habitat for mountain lion. Surveys should be conducted when the species is most likely to be detected, during crepuscular periods at dawn and dusk. Surveys shall be repeated if construction activities are suspended for five days or more. Survey results including negative findings shall be submitted to the City prior to initiation of project activities. If a mountain lion is identified, work shall be suspended until the species leaves the site on their own. Work shall resume only once it has been determined that the species has left the site, as determined by the qualified biologist.	Prior to any construction and activities	Project Applicant
MM-BIO-2- Southern California mountain lion – Injury or Mortality	Impacts to mountain lion shall be avoided to the greatest extent feasible. If “take” or adverse impacts to mountain lion cannot be avoided during project development activities, the project proponent shall consult CDFW to determine if a CESA Incidental Take Permit is required (pursuant to Fish & Game Code, § 2080 <i>et seq.</i>) The Project proponent shall seek appropriate take authorization under CESA prior to implementing the Project if mountain lions presence is confirmed during surveys. If any mountain lion is found harmed, dead, or injured, work in the	During any construction and activities	Project Applicant/ Designated Biologist

Mr. Tim Fargo
 City of Los Angeles
 October 15, 2021
 Page 8 of 10

	<p>immediate area shall stop immediately, the qualified biologist shall be notified, and dead or injured wildlife documented immediately. A formal report shall be sent to CDFW and the City within three calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area shall only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.</p>		
<p>MM-BIO-3- Nesting Birds</p>	<p>Construction in areas with trees and vegetation that may provide nesting habitat for birds shall be reduced to the maximum extent feasible. Trimming and removal of trees and vegetation shall be minimized and performed outside of the bird nesting season (typically February 1 to September 15) to the extent feasible. In the event trimming or removal of trees and vegetation must be conducted during the bird nesting season, nesting bird surveys shall be completed by a qualified biologist no more than 48 hours prior to trimming or clearing activities to determine if nesting birds are within the affected vegetation. Nesting bird surveys shall be repeated if trimming or removal activities are suspended for five days or more. In the event construction is scheduled during bird nesting season, nesting bird surveys shall be completed no more than 48 hours prior to construction to determine if nesting birds and active nests are in or within 500 feet of the construction area. Surveys shall be repeated if construction activities are suspended for five days or more. If nesting birds or raptors are encountered, all work in the area shall cease until a qualified biologist determines that young birds have fledged. In the event of active bird or raptor nests are identified, impacts to the nest will be avoided by delay of work or establishing a buffer. A buffer of 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active raptor nests, and 0.5 mile around active nests of a CESA or Endangered Species Act listed bird species.</p>	<p>Prior to and during any construction and activities</p>	<p>Project Applicant/ Designated Biologist</p>

Mr. Tim Fargo
 City of Los Angeles
 October 15, 2021
 Page 9 of 10

	No work will be conducted within the buffer area. Buffers shall include fencing or other barriers around the nests to prevent any access to these areas and shall remain in place until birds have fledged and/or the nest is no longer active, as determined by a qualified biologist.		
MM-BIO-4- Bats- Acoustic Survey	Acoustic recognition technology shall be used to maximize detection of bats. Depending on the survey results, a qualified bat specialist shall discuss potentially significant effects of the Project on bats. Surveys, reporting, and preparation of robust mitigation measures by a qualified bat specialist shall be completed and submitted to the City. Surveys and mitigation measures shall be submitted prior to any Project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats.	Prior to any construction and activities	Project Applicant/ Bat Specialist
MM-BIO-5- Bats – Tree Removal	If bats are not detected, but the bat specialist determines that roosting bats may be present at any time, the following tree removal process shall be utilized. During tree removal, trees shall be pushed down using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees shall be pushed lightly two or three times. In between each push, pause approximately 30 seconds to allow bats to become active. The tree shall then be pushed to the ground slowly and remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts should not be bucked or mulched immediately. A period of at least 24 hours, and preferable 48 hours, should elapse prior to such operations to allow bats to escape.	During any construction and activities.	Bat Specialist
MM-BIO-6- Data	Project-level lead agencies shall ensure sensitive and special status species data has been properly submitted to the California Natural Diversity Database with all data fields applicable filled out. Confirmation of data submittal shall be provided to CDFW.	Prior to construction	Project Applicant

Mr. Tim Fargo
City of Los Angeles
October 15, 2021
Page 10 of 10

REC – 1 – Mitigation and Monitoring Reporting Plan	The City should update the Project’s proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. The City is welcome to coordinate with CDFW to further review and refine the Project’s mitigation measures.	Prior to finalizing MND	Project Applicant
---	--	-------------------------	-------------------