

# **IV. Environmental Impact Analysis**

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## **C. Biological Resources**

### **1. Introduction**

This section describes the existing biological resources setting of the Project Site and vicinity, identifies associated regulatory standards, evaluates potential impacts, and identifies mitigation measures related to implementation of the proposed Project. The analysis in this section evaluates whether the Project would interfere with native or migratory species or conflict with a local policy regarding protection of biological resources. The information and analysis in this section is based, in part, on the Protected Tree Report for the Kaiser Permanente Los Angeles Medical Center Project, Hollywood, City of Los Angeles, California (Protected Tree Report), prepared by Dudek in August 2018 (Appendix C).

### **2. Environmental Setting**

#### **a) Regulatory Framework**

The following discussion identifies federal, state and City environmental regulations, laws and policies that serve to protect biological resources relevant to the California Environmental Quality Act (CEQA) review process. As described below, these regulations, laws and policies include the following:

- Federal Endangered Species Act
- Migratory Bird Treaty Act
- California Endangered Species Act
- CEQA
- City of Los Angeles General Plan Conservation Element
- City of Los Angeles Protected Tree Ordinances
- City of Los Angeles Street Tree Regulations

The descriptions below provide a brief overview of agency regulations that may or may not be applicable based on determination of Project impacts to the resources that occur on the Project Site.

## (1) Federal

### (a) *Federal Endangered Species Act*

The Federal Endangered Species Act (FESA) of 1973,<sup>1</sup> as amended, is administered by the U.S. Fish and Wildlife Service (USFWS) for most plant and animal species. This legislation is intended to provide a means to conserve the ecosystems upon which endangered and threatened species depend and provide programs for the conservation of those species, thus preventing extinction of plants and wildlife. FESA defines an “endangered species” as “any species that is in danger of extinction throughout all or a significant portion of its range.” A “threatened species” is defined as “any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.” Under FESA, it is unlawful to “take” any threatened and/or endangered listed species, and “take” is defined as, “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.”

FESA allows for the issuance of incidental take permits for listed species under Section 7, which is generally available for projects that also require other federal agency permits or other approvals, and under Section 10, which provides for the approval of habitat conservation plans (HCPs) on private property without any other federal agency involvement.<sup>2</sup>

### (b) *Migratory Bird Treaty Act*

Migratory birds, including resident raptors and passerines,<sup>3</sup> are protected under the federal Migratory Bird Treaty Act (MBTA).<sup>4</sup> The MBTA of 1918 implemented the 1916 treaty between the United States and Great Britain for the protection of birds migrating between the United States and Canada. Similar treaties between the United States and Mexico (1936), Japan (1972), and Russia (1976) further expanded the scope of international protection of migratory birds. Each new treaty has been incorporated into the MBTA as an amendment, and the provisions of the new treaty are implemented domestically. These four treaties and their enabling legislation, the MBTA, established federal responsibilities for the protection of nearly all species of birds and their eggs and nests.

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<sup>1</sup> 16 USC 1531 et seq.

<sup>2</sup> 16 USC 1539.

<sup>3</sup> Passerine = perching bird.

<sup>4</sup> 16 USC 703–712.

The MBTA made it illegal for people to “take” migratory birds, their eggs, feathers, or nests. “Take” is defined in the MBTA to include by any means or in any manner, any attempt at hunting, pursuing, wounding, killing, possessing or transporting any migratory bird, nest, egg, or part thereof without prior authorization by the USFWS.

The MBTA requires tree removal and potentially disturbing construction activities to occur during certain time periods to avoid harassment of nesting birds. According to the MBTA, no construction or other disturbing activities can occur within 300 feet of an active bird nest (500 feet for listed species) during a period typically beginning in February and ending in September each year. Biological surveys should be conducted to provide clearance prior to project initiation during this period of time.

## (2) State

### (a) *California Endangered Species Act*

The California Endangered Species Act<sup>5</sup> protects and prohibits the take of plant, fish, and wildlife species listed by the State of California. Unlike FESA, State-listed plants have the same degree of protection as wildlife, but insects and other invertebrates may not be listed. “Take” is defined similarly to FESA and is prohibited for both listed and candidate species. Take authorization may be obtained by the project applicant from the California Department of Fish and Wildlife (CDFW; formerly California Department of Fish and Game) under California Endangered Species Act Section 2081, which allows the take of a listed species for educational, scientific, or management purposes. In this case, private developers consult with CDFW to develop a set of measures and standards for managing the listed species, including full mitigation for impacts, funding of implementation, and monitoring of mitigation measures.

### (b) *CEQA*

CEQA requires identification of a project’s potentially significant impacts on biological resources and ways that such impacts can be avoided, minimized, or mitigated. CEQA also provides guidelines and thresholds for use by lead agencies for evaluating the significance of project impacts.

State CEQA Guidelines Section 15380(b)(1) defines “endangered” animals or plants as species or subspecies whose “survival and reproduction in the wild are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, disease, or other factors.” A “rare” animal or plant is defined in Section 15380(b)(2) as a species that, “although not presently threatened with extinction ... exist[s] in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens”; or “[t]he species is likely to become endangered

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<sup>5</sup> California Fish and Game Code, Sections 2050 et seq.

within the foreseeable future throughout all or a significant portion of its range and may be considered “threatened” as that term is used in the [FESA].” Additionally, an animal or plant may be presumed to be endangered, rare, or threatened if it meets the criteria for listing, as defined further in State CEQA Guidelines Section 15380(c).

CDFW has developed special plant and animal species lists that refer to all of the taxa the California Natural Diversity Database is interested in tracking, regardless of their legal or protection status. This is a broader list than those species that are protected under FESA, CESA, and other Fish and Game Code provisions, and includes lists developed by other organizations including, for example, the Audubon WatchList Species. Guidance documents prepared by other agencies, including the Bureau of Land Management’s Sensitive Species and USFWS’s Birds of Special Concern, are also included on this CDFW special species lists. Additionally, CDFW has concluded that plant species included on the California Native Plant Society’s California Rare Plant Rank Lists 1 and 2, and potentially some List 3 plants, are covered by State CEQA Guidelines Section 15380. Plants on List 1 are rare, threatened, or endangered in California and elsewhere; plants on List 2 are rare, threatened, or endangered in California but more common elsewhere; and plants on List 3 are plants that lack the necessary information to assign them to one of the other ranks or to reject them.<sup>6</sup>

To determine whether a project would have a potentially significant impact on biological resources, Section IV, Appendix G (Environmental Checklist Form), of the State CEQA Guidelines requires an evaluation of impacts to “any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the [CDFW] or the [USFWS].”

### (3) Local

#### (a) *City of Los Angeles General Plan Conservation Element*

The City of Los Angeles General Plan Conservation Element, adopted in 2001, contains policies related to the identification and protection of sensitive plant and animal species, as well as significant habitat areas.<sup>7</sup>

#### (b) *City of Los Angeles Protected Tree Ordinances*

The City’s Protected Tree Ordinance, as modified by Ordinance No. 177404 (Los Angeles Municipal Code [LAMC] Section 46.02), provides guidelines for the preservation of “protected tree(s),” defined as certain native Southern California tree species measuring

<sup>6</sup> California Native Plant Society (CNPS), CNPS Rare Plant Ranks, accessed February 5, 2020. <https://www.cnps.org/rare-plants/cnps-rare-plant-ranks> (2020).

<sup>7</sup> City of Los Angeles, Conservation Element of the City of Los Angeles General Plan, approved March 10, 2001.

4 inches or more in cumulative diameter at 4.5 feet above the ground from the base of the tree.<sup>8</sup> Trees protected under this ordinance include all oak trees indigenous to California (excluding scrub oak [*Quercus dumosa*], Southern California black walnut [*Juglans californica* var. *californica*], California sycamore, and California bay [*Umbellularia californica*]). Two native shrubs, the Mexican elderberry (*Sambucus nigra*) and toyon (*Heteromeles arbutifolia*), were subsequently added as Protected Shrubs by Ordinance 186873, which became effective February 4, 2021. .

Further, the definition of “protected trees” shall not include “any tree grown or held for sale by a licensed nursery, or trees planted or grown as a part of a tree planting program.” To qualify for protection, individual plants must also measure 4 inches or more in cumulative diameter at 4.5 feet above the ground level at the base of the tree. The LAMC permits the City’s Board of Public Works, or its designated officer or employee, to grant permission to remove or relocate protected trees. Three options are available to the Board:

1. Placement within the same property of the same species and in which case two replacement trees (15-gallon, or larger, specimen, measuring one inch or more in diameter one foot above the base, and be not less than seven feet in height measured from the base) are required for each protected tree removed from the property. The size and number of replacement trees shall approximate the value of the tree to be replaced;
2. Permit protected trees of a lesser size or trees of a different species to be planted as replacement trees, if replacement trees of the size and species otherwise required pursuant to this Code are not available. In that event, a greater number of replacement trees may be required; or
3. Permit a protected tree to be moved to another location on the property, provided that the environmental conditions of the new location are favorable to the survival of the tree and there is a reasonable probability that the tree will survive.

(c) *City of Los Angeles Street Tree Regulations*

LAMC Section 62.169 requires a permit in order to prune, remove, or plant any native or non-native trees or shrub in any City streets (i.e., within the public right-of-way [ROW] associated with that street). The Bureau of Street Services within the Street Tree Division of the Department of Public Works implements the ordinance regulations and issues permits for street tree plantings and removals throughout the City. As set forth in LAMC Section 62.170, the Bureau of Street Services has the authority to require replacement of

<sup>8</sup> City of Los Angeles, City of Los Angeles, Ordinance 177404, Effective April 23, 2006. [http://planning.lacity.org/Code\\_Studies/Other/ProtectedTreeOrd.pdf](http://planning.lacity.org/Code_Studies/Other/ProtectedTreeOrd.pdf) (2006).

the tree destroyed or removed as a permit condition, and may define the species and minimum size of the replacement tree(s) required.

## b) Existing Conditions

The Project Site is comprised of six separate sites located within the City and developed with surface parking, commercial structures, and residential structures. For the purposes of this analysis, trees regulated under LAMC Section 46.02 (Protected Tree Ordinance) shall be referred to as “protected trees” and trees regulated under LAMC Section 62.169 (Street Tree Regulations) shall be referred to as “street trees.”

The Protected Tree Report (Appendix C) prepared for the proposed Project identifies existing trees within the Project area and regulations and requirements for the protection and removal of protected trees within the City’s jurisdiction. As part of the report, an International Society of Arboriculture (ISA)-certified arborist, working under the supervision of an American Society of Consulting Arborists arborist (who is also an ISA-certified arborist), performed various functions associated with surveying, inventorying, and evaluating the condition of selected trees within the Project Site and immediately surrounding area. In total, 324 trees were recorded during the tree inventory conducted for the preparation of the Protected Tree Report (Appendix C). Of those, 210 trees are on-site, and 114 trees are street trees. Of the 210 on-site trees, one tree, a coast live oak (*Quercus agrifolia*), is considered a protected tree per the City's Protected Tree Ordinance.

### (1) Individual Trees (Initial Survey–All Trees)

The 324 previously mapped trees within the Project Site and immediately surrounding area, which includes the ground lot boundaries for the six building sites (collectively referred to in this Draft Environmental Impact Report [EIR] as the Project Site), are summarized in **Table IV.C-1**, below.

**TABLE IV.C-1  
SUMMARY OF MAPPED TREES**

<b>Scientific Name</b>	<b>Common Name</b>	<b>Number of Trees</b>
<i>Acer palmatum</i>	Japanese maple	7
<i>Arbutus marina</i>	marina strawberry tree	7
<i>Arecastrum romanzoffiana</i>	queen palm	4
<i>Callistemon rigidus</i>	narrow-leaved bottlebrush	1
<i>Callistemon viminalis</i>	weeping bottlebrush	14
<i>Cinnamomum camphora</i>	camphor	2
<i>Citrus</i> spp.	lemon	1
<i>Cupaniopsis anacardioides</i>	carrotwood	14
<i>Eriobotrya japonica</i>	common loquat	2
<i>Eucalyptus sideroxylon</i>	red-iron bark eucalyptus	7
<i>Eugenia paniculatum</i>	magenta cherry	2
<i>Ficus nitida</i>	Indian laurel fig	5
<i>Geijera parviflora</i>	wilga	5
<i>Ginko biloba</i>	ginko	15
<i>Jacaranda mimosifolia</i>	jacaranda	2
<i>Juglans nigra</i>	Eastern black walnut	2
<i>Juniperus c. torulosa</i>	Hollywood juniper	1
<i>Lagerstroemia indica</i>	crape myrtle	15
<i>Melaleuca armillaris</i>	bracelet honey myrtle	1
<i>Melaleuca quinquenervia</i>	broad-leaved paperbark melaleuca	6
<i>Olea europaea 'Wilsonii'</i>	olive	61
<i>Phoenix dactylifera</i>	date palm	5
<i>Pinus canariensis</i>	Canary Island pine	13
<i>Pistacia chinensis</i>	Chinese pistache	10
<i>Platanus x acerifolia</i> 'Bloodgood'	London plane	16
<i>Podocarpus gracilior</i>	fern pine	13
<i>Podocarpus macrophyllus</i>	yew pine	6
<i>Prunus caroliniana</i>	Carolina laurel cherry	2
<i>Prunus cerasifera</i>	cherry plum	1
<i>Prunus serrulata</i>	Japanese cherry	3
<i>Pyrus kawakamii</i>	evergreen pear	1
<i>Quercus agrifolia</i> <sup>1</sup>	coast live oak	1

**TABLE IV.C-1  
SUMMARY OF MAPPED TREES**

Scientific Name	Common Name	Number of Trees
<i>Schinus molle</i>	Peruvian pepper	24
<i>Tipuana tipu</i>	tipu	3
<i>Ulmus parvifolia</i>	Chinese elm	1
<i>Washingtonia robusta</i>	Mexican fan palm	51
<b>Total</b>		<b>324</b>

SOURCE: Appendix C; Dudek 2018.

NOTE:

<sup>1</sup> Southern California native species.

As shown in Table IV.C-1, there is one Southern California native species on the Project Site, a coast live oak, which is considered a “protected tree” per the City’s Protected Tree Ordinance.

In addition, 114 existing trees are “street trees,” regulated under LAMC Section 62.169, because they are located in the City’s ROW. Therefore, the Project Site and immediately surrounding area contains 115 City-regulated trees (114 street trees and 1 protected tree) and 209 nonregulated trees.

## (2) Individual Trees (Removal)

Of the 324 trees, 89 are proposed for removal, including 17 street trees and 72 on-site trees. 235 trees would be preserved in place. **Table IV.C-2** identifies all trees proposed for removal.

**TABLE IV.C-2**  
**SUMMARY OF POTENTIAL TREE REMOVALS**

Scientific Name	Common Name	Number of Trees
<i>Citrus lemon</i>	lemon	1
<i>Cupaniopsis anacardioides</i>	carrotwood	10
<i>Eriobotrya japonica</i>	common loquat	2
<i>Eugenia paniculatum</i>	magenta cherry	2
<i>Geijera parviflora</i>	wilga	1
<i>Juglans nigra</i>	Eastern walnut	2
<i>Juniperus chinensis</i> 'Torulosa'	Hollywood juniper	1
<i>Lagerstroemia indica</i>	crape myrtle	2
<i>Melaleuca quinquenervia</i>	broad-leaved paperbark melaleuca	6
<i>Olea europaea</i> 'Wilsonii'	olive	15 (6)*
<i>Phoenix dactylifera</i>	date palm	5 (5)*
<i>Pistacia chinensis</i>	Chinese pistache	2
<i>Platanus x acerifolia</i> 'Bloodgood'	London plane	3
<i>Podocarpus gracillior</i>	fern pine	13 (1)*
<i>Podocarpus macrophyllus</i>	yew pine	2 (2)*
<i>Prunus caroliniana</i>	Carolina laurel cherry	2
<i>Prunus cerasifera</i>	cherry laurel	1
<i>Schinus molle</i>	Peruvian pepper	6
<i>Syagrus romanzoffiana</i>	queen palm	4
<i>Tipuana tipu</i>	tipu	3
<i>Ulmus parvifolia</i>	Chinese elm	1
<i>Washingtonia robusta</i>	Mexican fan palm	5 (3)*
<b>Total</b>		<b>89 (17)*</b>

## NOTE:

\* Number (17) of street trees proposed for removal.

As shown in Table IV.C-2, the one protected tree is not proposed for removal. The 89 trees proposed for removal were mapped and evaluated in the Protected Tree Report. Tree trunks were measured in accordance with the protocol provided by the Council of Tree and Landscape Appraisers in the Guide for Plant Appraisal.<sup>9</sup> Tree health and structure was evaluated with respect to five distinct tree components: roots, trunk, scaffold branches, small branches, and foliage. Each component of the tree was assessed with regard to health factors, such as insect or pathogen damage, mechanical damage, presence of decay, presence of wilted or dead leaves, and wound closure. Tree health and structure were graded as good, fair, poor, or dead, with “good” representing no apparent problems and “dead” representing a dying and/or dead tree. Good condition trees exhibit acceptable vigor, healthy foliage, and adequate structure and lack any major maladies. Fair condition trees typically have few maladies but declining vigor. This method of tree condition rating is comprehensive and results in ratings that are useful for determining the status of trees based on common urban forestry standards. The tree height and tree canopy diameters were visually estimated. Tree health and structure were evaluated and also noted.

Overall, the trees exhibit growth and structural conditions that are typical of their locations as ornamental trees in an urban landscape. The trees include various trunk and branch maladies, and varying health and structural conditions. As further described in the Protected Tree Report, 39 percent (35 trees) of the trees proposed to be removed exhibit fair health; 47 percent (42 trees) are in good health; 7 percent (6 trees) are in poor health; 1 percent (1 tree) is dead; and 6 percent (5 on-site trees) have been removed since the original inventory.<sup>10</sup> Structurally, 67 percent (60 trees) of the proposed removal trees are considered to exhibit fair structure; 19 percent (17 trees) exhibit good structure; 7 percent (6 trees) exhibit poor structure; 1 percent (1 trees) are dead; and 6 percent (5 trees) have been removed (non-Project related) since the original inventory.

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<sup>9</sup> International Society of Arboriculture (ISA), Guide for Plant Appraisal, 2000.

<sup>10</sup> As stated in the Protected Tree Report (Appendix C), trees in good condition exhibit acceptable vigor, healthy foliage, and adequate structure, and lack any major maladies. Trees in fair condition are typical, with few maladies but declining vigor. Trees in poor and critical condition exhibit declining vigor, unhealthy foliage, poor branch structure, and excessive lean.

### 3. Project Impacts

#### a) Thresholds of Significance

In accordance with the State CEQA Guidelines Appendix G (Appendix G), the Project would have a significant impact related to biological resources if it would:

***Threshold (a): Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or***

***Threshold (b): Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or***

***Threshold (c): Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; or***

***Threshold (d): Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or***

***Threshold (e): Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or***

***Threshold (f): Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.***

This analysis relies on the Appendix G Thresholds. The analysis uses the following factors and considerations identified in the 2006 L.A. CEQA Thresholds Guide, as appropriate, to assist in answering the Appendix G Threshold questions:

- The loss of individuals, or the reduction of existing habitat, of a state or federally listed endangered, threatened, rare, protected, or candidate species, or a Species of Special Concern or federally listed critical habitat; or
- 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; or
- Interference with wildlife movement/migration corridors that may diminish the chances for long-term survival of a sensitive species; or
- The alteration of an existing wetland habitat; or
- Interference with habitat such that normal species behaviors are disturbed (e.g., from the introduction of noise, light) to a degree that may diminish the chances for long-term survival of a sensitive species.

In assessing impacts related to biological resources in this section, the City will use State CEQA Guidelines Appendix G as the thresholds of significance. The criteria identified above from the 2006 L.A. CEQA Thresholds Guide will be used where applicable and relevant to assist in analyzing the Appendix G thresholds.

## **b) Methodology**

The analysis of impacts on biological resources is based on the Protected Tree Report. As part of the Protected Tree Report, a licensed Landscape Architect surveyed and identified 324 trees on the proposed disturbance footprint. The purpose of the Tree Locations survey was to evaluate each tree for tree protection status, as defined by Section 3.1 of the City's Protected Tree Ordinance, as set forth above. Tree trunk diameters were measured using a diameter tape providing adjusted figures<sup>11</sup> for diameter measurements when wrapping the tape around an object's circumference. Diameter measurements were taken using protocol provided by ISA.<sup>12</sup> Each tree's trunk diameter measurement at 4.5 feet above the ground along the trunk axis was collected, with common exceptions. Tree height was visually estimated by experienced tree surveyors. Tree canopy spread diameters were estimated by "pacing-off" the measurement based on the investigator's knowledge of his/her stride length or by visually estimating the canopy width.

<sup>11</sup> Inches divided by 3.14 ( $\pi$ ) provide diameter measurement in inches.

<sup>12</sup> ISA, Guide for Plant Appraisal, 2000.

## c) Project Design Features

The following Project Design Features (PDFs) identified in the Protected Tree Report (Appendix C) would be implemented during demolition, construction, design, and operation of the proposed Project.

**PDF-BIO-1: Migratory and Nesting Birds.** Prior to issuance of a grading permit, the Project Applicant shall demonstrate the following requirements have been included in the Project construction Plan:

1. Any construction activities that occur during the nesting season (i.e., January 15 through August 31) shall require that all suitable habitat (i.e., street trees and shrubs) be surveyed for the presence of nesting birds by a qualified biologist, retained by the Applicant as approved by the City of Los Angeles Building and Safety, before commencement of clearing and prior to grading permit issuance. The qualified biologist shall conduct a minimum of two pre-construction surveys for nesting birds 5 days apart to identify any active nesting locations in and near the Project Site. Pre-construction surveys shall be conducted no more than three days prior to Project construction. The survey would consist of full coverage of the proposed Project footprint and an appropriate buffer, as determined by the biologist. If no occupied nests are found, no additional steps would be required. A copy of the pre-construction surveys shall be submitted to the City of Los Angeles Building and Safety.
2. If nests are found being used for breeding or rearing young by a native bird, the nest locations shall be mapped by the biologist using Global Positioning System (GPS) equipment. The species of the nesting bird and, to the degree feasible, the nesting stage (e.g., incubation of eggs, feeding of young, near fledging) would be documented. The biologist may establish an avoidance buffer around occupied nests if there is a significant potential for take of the species or potential for inadvertent destruction of the nest. The buffer shall be determined by the qualified biologist based on the biology of the species present and surrounding habitat (typically a starting point of 300 feet for most birds and 500 feet for raptors but may be reduced as approved by the biologist). No construction or ground-disturbing activities shall be conducted within the buffer until the biologist has determined that the nest is no longer being used for breeding or rearing and has informed the construction supervisor that activities may resume.

**PDF-BIO-2: Replacement Tree Monitoring.** An independent certified arborist shall monitor all tree plantings over a 3-year monitoring effort. This monitoring effort shall consider growth, health, and condition of the subject trees to evaluate the planting success. The monitoring effort may result in a recommendation of remedial actions (i.e., supplemental irrigation or fertilization) should any of the tree plantings exhibit poor or declining health.

**PDF-BIO-3: Fencing (Parkway Trees).** To the satisfaction of Urban Forestry Division and prior to commencing construction activities, the parkway trees that would remain after Project construction shall be wrapped with two inches of orange plastic fencing from the ground to the first branch and overlaid with two-inch-thick wooden slats that are bound securely (slats shall not be allowed to dig into the bark). During installation of the plastic fencing, caution shall be used to avoid damaging branches. Major scaffold limbs may also require plastic fencing as directed by the Certified Arborist.

Tree fences shall be erected before demolition, grading, or construction begins and remain until final inspection of the Project. “Warning” signs shall be prominently displayed on each protective fence. The signs shall be a minimum of 8.5 inches by 11 inches and clearly state the following:

**ENTRY PROHIBITED**  
***TREE PROTECTION ZONE***  
**This Fence Shall Not be Removed**

**PDF-BIO-4: Fencing (Protected Oak Tree).** Prior to commencing construction activities, a chain-link fence shall be erected around the protected oak tree that would remain after Project construction. The fence shall be no less than four feet high, and tree protection signs (as shown in **PDF-BIO-3**) shall be erected around all undisturbed protected trees (or tree groups), and undisturbed on-site trees. The protective fence shall be installed 5 feet beyond the tree canopy dripline boundary of each tree (or tree group) (“protected zone”). A qualified arborist shall be required on site if grading activities occur within the tree’s protected zone. The fencing shall be secured to 6-foot-tall, heavy gauge T-bar line posts, pounded in the ground a minimum of 18 inches and spaced a minimum of 8 feet on-center. Fencing shall be attached to T-bar posts with minimum 14-gage wire fastened to the top, middle, and bottom of each post. Tree protection signs shall be attached to every fourth post. The contractor shall maintain the fence to keep it upright, taut, and aligned at all times. Fencing shall be removed only after all construction activities are complete.

**PDF-BIO-5: Pre-construction Meeting.** A pre-construction meeting shall be held between all contractors and subcontractors (e.g., grading, tree removal/pruning, and builders) and a qualified arborist. The meeting shall focus on instructing the contractors and subcontractors on tree protection practices and answering any questions. All equipment operators and spotters, assistants, or those directing operators from the ground, shall provide written acknowledgement of receiving tree protection training. This training shall include information on the location and marking of protected trees, the necessity of preventing damage, and the discussion of work practices that shall accomplish these tasks.

Once construction activities have begun, the following protection measures shall be observed for the 97 street trees and 1 protected tree.

**PDF-BIO-6: Equipment Operation and Storage.** Contractors and subcontractors shall avoid heavy equipment operation around the protected trees. The on-site qualified arborist shall mark those areas around the protected trees, as necessary, to indicate protected root zones. All heavy equipment and vehicles shall, at minimum, stay out of the fenced protected tree zone and out of the root protected zones unless where specifically approved in writing and under the supervision of a qualified arborist.

**PDF-BIO-7: Materials Storage and Disposal.** Contractors and subcontractors shall not store or discard any supplies or materials (e.g., paint, lumber, and concrete overflow) within the protected zone and shall remove all foreign debris within the protected zone. However, the contractors and subcontractors shall leave the duff, mulch, chips, and leaves around the retained trees for water retention and nutrient supply. In addition, the contractors and subcontractors shall avoid draining or leakage of equipment fluids near retained trees. Fluids, such as gasoline, diesel, oils, hydraulics, brake and transmission fluids, paint, paint thinners, and glycol (antifreeze), shall be disposed of properly. The contractors and subcontractors shall ensure that equipment be parked at least 50 feet from the protected zone to avoid the possibility of leakage of equipment fluids into the soil. The effect of toxic equipment fluids on the retained trees could result in tree decline and/or mortality.

**PDF-BIO-8: Grade Changes.** Contractors and subcontractors shall ensure that grade changes, including adding fill, shall not be permitted within the protected tree and root zones without special written authorization and under supervision of a qualified arborist. Contractors shall ensure that grade changes made outside of the protected tree zone shall not create conditions that allow water to pond at the base of the tree. Water trapped at the base of a tree could lead to root rot and other detrimental tree impacts.

**PDF-BIO-9: Moving Construction Materials.** Contractors and subcontractors shall ensure that care be exercised when moving construction equipment or supplies near the undisturbed oak tree and protected parkway trees, especially overhead. Contractors and subcontractors shall ensure that damage to the trees shall be avoided when transporting or moving construction materials and working around the tree (even outside of the fenced protected zone). Contractors and subcontractors shall flag aboveground tree parts with potential for damage (e.g., low limbs, scaffold branches, and trunks) with high-visibility flagging, such as florescent red or orange. If contact with the tree crown is unavoidable, conflicting branches may be pruned by an ISA-certified tree worker under supervision of a qualified arborist or their representative and shall adhere to ISA standards.

**PDF-BIO-10: Trenching.** Except where specifically approved in writing beforehand by a qualified arborist, all trenching shall be outside of the fenced and root protected zones. Roots primarily extend in a horizontal direction, forming a support base to the tree similar to the base of a wineglass. Where trenching is necessary in areas that contain roots from retained trees, contractors shall use trenching techniques that include the use of either a root pruner (Dosko root pruner or equivalent) or an Air-Spade to limit root impacts. A qualified arborist or their representative shall ensure that all pruning cuts be clean and sharp to minimize ripping, tearing, and fracturing of the root system. Root damage caused by backhoes, earthmovers, dozers, or graders is severe and may result in tree mortality. Use of both root-pruning and Air-Spade equipment shall be accompanied only by hand tools to remove soil from trench locations. The trench shall be made no deeper than necessary.

**PDF-BIO-11: Irrigation.** Irrigation of native protected trees retained on-site shall seek to mimic natural rainfall patterns in Southern California. Supplemental irrigation for trees adjacent to construction activity may be necessary during winter or spring months. Summer and fall irrigation may be necessary based on variable climatic and site conditions but should be conducted judiciously to avoid over-watering. One irrigation cycle shall thoroughly soak the root zones of the trees to a depth of 3 feet. The soil shall be allowed to dry out between watering to avoid keeping a consistently wet soil. The contractor or subcontractor shall be responsible for irrigating (deep watering) the trees. Soil moisture shall be checked with a soil probe before irrigating. Irrigation is best accomplished by installing a temporary aboveground micro-spray system that would distribute water slowly (to avoid runoff) and evenly throughout the fenced protection zone. For any trees that have been substantially root pruned (30 percent or more of their root zone), irrigation shall be required for the first 12 months. The first irrigation shall occur within 48 hours of root pruning. The

tree(s) shall be deep watered every two weeks during the summer and once a month during the winter (adjust accordingly with rainfall).

**PDF-BIO-12: Canopy Pruning.** The contractor or subcontractor shall not prune protected trees until all construction is completed unless standard pruning would reduce conflict between canopy and equipment. All pruning shall be conducted by an ISA-certified tree worker under supervision of a qualified arborist and shall adhere to ISA pruning standards.

**PDF-BIO-13: Inspection.** An ISA-certified arborist/licensed pest control advisor (PCA) or their representative shall inspect the preserved protected trees adjacent to grading and construction activity on a monthly basis for the of construction of the proposed project. A report summarizing site conditions, observations, tree health, and recommendations for minimizing tree damage shall be submitted by the ISA-certified arborist/licensed PCA or their representative following each inspection.

Following the completion of the construction activity within 20 feet of the protected zones of undisturbed protected and parkway trees, the tree protection fencing may be removed, and the following measures may be performed to sustain and enhance the vigor of the 97 street trees and 1 protected tree:

**PDF-BIO-14: Mulch.** After construction, the contractors and subcontractors shall ensure that the natural duff layer under all trees is maintained. The contractors and subcontractors shall ensure that the mulch is kept clear of the trunk base to avoid creating conditions favorable to the establishment and growth of decay-causing fungal pathogens. Should it be necessary to add organic mulch under retained protected trees, packaged or commercial mulch shall not be used because it may contain oak root fungus. Also, the use of redwood chips shall be avoided because certain inhibitive chemicals may be present in the wood. Other wood chips and crushed walnut shells can be used, but the best mulch that provides a source of nutrients for the tree is its own leaf litter. Any organic mulch added by the contractor or subcontractor shall be applied to a maximum depth of four inches where possible.

**PDF-BIO-15: Pruning.** After construction, regular pruning of the protected trees is not required. An ISA-certified tree worker, under the supervision of a qualified arborist, shall only prune trees to maintain clearance and remove broken, dead, or diseased branches. No more than 15 percent of the canopy shall be removed at one time. All pruning shall conform to ISA standards.

**PDF-BIO-16: Watering.** After construction, the protected trees should not require regular irrigation other than the 12 months following substantial root pruning, if applicable. However, soil probing shall be necessary to accurately monitor moisture levels. Supplemental irrigation for the trees that sustained root pruning and any newly planted trees may be necessary, especially in years with low winter rainfall.

**PDF-BIO-17: Watering Adjacent Plant Material.** After construction, all plants near the protected trees shall require moderate to low levels of water. The contractor or subcontractor shall infrequently water surrounding plants with deep soaks, rather than frequent light irrigation, and allow them to dry out between watering. The soil shall not be allowed to become saturated or stay continually wet, and drainage should not allow ponding of water beneath the canopy of the oak trees. Irrigation spray shall not hit the trunk of any tree. The contractor or subcontractor shall maintain a 30-inch dry zone around all tree trunks. An aboveground micro-spray irrigation system shall be used in lieu of typical underground pop-up sprays.

**PDF-BIO-18: Chemical Applications.** After construction, if the protected trees are maintained in a healthy state, regular spraying for insect or disease control would not be necessary. If a problem does develop, a representative qualified arborist shall be consulted since the trees may require application of insecticides to prevent the intrusion of bark-boring beetles and other invasive pests. All chemical spraying shall be performed by a licensed applicator under the direction of a licensed PCA.

**PDF-BIO-19: Monitoring.** A qualified arborist shall inspect the protected trees retained on site for a period of five years following the completion of construction activity. Monitoring visits shall be completed quarterly, totaling 20 visits. Following each monitoring visit, a report summarizing site conditions, observations, tree health, and recommendations for promoting tree health shall be submitted. Additionally, any tree mortality shall be noted, and any tree dying during the monitoring period shall be replaced with the same species as specified for minimum replacement standards in Appendix C of this EIR.

## d) Analysis of Project Impacts

***Threshold (a): Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?***

As discussed in Section VI.6, Effects Not Found To Be Significant, of this Draft EIR, and in the Initial Study (Appendix A-1), the Project would not have a substantial adverse effect on special-status species because the Project Site is disturbed, developed, and lacks suitable habitat for special-status species. The potential for any known sensitive species to occur on the Project Site is very low as the Project Site and the Project vicinity are highly urbanized with few natural areas that could support special-status species. Thus, the Project would have no impact with respect to Threshold (a). **No impacts to special-status species would occur, and no further analysis is required.**

***Threshold (b): Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?***

As discussed in Section VI.6, Effects Not Found To Be Significant, of this Draft EIR, and in the Initial Study (Appendix A-1), the Project would not have a substantial adverse effect on riparian habitats or other sensitive natural communities identified in local or regional plans, policies, or regulations, by CDFW or USFWS because there are no riparian habitat areas located on or within the vicinity of the Project Site and on-site vegetation consists of sparse ornamental plantings that do not constitute a sensitive natural community. Thus, the Project would have no impact with respect to Threshold (b). **No impacts to riparian habitats or other sensitive natural communities identified in local or regional plans, policies, regulations, or by the CDFW or USFWS would occur, and no further analysis is required.**

***Threshold (c): Would the Project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?***

As discussed in Section VI.6, Effects Not Found To Be Significant, of this Draft EIR, and in the Initial Study (Appendix A-1), the Project would not have a substantial adverse effect on federally protected wetlands because no wetlands are located on,

or adjacent to, the Project Site. Thus, the Project would have no impact with respect to Threshold (c). **No impacts on federally protected wetlands would occur, and no further analysis is required.**

***Threshold (d): Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?***

(1) Impact Analysis

(a) *Native or Migratory Fish*

No bodies of water exist on the Project Site to provide habitat for fish. The Project Site does not support any waters of the United States, waters of the State, or wetlands under the jurisdiction of the Regional Water Quality Control Board, or any associated riparian habitat under the jurisdiction of CDFW. Thus, as discussed in the Initial Study (Appendix A-1), the Project would have no impact on any native or migratory fish, and no further analysis of this issue is required. No impact would occur.

(b) *Resident Wildlife Species*

The Project Site is located within an urban area that is highly disturbed, contains numerous buildings, and does not contain any major bodies of water that could contain or support habitat for native resident wildlife species. No portion of the Project Site can be characterized as an undisturbed open space area which could potentially support native wildlife species. The nearest open space area is the Barnsdall Park located north of the Project Site. Thus, the Project would have no impact on any resident wildlife species.

(c) *Migratory Wildlife Species*

The Project Site is located in an urban area that contains numerous buildings, which would likely discourage stops by substantial numbers of migrating birds. However, the Project area contains 324 trees that may potentially support nesting sites for migratory wildlife bird species during nesting season. Nesting activity typically occurs from February 15 to August 31 (January 15 to August 31 for raptors). Disturbing or destroying active nests is a violation of the MBTA. In addition, nests and eggs are protected under Fish and Game Code Section 3503, and the removal of vegetation during the nesting season is considered a significant impact due to potential effects on active nests.

The Project would remove trees that could support nests. Thus, it is recommended that ground-disturbing and vegetation trimming/removal activities be conducted outside of the nesting season to the extent feasible (i.e., January 15 through August 31). If construction activities must occur during the nesting season and nests are present, the removal of these trees must comply with the MBTA, which regulates vegetation removal during the nesting season to ensure that significant impacts to migratory birds would not occur (by either ensuring no nesting birds occur within the tree prior to initiating construction activities, or halting construction activities until the nesting bird has fledged).

As the Project will involve the removal of trees, which could support active nests, , prior to any vegetation removal activities during the nesting season, a biological monitor would conduct a preconstruction nesting bird survey in compliance with the MBTA. In accordance with project design feature **PDF-BIO-1**, Kaiser Permanente would require all contractors and subcontractors to comply with all direction and guidance by the biological monitor and the qualified on-site arborist as to all steps they identify are needed to ensure that no active nests are impacted.

## (2) Mitigation Measures

In order to ensure the protection of migratory and nesting birds, **PDF-BIO-1** would be required. With compliance of **PDF-BIO-1**, no mitigation would be required.

## (3) Level of Significance after Mitigation

In order to ensure the protection of migratory and nesting birds, **PDF-BIO-1** would be required. With compliance of **PDF-BIO-1**, no mitigation would be required.

***Threshold (e): Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?***

## (1) Impact Analysis

There is a total of 324 trees located within the Project Site and immediately surrounding area. Of the 324 trees, 235 trees would be preserved in place (inclusive of 138 on-site trees and 97 street trees), and 89 trees would be removed.

### (a) *Tree Removal*

As detailed on Table IV.C-2 of the Protected Tree Report (Appendix C), 89 of the 324 total trees on, and immediately adjacent to, the Project Site are proposed for removal. The 89 trees that would be potentially impacted are comprised of 69 on-site trees and 17 street trees. In accordance with City's Street Tree Regulations, all 17 street trees within

the City ROW that require removal must be approved and require a tree removal permit. None of the trees located within the City ROWs are considered trees. There is one on-site protected tree, a coast live oak; however, this one protected tree is not proposed for removal (see Tree 182 in Appendix G of the Protected Tree Report [Appendix C]), and thus, would not be impacted by the Project. This tree is located within an existing courtyard of the 4867 Sunset Boulevard building, east of Site 4.

The 17 street trees within the City ROWs are subject to the City's Street Tree Regulations and, require approval from the Board of Public Works prior to removal in accordance with LAMC Section 62.169. The Street Tree Regulations require a tree removal permit application for the removal of street trees. Thus, Kaiser Permanent would be required to submit a Tree Removal Application and obtain this permit. The Project would comply with all requirements of the City's Protected Tree Ordinance and Street Tree Regulations. Additionally, the Project would incorporate **PDF-BIO-2** to ensure that replacement trees, planted as part of the Street Tree Regulations, are monitored following initial planting. **Therefore, impacts related to tree removal of street trees would be less than significant.**

(b) *Tree Protection*

Of the 324 trees within the Project Site and on or immediately adjacent to the Project Site, 235 trees would be preserved in place (inclusive of 138 on-site trees and 97 street trees), and 89 trees would be removed. Although these 235 trees would be preserved in place, there is potential for indirect impacts from construction activities. Under the City's Protected Tree Ordinance and the Street Tree Regulations, 98 of the 235 trees that would be preserved in place are considered regulated trees (97 street trees and 1 protected tree). Since these trees are not proposed for removal, no permit would be required per the City's Street Tree Regulations and the Project would comply with the Protected Tree Ordinance.

Further, to ensure the construction activities associated with the Project do not impact the 97 street trees and 1 protected tree, the Project would incorporate **PDF-BIO-3**, Fencing (Protected Parkway Trees), through **PDF-BIO-10**, Trenching. Following the completion of the construction activity within 20 feet of the protected zones of undisturbed protected and street trees, the tree protection fencing may be removed. Further, PDF-BIO-10 through PDF-BIO-18 are required to sustain the vigor of trees following construction. **For these reasons, impacts associated with trees regulated under the LAMC would be less than significant.**

(2) Mitigation Measures

Impacts regarding conflict with any local policies or ordinances protecting biological resources would be less than significant. Therefore, no mitigation measures are required.

### (3) Level of Significance after Mitigation

Impacts regarding conflict with any local policies or ordinances protecting biological resources would be less than significant without mitigation. Therefore, no mitigation measures relating to tree protection were required or included, and the impact level remains less than significant.

***Threshold (f): Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?***

As discussed in Section VI.6, Effects Not Found To Be Significant, of this Draft EIR, and in the Initial Study (Appendix A-1), the Project would not conflict with the provisions of an adopted HCP, natural community conservation plan, or other approved local, regional, or State HCP because there are no designated habitat conservation plans within Hollywood area. Thus, the Project would have no impact with respect to Threshold (f). **No impacts related to adopted HCPs, natural community conservation plans, or other approved local, regional, or State habitat conservation plans would occur, and no further analysis is required.**

## e) Cumulative Impacts

### (1) Impact Analysis

A cumulative impact to biological resources may occur if a project has the potential to collectively degrade the quality of the environment, substantially reduce the habitat of wildlife species, or cause a population to drop below self-sustaining levels, thereby threatening to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal species. The Project area is largely urbanized and does not support special-status species, riparian habitat, or sensitive natural communities, and no bodies of water or wetlands exist on the Project Site. The Project Site does support a number of trees, the removal of which could result in cumulative impacts to migratory bird species. However, the Project would comply with the MBTA and mitigation measure **PDF-BIO-1**. Related projects would also be required to comply with the MBTA to reduce potential impacts to migratory and nesting birds. Additionally, compliance with the City's Protected Tree Ordinance and Street Tree Regulations, and implementation of Project Design Features **PDF-BIO-2** through **PDF-BIO-19** would ensure that the Project does not result in any significant impacts related to protected tree removal or damage. Other related projects that require tree removal would also need to comply with the City's Protected Tree Ordinance and Street Tree Regulations. **The Project's contribution to cumulative impacts related to biological resources would not be cumulatively considerable. Therefore, cumulative impacts would be less than significant after mitigation for migratory and nesting birds.**

## (2) Mitigation Measures

In order to ensure the protection of migratory and nesting birds, **PDF-BIO-1** would be required. With compliance of **PDF-BIO-1**, no mitigation would be required.

## (3) Level of Significance After Mitigation

Cumulative biological impacts would be less than significant with mitigation. When considered together with related projects, impacts related to migratory and nesting birds would not result in a cumulatively considerable impact after mitigation.