IV. Environmental Impact Analysis

C. Biological Resources

1. Introduction

This section of the Draft EIR addresses the potential impacts of the Project on biological resources. Specifically, this section identifies sensitive biological resources that are known to occur or have the potential to occur on or near the Project Site, assesses the potential significant impacts to these biological resources from the Project, and recommends mitigation measures to avoid, minimize, or reduce the significance of any potential impacts. In addition, this section analyzes the Project's incremental contribution to cumulative biological resources impacts from past, present, and reasonably foreseeable future projects. The biological resources described in this section are based on the Biological Resources Technical Report (January 2022), prepared by ESA for the Project, and included in Appendix D of this Draft EIR.

2. Environmental Setting

a) Regulatory Framework

There are several plans, policies, and programs regarding biological resources at the federal, State, and local levels. Described below, these include:

- Federal Endangered Species Act
- Migratory Bird Treaty Act
- Clean Water Act Section 404 and 401
- Federal Noxious Weed Act
- Fish and Wildlife Coordination Act
- California Endangered Species Act
- California Migratory Bird Protection Act
- California Fish and Game Code, Fully Protected Species and Species of Special Concern
- California Fish and Wildlife Code Sections 3503 & 3513
- California Native Plant Society
- Porter-Cologne Water Quality Control Act
- California Fish and Game Code Section 1600

- Sensitive Vegetation Communities
- Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes
- City of Los Angeles General Plan
  - Framework Element
  - Conservation Element
  - Open Space Element
- Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan
- City of Los Angeles Municipal Code – Protected Trees and Shrubs
- Los Angeles River Revitalization Master Plan
- River Implementation Overlay

(1) Federal

(a) Federal Endangered Species Act

The Federal Endangered Species Act (FESA) of 1973, as amended (16 United States Code [USC] Sections 1531 et seq.), provides the regulatory framework for the protection of plant and animal species (and their associated critical habitats), which are formally listed, proposed for listing, or candidates for listing as endangered or threatened under the FESA. The FESA has four major components: (1) provisions for listing species; (2) requirements for consultation with the United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS); (3) prohibitions against "taking" of listed species; and (4) provisions for permits that allow an incidental "take." The FESA also discusses recovery plans and the designation of critical habitat for listed species. Both the USFWS and the NMFS share the responsibility for administration of the FESA. During the CEQA review process, each agency is given the opportunity to comment on the potential of a project to affect listed plants and animals.

FESA is implemented by USFWS through a program that identifies and provides for protection of various species of fish, wildlife, and plants deemed to be in danger of or threatened with extinction. As part of this regulatory act, FESA provides for designation of critical habitat, defined in FESA Section 3(5)(A) as specific areas within the geographical range occupied by a species where physical or biological features "essential to the conservation of the species" are found and that "may require special management considerations or protection." Critical habitat may also include areas outside the current geographical area occupied by the species that are nonetheless "essential for the conservation of the species."

(b) Migratory Bird Treaty Act

All migratory bird species that are native to the United States or its territories are protected under the federal Migratory Bird Treaty Act (MBTA). The federal MBTA prohibits any person unless permitted by regulations, to "pursue, hunt, take, capture, kill, attempt to

take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention…for the protection of migratory birds…or any part, nest, or egg of any such bird" (16 USC Section 703).[1]

The list of migratory birds protected by the MBTA includes nearly all bird species native to the United States. The statute was extended in 1974 to include parts of birds, as well as eggs and nests. Thus, it is illegal under the MBTA to take, including killing, capturing, selling, trading, and transport, protected migratory bird species without prior authorization by the USFWS.[2] Activities that result in removal or destruction of an active nest (a nest with eggs or young being attended by one or more adults) would violate the MBTA. While destruction of a nest by itself is not prohibited under the MBTA, nest destruction that results in the unpermitted take of migratory birds or their eggs is illegal and fully prosecutable under the MBTA.

(c) Clean Water Act Section 404 and 401

Pursuant to Section 404 of the Clean Water Act,[3] the U.S. Army Corps Of Engineers (ACOE) and the USEPA regulate the discharge of dredged and/or fill material into "waters of the U.S." Navigable waters means waters of the U.S., including the territorial seas. For purposes of the Clean Water Act, 33 USC Sections 1251 et seq. and its implementing regulations, subject to the exclusions set forth in Section 404 of the Clean Water Act, the term ''waters of the U.S.'' means: (i) all waters that are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including waters which are subject to the ebb and flow of the tide; (ii) all interstate water including interstate wetlands; (iii) all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, play lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce; (iv) all impoundments of waters otherwise defined as waters of the United States under this definition; (v) tributaries of waters; (vi) territorial seas; and (vii) wetlands adjacent to waters.[4] The term "wetlands" (a subset of waters of the U.S.) is defined in 33 CFR Part 328.3(b) as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas."

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1 16 USC Sections 703 et seq.; 50 CFR Part 10.

2 USFWS, Migratory Bird Treaty Act, 2020.

3 33 USC Section 1341.

4 Environmental Protection Agency (EPA). 2021. Current Implementation of Waters of the United States. https://www.epa.gov/wotus/current-implementation-waters-united-states. Accessed February 15, 2022.

Section 401 of the Clean Water Act requires any applicant for a federal license or permit to conduct any activity that may result in a discharge of a pollutant into waters of the U.S. to obtain a certification that the discharge will comply with applicable effluent limitations and water quality standards. The certification must be obtained from the state in which the discharge originates or would originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the affected waters at the point where the discharge originates or would originate. A certification obtained for the construction of any facility must also pertain to the subsequent operation of the facility. Responsibility for the protection of water quality in California rests with the State Water Resources Control Board (SWRCB) and its nine Regional Water Quality Control Boards (RWQCBs). The agency with jurisdiction over projects in the City of Los Angeles is the Los Angeles Regional Water Quality Control Board (LARWQCB).

(d) Federal Noxious Weed Act

The Federal Noxious Weed Act (Public Law 93-629; 7 USC Sections 2801 et seq.), enacted on January 3, 1975, established a federal program to control the spread of noxious weeds. The Secretary of Agriculture was given the authority to designate plants as noxious weeds by regulation, and the movement of all such weeds in interstate or foreign commerce was prohibited except under permit. The Secretary was also given authority to inspect, seize and destroy products, and to quarantine areas if necessary to prevent the spread of such weeds. The Secretary was also authorized to cooperate with other federal, State, and local agencies, farmers associations and private individuals in measures to control, eradicate, or prevent or retard the spread of such weeds.[5]

(e) Fish and Wildlife Coordination Act

The Fish and Wildlife Coordination Act (16 USC Section 661 et seq.) requires that federal agencies consult with the USFWS, NMFS, and state wildlife agencies for activities that affect, control or modify waters of any stream or bodies of water, in order to minimize the adverse impacts of such actions on fish and wildlife resources and habitat. This consultation is generally incorporated into the process of complying with Section 404 of the Clean Water Act, National Environmental Protection Act (NEPA), or other federal permit, license or review requirements.

(2) State

(a) California Department of Fish and Wildlife

With respect to nesting birds, although the MBTA does not itself provide specific take avoidance measures, the USFWS and California Department of Fish and Wildlife (CDFW), over time, have developed a set of measures sufficient to demonstrate take avoidance, including during construction activities, which include conducting brush removal, tree trimming, building demolition and/or construction, or grading activities outside of the nesting season. CDFW biologists have defined the nesting season as

5 U.S. Fish and Wildlife Service (FWS), Federal Noxious Weed Act, 1975.

February 15 through August 31 (January 15 to August 31 for raptors). If other timing restrictions make it impossible to avoid the nesting season, prior to issuance of a grading, construction or building permit including demolition permit, the following measures are required by the CDFW as described below:

1. Vegetation removal activities shall be scheduled outside the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to avoid potential impacts to nesting birds. This includes vegetation removal associated with on-going fuel modification activities.
2. Any construction activities or fuel modification activities that occur during the nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors) shall require that all suitable habitat be thoroughly surveyed for the presence or absence of nesting birds by a qualified biologist monitor (i.e., a professional biologist with a minimum of two years of avian survey experience or equivalent) before the commencement of clearing. If any active nests are detected, a buffer of at least 300 feet (500 feet for raptors), or as determined appropriate by the qualified biologist monitor, shall be delineated, flagged, and avoided until the nesting cycle is complete as determined by the qualified biologist monitor.

(b) California Endangered Species Act

Under the California Endangered Species Act (CESA), the CDFW is responsible for maintaining a list of threatened and endangered species.[6] The CDFW also maintains a list of candidate species, which are species formally under review for addition to either the list of endangered species or the list of threatened species.

The CESA prohibits the take of plant and animal species that the California Fish and Game Commission has designated as either threatened, rare, or endangered in California. “Take” in the context of this regulation means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill a listed species.[7] The take prohibitions also apply to candidates for listing under the CESA. However, CESA Section 2081 allows the CDFW to issue permits for the minor and incidental take of species by an individual or permitted activity listed under the CESA.

In accordance with the requirements of the CESA, an agency reviewing a project within its jurisdiction must determine if any State-listed endangered, rare, threatened, or candidate species could be present in the project area. The agency also must determine if the project could have a potentially significant impact on such species. In addition, the CDFW encourages informal consultation on any project that could affect any State-listed endangered, rare, threatened, or candidate species.

6 Pursuant to California Fish and Game Code Section 2070, the California Fish and Game Commission shall establish a list of endangered species and a list of threatened species and shall add or remove species from either list if it finds, upon the receipt of sufficient scientific information pursuant to this article, and based solely upon the best available scientific information, that the action is warranted.

7 California Fish and Game Code Sections 86 and 2080.

(c) California Migratory Bird Protection Act

Assembly Bill 454 (AB 454), the California Migratory Bird Protection Act, which expires on January 20, 2025, makes unlawful the taking or possession of any migratory non-game bird designated by the MBTA, except as provided by the rules and regulations adopted by the U.S. Secretary of the Interior or rules or regulations that are inconsistent with the California Fish and Game Code., or subsequent rules or regulations adopted pursuant to the MBTA, unless those rules or regulations are inconsistent with the California Fish and Game Code.

AB 454, which also expires on January 20, 2025, reenacted the existing provisions of law regarding the taking or possession of any migratory non-game bird as designated in the MBTA, or any part of such migratory non-game bird, except as specified.

(d) California Fish and Game Code - Fully Protected Species and Species of Special Concern

The classification of "fully protected species" was the CDFW's initial effort to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, amphibians and reptiles, birds, and mammals. Most of the species on these lists have subsequently been listed under CESA and/or FESA. The California Fish and Game Code Sections (fish in Section 5515, amphibians and reptiles in Section 5050, birds in Section 3511(b), and mammals in Section 4700) dealing with "fully protected" species state that these species "may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected species," although take may be authorized for necessary scientific research. This language makes the "fully protected" designation the strongest and most restrictive regarding the "take" of these species. In 2003, the California Fish and Game Code sections dealing with fully protected species were amended to allow the CDFW to authorize takings resulting from recovery activities for State-listed species.

Species of "special concern" are broadly defined as animals not listed under the FESA or CESA but that are nonetheless of concern to the CDFW because they are declining at a rate that could result in listing or because they historically occurred in low numbers and known threats to their persistence currently exist.[8] This designation is intended to result in special consideration for these animals by the CDFW, land managers, consulting biologists, and others, and is intended to focus attention on the species to help avert the need for listing under FESA and CESA, and recovery efforts that might ultimately be required. This designation is also intended to stimulate collection of additional information on the biology, distribution, and status of poorly known at-risk species, and focus research and management attention on them. Although these species generally have no special legal status, they may require consideration under CEQA during project review if they meet the definition of endangered, rare or threatened species in CEQA Guidelines Section 15380 which is not limited to listed species.

[8] California Department of Fish and Wildlife (CDFW), Species of Special Concern, https://wildlife.ca.gov/Conservation/SSC, Accessed August 14, 2021.

(e) California Fish and Wildlife Code Sections 3503 & 3513

According to Section 3503 of the California Fish and Game Code it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird (except English sparrows (*Passer domesticus*) and European starlings (*Sturnus vulgaris*)). Section 3503.5 specifically protects birds in the orders Falconiformes and Strigiformes (birds-of-prey). Section 3513 essentially overlaps with the MBTA, prohibiting the take or possession of any migratory non-game bird. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered a "take" by the CDFW. The same procedures identified above to avoid a violation of the MBTA are recognized by the CDFW to avoid a take in violation of these provisions.

(f) California Native Plant Society

The 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 Rank 1A (plants presumed extirpated); Rank 1B (plants rare, threatened, or endangered in California and elsewhere); Rank 2A (plants presumed extirpated in California, but common elsewhere); Rank 2B (plants rare, threatened, or endangered in California, but common elsewhere); Rank 3 (plants about which more information is needed – a review list); and Rank 4 (plants of limited distribution - a watch list). In general, plants appearing on CNPS Ranks 1A, 1B, 2A or 2B 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 Ranks 1A, 1B, 2A or 2B meet the definitions of California Department Fish and Game Code Section 1901 (Native Plant Protection Act) or Sections 2062 and 2067 (CESA).

(g) Porter-Cologne Water Quality Control Act

Waters of the State are defined by the Porter-Cologne Water Quality Control Act as "any surface water or groundwater, including saline waters, within the boundaries of the state." The RWQCB protects all waters in its regulatory scope but has special responsibility for isolated wetlands and headwaters. These water bodies tend to have high resource value, are vulnerable to filling, and may not be regulated by other programs, such as Section 404 of the Clean Water Act. Waters of the State are regulated by the RWQCB under the State Water Quality Certification Program, which regulates discharges of dredged and fill material under Section 401 of the Clean Water Act and the Porter-Cologne Water Quality Control Act. Projects that require an ACOE permit, or fall under other federal jurisdiction, and have the potential to impact waters of the State are required to comply with the terms of the State Water Quality Certification Program. If a proposed project does not require a federal license or permit but does involve activities that may result in a discharge of harmful substances to waters of the State, the RWQCB has the option to regulate such activities under its State authority in the form of Waste Discharge Requirements or Certification of Waste Discharge Requirements.

(h) California Fish and Game Code Section 1600

Under California Fish and Game Code Sections 1600 et. seq., CDFW regulates activities that would divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake that supports fish or wildlife and requires a Streambed Alteration Agreement for such activities. The CDFW issues a Streambed Alteration Agreement with any necessary mitigation to ensure protection of the State's fish and wildlife resources. The CDFW has jurisdiction over riparian habitats associated with watercourses.

(i) Sensitive Vegetation Communities

Sensitive vegetation communities are natural communities and habitats that are unique, of relatively limited distribution in the region, or of particularly high wildlife value. These resources have been defined by federal, State, and local conservation plans, policies, or regulations. The CDFW ranks such vegetation communities as "threatened" or "very threatened" and keeps records of their occurrences in the California Natural Diversity Database (CNDDB). Sensitive vegetation communities are also identified by the CDFW on its List of California Natural Communities Recognized by the CNDDB. Impacts to these vegetation communities and habitats identified in local or regional plans, policies, regulations, or by federal or State agencies must be considered and evaluated under CEQA.[9] CDFW's Vegetation Classification and Mapping Program (VegCAMP), as a component of the State's Natural Heritage program, classifies vegetation types using the State standards embodied in the Survey of California Vegetation, which complies with the National Vegetation Classification Standard (NVCS). VegCAMP has been ranking California Natural Communities by their rarity and threat, using the best and most recent scientific information available. For rarity, the ranking involves the knowledge of range and distribution of a given type of natural community, and the proportion of occurrences that possess good ecological integrity. Evaluation is done at both the global (full natural range within and outside of California) and State (within California) levels resulting in a single G (global) and S (state) rank ranging from 1 (very rare and threatened) to 5 (demonstrably secure). Natural Communities with ranks of S1-S3 are considered sensitive natural communities to be addressed in the environmental review processes of CEQA.

(3) Regional

(a) Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes

The Los Angeles River Master Plan was produced by the County of Los Angeles Department of Public Works, Parks and Recreation and Regional Planning, the National Park Service, and the Master Plan Advisory Committee to articulate the vision for the development of a continuous natural scenic and recreational corridor enhancement of the existing flood control channel in order to promote and increase the aesthetic, economic, and ecological value of the river. The Los Angeles River Master Plan Landscaping

9 California Department of Fish and Wildlife, Natural Communities, https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities, accessed February 25, 2021.

Guidelines and Plant Palettes (Landscaping Guidelines) provides County-approved guidelines and procedures for project proponents to implement projects that demonstrate best management practices (BMPs) for watershed protection, and acceptable amenities and plant materials for public use between the top of the channel and the right-of-way (ROW) limits.

Design Guideline 7 of the Landscaping Guidelines explicitly identifies plant species that should not be planted along the Los Angeles River. Guideline 7 states:

> *"Despite recent efforts to restore native plant communities along the river, miles of riverside landscapes are currently dominated by exotic weedy plants. Many of these are "escapes" from landscape plantings, such as Mexican fan palm (Washingtonia robusta) and fountain grass (Pennisetum setaceum) that are adapted to disturbed soil conditions. Such species may be attractive to the uneducated eye, but their aggressive domination of riverside landscapes displaces opportunities for native plant species and the habitats they shape. The resultant simplification of riverside habitats reduces the diversity of plant and wildlife species that may be supported there. Aggressive exotic plant species shall not be allowed in new plantings and all new projects shall include measures to eradicate on-site weeds prior to planting and through follow-up maintenance."*[10]

(4) Local

(a) City of Los Angeles General Plan Framework Element

The Citywide General Plan Framework Element (Framework Element) establishes the conceptual basis for the City's General Plan.[11] The Framework Element sets forth a comprehensive Citywide long-range growth strategy and defines Citywide policies regarding land use, housing, urban form and neighborhood design, open space and conservation, economic development, transportation, infrastructure and public services. Chapter 6, Open Space and Conservation, of the Framework Element identifies goals, objectives, and policies for the City relative to biological resources. Objective 6.1 of the Open Space and Conservation Chapter of the Framework Element specifies the protection of "the City's natural settings from the encroachment of urban development, allowing for the development, use, management, and maintenance of each component of the City's natural resources to contribute to the sustainability of the region." Policy 6.1.2 requires the coordination of "City operations and development policies for the protection and conservation of open space resources, by ... preserving habitat linkages, where feasible, to provide wildlife corridors and to protect natural animal ranges."

[10] Los Angeles County Public Works, Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes, January 2004, page 38.

[11] City of Los Angeles Department of City Planning, Citywide General Plan Framework, An Element of the Los Angeles General Plan, 1995.

(b) City of Los Angeles General Plan Conservation Element

The City of Los Angeles General Plan Conservation Element (Conservation Element) adopted in 2001, contains policies related to the identification and protection of sensitive plant, animal species, significant ecological areas (SEAs), and other resources. State law recognized that State requirements regarding the content of one element may overlap with the requirements of another. As allowed by State law, Los Angeles has opted to incorporate natural open space agricultural and other open space features of the State's open space requirements into the Conservation Element, which primarily addresses preservation, conservation, protection, and enhancement of the City's natural resources.

State law intends that conservation elements address "conservation, development, and utilization of natural resources including water and hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources." State general plan legislation was amended in 1995 to require that preparation of the water portion of the general plan address water and land reclamation, water (including ocean) pollution, regulation and use of land in stream beds, erosion, watershed protection, flood control and rock, sand and gravel resources. Open space, as defined by the California Government Code Section 65560, is "any parcel or area of land or water that essentially is unimproved and devoted to an open-space use," including:

1. Preservation of natural resources (e.g., preservation of flora and fauna [animal habitats], bird flyways, ecologic and other scientific study areas, watershed);
2. Managed production of resources (e.g., recharge of ground water basins or containing mineral deposits that are in short supply);
3. Outdoor recreation (e.g., beaches, waterways, utility easements, trails, scenic highway corridors); and/or
4. Public health and safety (e.g., flood, seismic, geologic or fire hazard zones, air quality enhancement).[12]

(i) Open Space Element

The City of Los Angeles General Plan Open Space Element (Open Space Element) includes goals, objectives, policies, and programs directed towards the regulation of publicly- and privately-owned lands both for the benefit of the public as a whole and for the protection of individuals from the misuse of these lands. The Open Space Element provides guidance and general policies for the conservation and preservation of open space areas containing the City's environmental resources including air and water. [13]

[12] City of Los Angeles Department of City Planning, Citywide General Plan Conservation Element, 2001, page I-2.

[13] City of Los Angeles Department of City Planning, Citywide General Plan Open Space Plan, 1973, page 1.

(c) Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan

The City's 1998 Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan (Community Plan),[14] which covers the neighborhoods of Sherman Oaks, Studio City, Toluca Lake, and Cahuenga Pass is the land use element of the General Plan applicable to the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass area. The Community Plan advances the goals of the Framework Element and includes provisions to support the City's policies and development vision for the future.

The Community Plan recognizes the importance of Open Space for preservation of natural resources or ecologically important areas, and includes the following goal, objective, and policies related to Open Space:

- GOAL 5 A community with sufficient open space in balance with development to serve the recreational, environmental and health needs of the community and to protect environmental and aesthetic resources.
  - Objective 5-1 To preserve existing open space resources and where possible develop new open space.
    - 5-1.1 Encourage the retention of passive and visual open space which provides a balance to the urban development of the Plan Area.
    - 5-1.2 Accommodate active parklands, and other open space uses.
    - 5.1-3 Require development in major opportunity sites to provide public open space

(d) City of Los Angeles Municipal Code – Protected Trees and Shrubs

Native species of oak (Quercus sp., except scrub oak [Q*. dumosa*]), Southern California black walnut (*Juglans californica*), California bay laurel (*Umbellularia californica*) and western sycamore (*Platanus racemosa*) trees at least four inches in diameter (cumulative for multi-trunked trees) at 4.5 feet above the ground level at the base of the tree or diameter-at-breast height (DBH) are protected in the City under Ordinance No. 177,404, which became effective April 23, 2006. On December 11, 2020, the City adopted Ordinance No. 186,873, extending protection status to include two native shrub species, the Mexican Elderberry (*Sambucus mexicana*) and toyon (*Heteromeles arbutifolia*) shrubs and amending provisions of Los Angeles Municipal Code (LAMC) Sections 12.21, 17.02, 17.05, 17.06, 17.51, 46.00, 46.01, 46.02, 46.03, 46.04, and 46.06.

LAMC Section 17.05 prohibits, without a permit, the removal of any regulated protected tree, including "acts which inflict damage upon root systems or other parts of the tree..." and requires replacement of all regulated protected trees that are removed on at least a four-to-one basis with trees that are of a protected variety. Replacement trees must be at

[14] City of Los Angeles, Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan, 1988.

least 15 gallons or larger, measure one inch or more in diameter at a foot above the base, and measure at least seven feet in height from the base. The size and number of replacement trees shall approximate the value of the tree to be replaced. A protected tree shall only be replaced by other protected tree varieties and shall not be replaced by shrubs. Similarly, a protected shrub shall only be replaced by other protected shrub varieties and shall not be replaced by trees, to the extent feasible as determined by the Advisory Agency, Board of Public Works, or certified arborist. Further, when replacing more than two protected trees or shrubs, the permit at issue must be considered at a full public hearing of the Board of Public Works. The City also requires preparation of a report by a tree expert identifying protected on-site trees, impacts to trees related to grading and construction, and mitigation measures for impacts to protected trees. However, native trees that have been planted as part of a tree planting program are exempt from these ordinances and are not considered protected.

(e) Los Angeles River Revitalization Master Plan

The City of Los Angeles adopted the Los Angeles River Revitalization Master Plan (LARRMP) in 2007 with the goal of restoring the ecological and hydrological functioning of the river, through the re-creation of a riparian habitat corridor in the channel, and through the removal of concrete walls where feasible. This would help restore a continuous, functioning riparian ecosystem that supports vegetation as well as birds and mammals, and developing fish passages, fish ladders, and riffle pools.

Development and implementation of the LARRMP would maintain the river as a resource that provides flood protection and opportunities for recreational and environmental enhancement, as well as intend to improve the aesthetics of the region, enrich the quality of life for residents, and help sustain the economy of the region. Goals of the plan include:

- Establishing environmentally sensitive urban design guidelines, land use guidelines, and development guidelines for the River zone that would create economic development opportunities to enhance and improve River-adjacent communities by providing open space, housing, retail spaces such as restaurants and cafes, educational facilities, and places for other public institutions.
- Improving the environment, enhancing water quality, improving water resources, and improving the ecological functioning of the River.
- Providing public access to the River.
- Providing significant recreation space and open space, new trails, and improve natural habitats to support wildlife.
- Preserving and enhancing the flood control features of the River.
- Fostering growth in community awareness of the Los Angeles River, and pride in the Los Angeles River.

The City's LARRMP references the landscaping guidelines and plant palettes in the County's Landscaping Guidelines.

(f) River Implementation Overlay

The River Implementation Overlay (RIO) is a citywide zoning ordinance (No. 183,145) that applies to properties in close proximity to the Los Angeles River. Per Section 13.17(a), the purposes of the ordinance include but are not limited to: supporting the goals of the LARRMP, contributing to the environmental and ecological health of the City's watersheds, and providing a native habitat and supporting local species. Specific references are made in the ordinance to the LARRMP's native landscaping guidelines.

b) Existing Conditions

A general reconnaissance-level biological survey[15] was conducted on November 12, 2020 by ESA to document existing biological conditions on the Project Site, as well as off-site improvement areas associated within the Project, including improvements to the segment of Valleyheart Drive south of LAFD Fire Station 78, to portions of the Zev Greenway adjacent to the Project Site, and to install an Americans with Disabilities Act (ADA)-compliant accessible pedestrian ramp leading to the Zev Greenway at Coldwater Canyon Avenue (Coldwater Canyon Avenue Riverwalk Path Ramp). The Project Site (Property and County Leased Property) and the off-site improvement areas comprise the Biological Study Area. The Biological Study Area is located in a completely developed urban area in the community of Studio City within the City of Los Angeles.

Prior to the biological survey, a literature review was conducted, which included a review of the CDFW CNDDB and the CNPS Online Inventory of Rare and Endangered Plants (see Appendix D of this Draft EIR, Biological Resources Documentation). Both of the databases are sensitive resource databases for special-status species known to occur in the vicinity of the Biological Study Area. During the survey, the existing land types and natural communities were documented and an inventory was compiled of all observed plant and wildlife species located in the Biological Study Area.

Plant taxonomy nomenclature was based on Baldwin (2012)[16]; wildlife taxonomy nomenclature was based on Stebbins (2003)[17] for herpetofauna; Chesser et al. (2019)[18] for birds; and Jameson and Peeters (2004)[19] for mammals. The observed vegetation communities and other biological features and species observations were mapped during the November 12, 2020 site visit, with special attention to sensitive habitats or

15 A general reconnaissance-level biological survey is conducted to characterize the vegetation community types and assess the habitat potential for various plant and wildlife species to occur. This does not include focused surveys, which include specific regulatory agency-prescribed protocols for surveys for particular special-status species.

16 Stebbins, Robert, Western Reptiles and Amphibians. Houghton Mifflin Company, New York. 1985.

17 Stebbins, Robert, Western Reptiles and Amphibians. Houghton Mifflin Company, New York. 1985.

18 Chesser, R. T., K. J. Burns, C. Cicero, J. L. Dunn, A. W. Kratter, I. J. Lovette, P. C. Rasmussen, J. V. Remsen, Jr., D. F. Stotz, and K. Winker, Check-list of North American Birds (online). American Ornithological Society. http://checklist.americanornithology.org/taxa. 2019.

19 Jameson, E.W. and Peeters, H.J. Mammals of California, University of California Press, Berkeley and Los Angeles, California, 2004.

those areas potentially supporting special-status flora or fauna. Biological resources evaluated include general plant and wildlife inventories, as well as sensitive habitats, special-status plant and wildlife species, and wildlife movement corridors. The Biological Study Area does not support jurisdictional features (i.e., federal or State water or wetland resources), and therefore, a jurisdictional assessment to delineate waters or wetlands was not conducted.

(1) General Characterization of the Biological Study Area

The majority of the Biological Study Area is currently developed as Weddington Golf & Tennis, which has operated as a recreational facility and golf course since 1956. Existing facilities on the Project Site include 16 tennis courts and a tennis shack in the southeastern portion of the Project Site, a 25-stall driving range in the center, a golf clubhouse and putting green in the northeast, and a paved parking lot adjacent to the eastern Project boundary. The remainder of the Project Site is occupied by a 9-hole, 27-par golf course planted with turfgrass and ornamental trees.

Although habitat within the Project Site is primarily non-native ornamental landscaping, it does support a large number of trees and some shrubs, though shrubs are minimal since the Project Site is predominantly comprised of maintained turf for the golf course and driving range. The Tree Report[20] prepared for the Project evaluated a total of 421 trees, located both on the Project Site and off-site surrounding areas. Of the 421 trees inventoried and evaluated, 258 trees are located on-site, and 163 trees are located off-site. The off-site trees include 87 trees surrounding the Project Site located in the public right-of-way and 76 trees located off-site within the Zev Greenway area.[21] The inventoried trees are generally concentrated along the western and northern boundaries of the Project Site and along the Los Angeles River, as well as scattered throughout the golf course. Non-native (and non-protected) tree species vary and include cedar, olive, palm, pine, and gum trees, among others. Mexican fan palms (*Washingtonia robusta*) (174), Aleppo pine (*Pinus halepensis*) (56), and blue gum eucalyptus (*Eucalyptus globulus*) (42) make up more than half of all the inventories trees.[22] Mexican fan palms are considered invasive species by the California Invasive Plant Council.[23]

The Biological Study Area is generally flat, slightly sloping towards the south. Elevations range from a low of approximately 610 feet above mean sea level (amsl) near the southeastern corner to a high of approximately 630 feet amsl near the northwestern corner of the Biological Study Area.

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20 Carlberg Associates, City of Los Angeles Tree Report Harvard-Westlake River Park Campus, October 2020.

21 Carlberg Associates. City of Los Angeles Tree Report Harvard-Westlake River Park Campus, October 2020.

22 For plant and wildlife species, scientific names are only included with common names upon first mention. They are only referred to by common names thereafter.

23 California Invasive Plant Council, The Cal-IPC Inventory, https://www.cal-ipc.org/plants/inventory/.2020, accessed December 10, 2020.

To the south, the Project Site adjoins the Zev Greenway, the longest river greenway in the San Fernando Valley, which follows the north side of the Los Angeles River for approximately 0.5 mile between Whitsett Avenue on the east and Coldwater Canyon Avenue on the west. It is also part of the Los Angeles River Greenway, which connects various communities along the river edge, including Los Feliz, Silver Lake, Elysian Valley, and Downtown Los Angeles. The Los Angeles River Greenway trail is a publicly-accessible paved/unpaved trail for pedestrians and bicyclists. There is an entry gate to the Zev Greenway south of Valleyheart Drive near the southeastern corner of the Biological Study Area. The channelized Los Angeles River is located to the south of the Zev Greenway. The area along the southern edge of the river is improved with a bicycle path.

Land uses immediately surrounding the Project Site include residential neighborhoods to the north, west, and east and the Zev Greenway and Los Angeles River to the south and southwest. This portion of the Los Angeles River is entirely channelized and does not support any vegetation within the channel. Some native vegetation is planted along the southwestern-facing slope north of the channel, which is part of a half-mile stretch of native habitat restored along the Zev Greenway.[24] There is also a row of mature western sycamore (*Platanus racemosa*) and ornamental African sumac (*Searsia lancea*) trees planted along the top of the southern bank of the Los Angeles River. The adjoining property to the southeast is LAFD Station 78.

(2) Land Cover Types and Vegetation Communities

Land cover types and plant communities located within the Biological Study Area and surrounding areas are described in detail below[25,26] and locations of each of the plant communities are shown in **Figure IV.C-1**, *Plant Communities*. **Table IV.C-1**, *Plant Communities,* lists each of the communities observed, as well as the acreage, within the Biological Study Area.

[24] Community Conservation Solutions. The Zev Yaroslavsky L.A. River Greenway Trail, https://www.conservationsolutions.org/la-river, accessed November 18, 2020.

[25] The nomenclature used to describe the vegetation is based on A Manual of California Vegetation, Second Edition or land cover types are characterized based on species dominance when not recognized in the Manual.

[26] Sawyer, John O., Todd Keeler-Wolf, and J. Evens. A Manual of California Vegetation, 2nd Edition. California Native Plant Society. United Sates of America. 2009.

TABLE IV.C-1
PLANT COMMUNITIES

Plant Communities	On-Site (Acres)	Off-Site Right-of-Way (Acres)	Off-Site Zev Greenway Improvements (Acres)	Off-Site Coldwater Canyon Avenue Riverwalk Path Ramp (Acres)	Total (Acres)[a]
Ornamental Landscaping	12.44	0.41	0.03	0.04	12.92
California Brittlebush Scrub	-	-	0.88	-	0.88
Disturbed	0.14	-	0.05	0.09	0.28
Developed	4.67	0.14	-	-	4.81
Total	**17.25**	**0.55**	**0.96**	**0.13**	**18.89**

[a] Total acres refers to all of the acreage that comprises the Biological Study Area and not exclusively the 17.2-acre Project Site.

SOURCE: ESA, 2021

(a) Ornamental Landscaping

Ornamental landscaping dominates the Project Site, which primarily includes non-native landscaping species. A large area of the Project Site, including the golf course and driving range, is planted with Bermuda grass (*Cynodon dactylon*). In addition to Bermuda grass, scattered ornamental shrubs are planted throughout the Project Site and include ivy (*Hedera* sp.), oleander (*Nerium oleander*), and ornamental rose (*Rosa* sp.). A variety of ornamental, non-native tree species on the Project Site include Aleppo pine, American sweet gum (*Liquidambar styraciflua*), blue gum, bottlebrush (*Callistemon* sp.), camphor tree (*Cinnamomum camphora*), Canary Island pine (*Pinus canariensis*), coast redwood (*Sequoia sempervirens*), deodar cedar (*Cedrus deodara*), Italian cypress (*Cupressus sempervirens*), Mexican fan palm, navel orange (*Citrus sinensis*), olive (*Olea europaea*), Spanish dagger (*Yucca gloriosa*), and tangerine (*Citrus reticulata*). There are no native species of trees considered protected by the City located on the Project Site. The lone significant, protected, off-site tree, a native coast live oak,[27,28] is located on the Zev Greenway and would be preserved by the Project. Although coast redwood trees occur within the Project Site and are native to California, they are not locally indigenous to southern California and not City protected trees and, therefore, are analyzed only as significant trees. Non-native prickly lettuce (*Latuca serriola*) was also found within this community. Ornamental landscaping occupies 12.92 acres (12.44 acres on-site, 0.48 acre off-site).

[27] Coast live oak (*Quercus agrifolia*) is also referred to as California live oak in the City of Los Angeles Protected Tree and Shrub Ordinance No. 186,873 (mentioned above); however, for purposes of this document, it is referred to as coast live oak.

[28] The Tree Report notes 8 coast live oaks, including one that is 4 inches in diameter and 7 that are less than 4 inches in diameter; however, the Protected Tree Ordinance specifies that trees under 4 inches in diameter are not considered protected.

SOURCE: Nearmap, 2021; ESA, 2021

Harvard-Westlake River Park Project

Figure IV.C-1
Plant Communities

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(b) California Brittlebush Scrub

In 2017, the Zev Greenway was restored to native coastal sage scrub habitat (though a large number of non-native species, including invasive Mexican fan palms, continue to exist) along a majority of the Project Site boundary.[29] The restored habitat includes a diverse mix of native species. California brittlebush (*Encelia californica*) was prominent within this community, with a subdominance of coast goldenbush (*Isocoma menziesii*). Thus, this restored native coastal sage scrub community is classified as California brittlebush scrub since habitat types are named after the dominant species. Other subdominant species found within this restored community included California sagebrush (*Artemisia californica*), black sage (*Salvia mellifera*), big saltbush (*Atriplex lentiformes*), and toyon.[30] Other associated native species observed within this community included western sycamore, coyote brush (*Baccharis pilularis*), horseweed (*Erigeron canadensis*), California buckwheat (*Eriogonum fasciculatum*), coast live oak, valley oak (*Quercus lobata*), hollyleaf cherry (*Prunus ilicifolia*), sugar bush (*Rhus ovata*), big pod ceanothus (*Ceanothus megacarpus*), blue (Mexican) elderberry (*Sambucus nigra* ssp. *caerulea*),[31] black willow (*Salix gooddingi*), mule fat (*Baccharis salicifolia*), saw toothed goldenbush (*Hazardia squarrosa*), white sage (*Salvia apiana*), Cleveland sage (*Salvia clevelandii*), California wild rose (*Rosa californica*), Nevin's barberry (*Berberis nevinii*), jimson weed (*Datura wrightii*), cliff aster (*Malacothrix saxatilis*), giant wild rye (*Elymus condensatus*), deer grass (*Muhlenbergia rigens*), purple three awn (*Aristida purpurea*), and nodding needlegrass (*Stipa cernua*). Associated non-native species observed within this community included Mexican fan palm, Aleppo pine, tree of heaven (*Ailanthus altissima*), acacia (*Acacia* sp.), tree tobacco (*Nicotiana glauca*), tamarisk (*Tamarix ramosissima*), cheeseweed (*Malva parviflora*), fountain grass (*Pennisetum setaceum*), Smilo grass (*Stipa miliacea*), and Bermuda grass. California brittlebush scrub occupied 0.88 acre (all off-site) along the Zev Greenway.

California brittlebush scrub (CaCode 32.050.02[32]) is considered a sensitive natural community by CDFW.

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[29] Bartholomew, Dana. Opening of Greenway Trail along LA River in Studio City Celebrated. Los Angeles Daily News, https://www.dailynews.com/2017/06/03/opening-of-greenway-trail-along-la-river-in-studio-city-celebrated/2017, Published: June 3, 2017. Update: August 28, 2017, accessed August 14, 2021.

[30] For plant and wildlife species, scientific names are only included with common names upon first mention. They are only referred to by common names thereafter.

[31] Blue (Mexican) elderberry (*Sambucus nigra* ssp. *caerulea*) is also referred to as Mexican elderberry (*Sambucus mexicana*) in the City of Los Angeles Protected Tree and Shrub Ordinance; however, for purposes of this document, the scientific name *Sambucus nigra* ssp. *caerulea* is used since it is more current.

[32] The CaCode indicates the California Natural Community List code associated with a particular natural community.

(c) Disturbed

Within the Biological Study Area, disturbed areas consist of dirt areas that lack vegetation or have been previously disturbed by human activity. These include a dirt access road along the southern boundary of the tennis courts and other areas within the Biological Study Area that were generally devoid of vegetation (e.g., within the Zev Greenway and Coldwater Canyon Avenue Riverwalk Path Ramp area), as shown in Figure IV.C-1. A few species observed in trace amounts include native horseweed, cliff aster, nodding needlegrass, and non-native Mexican fan palm, tree of heaven, and prickly lettuce. The disturbed area occupies 0.28 acre (0.14 acre on-site, 0.14 acre off-site).

(d) Developed

Within the Biological Study Area, developed areas consist of paved areas and structures. These include built structures, the tennis courts, a parking lot, and walkways. Some scattered patches of ornamental landscaping occur within these areas, including Aleppo pine, Mexican fan palm, ivy, garden geranium (*Pelargonium* × *hortorum*), and weeping fig (*Ficus benjamina*). Developed areas occupied 4.81 acres (4.67 acres on-site, 0.14 acre off-site).

(3) Wildlife Movement Corridors

Wildlife corridors link together areas of suitable habitat that are otherwise separated by rugged terrain, changes in vegetation, or human disturbance. The fragmentation of open space areas by urbanization creates isolated "islands" of wildlife habitat. In the absence of habitat linkages that allow movement to adjoining open space areas, various studies have concluded that some wildlife species, especially the larger and more mobile mammals, will not likely persist over time in fragmented or isolated habitat areas because they prohibit the infusion of new individuals and genetic material.[33,34,35,36]

Wildlife movement activities usually fall into one of three movement categories: (1) dispersal (e.g., juvenile animals from natal areas, or individuals extending range distributions); (2) seasonal migration; and (3) movements related to home range activities (foraging for food or water, defending territories, searching for mates, breeding areas, or cover). Although the nature of each of these types of movement is species-specific, large open spaces will generally support a diverse wildlife community representing all types of

[33] R.M. MacArthur and E. O. Wilson, The Theory of Island Biogeography, Princeton University Press: Princeton, New Jersey, 1967.

[34] M. E. Soulé, Viable Populations for Conservation, Sinaur Associates Inc., Publishers, Sunderland, Massachusetts, 1987.

[35] L. D. Harris and P. B. Gallagher, New Initiatives for Wildlife Conservation: The Need for Movement Corridors, pages 11-34 in G. Mackintosh, ed. Preserving Communities and Corridors. Defenders of Wildlife. Washington D.C. 1989.

[36] A. F. Bennett, Habitat Corridors and the Conservation of Small Mammals in a Fragmented Forest Environment. Landscape Ecol. 4:109-122, 1990.

movement.[37] Each type of movement may also be represented at a variety of scales from non-migratory movement of amphibians, reptiles, and some birds, on a "local" level to many square-mile home ranges of large mammals moving at a regional level.

Regional movement through the Biological Study Area to the surrounding vicinity is highly restricted by surrounding development. The Biological Study Area is directly adjacent to residential development to the north, east, and northwest. Although the Biological Study Area supports a landscaped area with a large number of trees, the Biological Study Area supports limited resources for wildlife habitat and foraging due to the surrounding existing development; automobile traffic on adjacent roadways; a lack of nuts, berries, and other native food sources that results from the current mix of non-native, ornamental trees; and because the Biological Study Area is subjected to frequent human disturbance due to operation of the golf course and tennis courts. The Biological Study Area does not support any drainage features (which wildlife often use as riparian corridors for movement) that would connect the Biological Study Area to suitable live-in habitat (e.g., habitat areas that provide habitable cover for wildlife). Additionally, the Biological Study Area is not within any linkages identified by the South Coast Missing Linkages report, which was a collaborative inter-agency effort to identify and conserve the highest priority linkages in the South Coast Ecoregion; the nearest linkage design identified is the Santa Monica – Sierra Madre Connection located 15 miles to the west.[38] Since the Biological Study Area is not identified as a linkage by the South Coast Wildlands and it does not support habitat that connects two or more habitat patches that would otherwise be fragmented or isolated from one another, the Biological Study Area is not a wildlife corridor.

Although the Biological Study Area itself does not function as a wildlife movement corridor, the Los Angeles River is directly adjacent to the southwestern boundary of the Biological Study Area. This portion of the Los Angeles River is entirely channelized and does not support any vegetation within the channel. Since the channel is currently devoid of vegetation, resources for wildlife are limited within this reach of the channel. Additionally, the channel is surrounded by chain-linked fencing, which likely reduces its utilization by larger wildlife species for movement within the region. Some native vegetation is planted along the southwestern-facing slope north of the channel, which is part of a half-mile stretch of native habitat restored along the Zev Greenway.[39] There is also a row of mature western sycamore and ornamental African sumac trees planted along the top of the southern bank of the Los Angeles River. Despite the lack of vegetation and the channelized nature within this particular reach of the Los Angeles River, the Los Angeles River does provide some use for wildlife moving through the area. Waterfowl and shore birds may forage on invertebrates and algae that are present within the channel. In

[37] L. Fahrig and G. Merriam, Habitat Patch Connectivity and Population Survival. Ecology. 66:1762-1768, 1985.

[38] South Coast Wildlands. South Coast Missing Linkages: A Wildland Network for the South Coast Ecoregion, March 2008.

[39] Community Conservation Solutions. The Zev Yaroslavsky L.A. River Greenway Trail. https://www.conservationsolutions.org/la-river/, accessed November 18, 2020.

addition, the Los Angeles River allows wildlife to move through the region without interference from traffic or other high levels of human disturbance.[40] Despite being highly channelized, the Los Angeles River supports some areas that are soft-bottomed and vegetated. 6.5 miles downstream from the Biological Study Area, the Los Angeles River supports riparian vegetation and is adjacent to Griffith Park to the south and Bette Davis Picnic Area to the north. The Sepulveda Dam is 4.1 miles upstream from the Biological Study Area, above which the Los Angeles River is soft-bottomed and supports riparian vegetation. Therefore, the portion of the Los Angeles River adjacent to the Biological Study Area may facilitate wildlife movement between these two areas that support higher quality resources for wildlife. Since the Biological Study Area is immediately adjacent to the Los Angeles River, and because there are limited habitat areas within the surrounding densely developed area, except for the native habitat restored along the Zev Greenway and mature western sycamore and ornamental trees planted along the top of the southern bank of the Los Angeles River, the Biological Study Area, although predominantly landscaped with non-native ornamental plant species, contains a portion of the Zev Greenway and could serve as patch habitat[41] along the river and provide some habitat value to urban-adapted wildlife species.

Movement on a smaller or local scale could occur within the Biological Study Area for species that are less restricted in movement pathway requirements or are adapted to urban areas (e.g., raccoon [*Procyon lotor*], stripped skunk [*Mephitis mephitis*], coyote [*Canis latrans*], and bird species in general). Although habitat within the Biological Study Area is primarily non-native ornamental landscaping, it does support a large number of trees (421) and some shrubs, though shrubs are minimal since the Biological Study Area is predominantly comprised of maintained turf for the golf course and driving range. The majority of shrub cover is limited to the strip of native habitat restored along the Zev Greenway. There are a number of County parks and open space areas to the south of the Biological Study Area, such as Wilacre Park (0.4 mile to south) and Coldwater Canyon Open Space (0.5 mile to the south-southwest). As such, the Biological Study Area likely supports some local wildlife movement within the Biological Study Area and/or nearby areas for foraging and shelter. Data gathered from the biological survey indicate that the Biological Study Area contains habitat that supports common species of invertebrates, reptiles, birds, and small mammals (e.g., squirrels). The home range and average dispersal distance of many of these species may be entirely contained within the Biological Study Area and immediate vicinity. Populations of animals, such as insects, reptiles, small mammals, and a few bird species, may find all their resource requirements without moving far or outside of the Biological Study Area at all. Occasionally, individuals expanding their home range or dispersing from their parental range could attempt to move outside of the Biological Study Area, if feasible, based on the surrounding restrictions to movement from development (mentioned above). Bird species may fly over the development and freeways to utilize the Biological Study Area for foraging, although this

40 United States Army Corps of Engineers, Los Angeles River Ecosystem Restoration Integrated Feasibility Report – Appendix G, Habitat Evaluation (CHAP), USACE Los Angeles District, September 2015.

41 A habitat patch is an area that can be used by a species for breeding or obtaining other resources.

is expected to be limited due to the high level of human activity in the region, lack of food sources from existing ornamental vegetation, and higher quality foraging habitats in nearby open areas with less human disturbance, particularly Wilacre Park and Coldwater Canyon Open Space to the south.

In summary, due to existing development and frequent human disturbance, the Biological Study Area does not facilitate movement for wildlife species on a regional scale and it is not identified as a regionally important dispersal or seasonal migration corridor by South Coast Wildlands. The adjacent Los Angeles River and its limited associated habitat (e.g., native habitat restored along the Zev Greenway and mature western sycamore and ornamental trees planted along the top of the southern bank) likely facilitates regional movement through the area. The Biological Study Area could serve as patch habitat along the river and provide some habitat value to urban-adapted wildlife species and may support live-in and movement habitat for species on a local scale (i.e., some live-in and at least marginal movement habitat for invertebrates, reptiles, birds, and small mammal species).

(4) Sensitive Biological Resources

The following is a discussion of the sensitive biological resources that occur or have the potential to occur in the Biological Study Area based on existing conditions and habitat requirements for special-status species. Special-status species are those that have been afforded special recognition by federal, State, or local resource conservation agencies and organizations. The CNPS and CNDDB database were queried for special-status species records within the Van Nuys United States Geological Survey topographic quadrangle and the surrounding eight quadrangles, including Oat Mountain, San Fernando, Sunland, Canoga Park, Burbank, Topanga, Beverly Hills, and Hollywood.

The potential for special-status species to occur in the Biological Study Area is based on the presence of suitable habitat, the known distribution and habitat requirements of a species, and the proximity of the site to previously recorded occurrences. Additional sources of information used to determine habitat suitability and potential for presence of special-status species include aerial photographs, topographic maps, soil survey maps, geological maps, and Project plans.

(a) Sensitive Natural Communities

A review of the most current edition (September 2020) [42] of CDFW's *California Natural Community List* was conducted to determine if any of the plant communities mapped within the Biological Study Area are considered sensitive natural communities that are "rare and worthy of consideration."

[42] California Depart of Fish an*d* Wildlife, California Natural Community List*,* Vegetation Classification and Mapping Program. Biogeographic Data Branch*,* https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=153398&inline, 2020, accessed September 9, 2020.

The off-site portion of the Biological Study Area along the Zev Greenway supports 0.88 acre of recently restored California brittlebush scrub, which is considered to be a sensitive natural community by CDFW and is the only sensitive natural community within the Biological Study Area. California brittlebush scrub has a State rarity rank of S3.

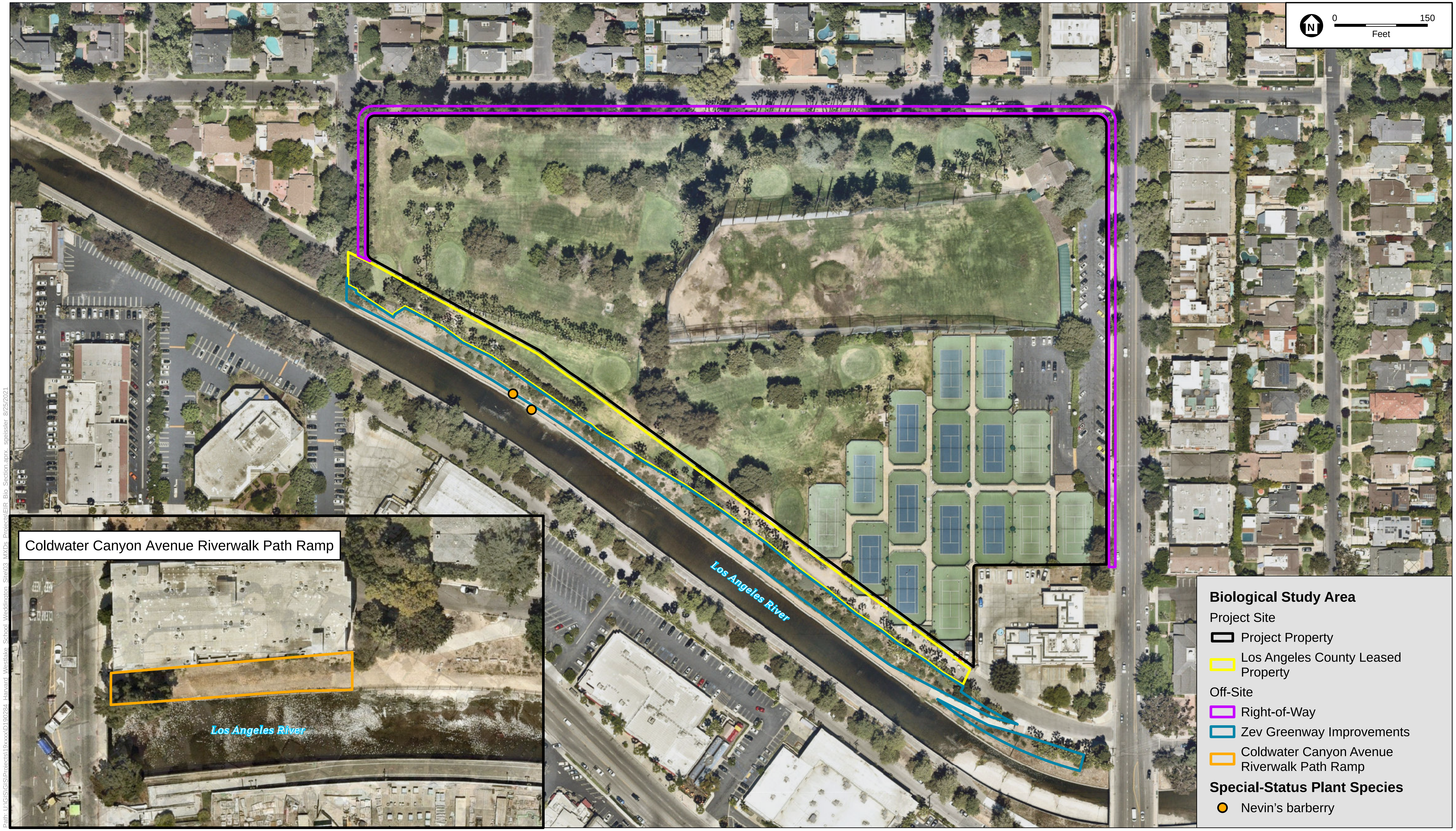
(b) Special-Status Plant Species

Special-status plants include those listed or candidates for listing by the USFWS and CDFW, and species considered special-status by CNPS (CRPRs 1A, 1B, 2A, and 2B). Several plant species were reported in the vicinity based on CNDDB and CNPS, totaling 54 species within the nine-quadrangle search. One special-status plant species was observed within off-site portions of the Biological Study Area during the general biological survey: two Nevin's barberry (*Berberis nevinii*) individuals were planted within the restored California brittlebush scrub along Zev Greenway (**Figure IV.C-2**, *Special-Status Plant Species*). Although this native species, comprised of two individual plants, was planted as part of a restoration effort along the Zev Greenway and Los Angeles River, Nevin's barberry is a federal and State endangered species and CRPR 1B.1.

One additional special-status plant species, Southern California black walnut, was not found within the Biological Study Area but was observed in the vicinity of the Biological Study Area planted in the restored scrub habitat along Zev Greenway farther to the east of the Coldwater Canyon Avenue Riverwalk Path Ramp area; this area will not be impacted or affected by the Project. No other special-status plant species are expected to occur within the Biological Study Area due to one or more of the following reasons: (1) the lack of suitable habitat within the Biological Study Area, (2) the Biological Study Area is located outside of the species' elevation range or distribution, or (3) the lack of suitable microhabitat (e.g., soils, hydrology, etc.) within the Biological Study Area; thus, focused plant surveys for special-status plant species[43] are not warranted. Additionally, the limited strip of native California brittlebush scrub habitat that occurs within the off-site portion of the Biological Study Area along the Zev Greenway was recently restored in an area that did not previously support native scrub habitat and is isolated from other native habitats by the surrounding development in the vicinity. Furthermore, the Biological Study Area is not within USFWS designated critical habitat[44] for any listed plant species.

[43] Focused surveys are additional surveys for certain special-status species that have potential to occur and are conducted within potentially suitable habitat in accordance with regulatory agency protocols, if available, to maximize potential for detection. For rare plants, surveys would be conducted during the blooming period of each potentially present species. If a Biological Study Area does not support suitable habitat or micro-habitat or is outside of the known range or distribution of a potential special-status species, then those species are not expected to occur and focused surveys are not warranted.

[44] Under the FESA, the USFWS and National Marine Fisheries Service (NMFS) are required to designate critical habitat for endangered and threatened species. Critical habitat is defined as areas of land, water, and air space containing the physical and biological features essential for the survival and recovery of endangered and threatened species.



SOURCE: Nearmap, 2021; ESA, 2021

Harvard-Westlake River Park Project

Figure IV.C-2
Special-Status Plant Species

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(c) Special-Status Wildlife Species

Special-status wildlife species include those species listed as endangered or threatened under the FESA or CESA, candidates for listing by the USFWS or CDFW, and species of special concern by the CDFW. A total of 47 special-status wildlife species were reported in the vicinity based on the CNDDB. One species was identified as having a potential to occur within the Biological Study Area or use the Biological Study Area based on the literature review and habitat in the Biological Study Area.

The Western yellow bat (Lasiurus xanthinus) is considered a CDFW species of special concern. This species is found in valley foothills, riparian, riparian desert, desert wash, and palm oasis habitats. This species roosts in trees, particularly palm trees, and forages over water and among trees.

Western yellow bat has moderate potential to roost and forage in the Biological Study Area. The Biological Study Area supports a number of palm trees that would be suitable roosting habitat for this species. Additionally, the adjacent Los Angeles River may provide suitable foraging habitat above the river and near the southwestern boundary of the Biological Study Area. There is only one CNDDB occurrence of this species within the region of the Biological Study Area, which was recorded in 1984 approximately 8.5 miles to the east in a developed area of Glendale.

(5) Migratory Birds and Raptors

The Biological Study Area supports potential nesting and foraging habitat for migratory birds and raptor species. Several common species of birds observed in the Biological Study Area during the biological survey included songbird species, such as black phoebe (*Sayornis nigricans*), yellow-rumped warbler (*Setophaga coronata*), and white-crowned sparrow (*Zonotrichia leucophrys*). An osprey (*Pandion haliaetus*) was observed on-site perched on a tall snag eating prey, and a Cooper's hawk was observed in the off-site portion of the Biological Study Area along Zev Greenway. A complete list of bird species observed within the Biological Study Area is listed in Appendix D of this Draft EIR.

(6) Critical Habitat

Under the FESA, the USFWS and National Marine Fisheries Service (NMFS) are required to designate critical habitat for endangered and threatened species. Critical habitat is defined as areas of land, water, and air space containing the physical and biological features essential for the survival and recovery of endangered and threatened species. Designated critical habitat includes sites for breeding and rearing, movement or migration, feeding, roosting, cover, and shelter. Designated critical habitats require special management and protection of existing resources, including water quality and quantity, host animals and plants, food availability, pollinators, sunlight, and specific soil types. Critical habitat delineates all suitable habitat, occupied or not, essential to the survival and recovery of the species.

The nearest designated critical habitat is approximately 8 miles to the northeast, for southwestern willow flycatcher (*Empidonax traillii extimus*) near Hansen Dam.[45] There is no connectivity between the Biological Study Area and the designated critical habitat because the locations are separated by residential development and freeways and highways. As such, the Biological Study Area does not contain any suitable habitat for southwestern willow flycatcher.

(7) City-Protected and Non-Protected Significant Trees

Of the 421 trees inventoried and evaluated, 258 are located on-site and 163 are located off-site. The off-site trees include 87 trees surrounding the Project Site located in the public right-of-way, all of which are protected trees, and 76 trees located off-site within the Zev Greenway area.[46]

The Protected Tree and Shrub Ordinance protects native tree and shrub species (i.e., western sycamores, indigenous oak species, California bay laurels, southern California black walnuts, Mexican elderberry, and toyon). None of the on-site private property trees are protected by the Protected Tree and Shrub Ordinance, and all trees planted on-site are ornamental, non-native trees. Trees located in public rights-of-way are generally protected regardless of species or size, and these total 87 off-site trees. There are 30 young oak and sycamore trees and a number of native shrubs, including Mexican elderberry and toyon, in the off-site Zev Greenway area; however, these were planted and are, therefore, not considered a protected tree or shrub since any tree or shrub grown or held for sale by a licensed nursery, or trees planted or grown as part of a tree planting program are not protected under the City's Protected Tree and Shrub Ordinance. [47]

All the other trees over eight inches in DBH (on-site and off-site), 304 trees, were considered to be non-protected significant trees per direction of the Department of City Planning.

3. Project Impacts

a) Thresholds of Significance

In accordance with Appendix G of the CEQA Guidelines, a 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

[45] U.S. Fish and Wildlife Services, Critical Habitat for Threatened & Endangered Species. https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77, accessed December 3, 2020.

[46] Carlberg Associates, City of Los Angeles Tree Report Harvard-Westlake River Park Campus, October 2020.

[47] LAMC Section 17.02.

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, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or

Threshold (c): Have a substantial adverse effect on state or federally protected wetlands (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.

For this analysis the Appendix G Thresholds were relied upon. The analysis utilized factors and considerations identified in the L.A. CEQA Thresholds Guide (Thresholds Guide), as appropriate to assist in answering the Appendix G threshold questions.

The Thresholds Guide identifies the following factors to evaluate impacts to biological resources:

- 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; 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.

b) Methodology

The analysis below examines the potential direct and indirect impacts to biological resources that may occur as a result of implementation of the Project. Direct impacts involve the loss, modification or disturbance of natural habitats (i.e., vegetation or plant communities), which in turn, directly affect plant and wildlife species dependent on that habitat. Direct impacts also include the destruction of individual plants or wildlife, which is typically the case in species of low mobility (i.e., plants, amphibians, reptiles, and small mammals). The collective loss of individuals in these manners may also directly affect regional population numbers of a species or result in the physical isolation of populations thereby reducing genetic diversity and, hence, population stability.

Indirect impacts involve the effects of increases in ambient levels of sensory stimuli (e.g., noise, light), unnatural predators (e.g., domestic cats and other non-native animals), and competitors (e.g., exotic plants, non-native animals). Indirect impacts may be associated with the construction and/or eventual habitation/operation of a project; therefore, these impacts may be both short-term and long-term in their duration. These impacts are commonly referred to as “edge effects” and may result in changes in the behavioral patterns of wildlife and reduced wildlife diversity and abundance in habitats adjacent to the Biological Study Area.

The determination of impacts in this analysis is based on Project development in and near the Biological Study Area, and the sensitivity of plant and wildlife species to be affected.

The analysis of wildlife movement in and near the Biological Study Area is based on information compiled from literature, analysis of aerial photographs and topographic maps, direct observations and recordings made in the field during the biological survey, and an analysis of existing wildlife movement functions and values, such as observed habitat and native vegetation that could support wildlife movement, as well as trails and evidence of frequent use.

c) Project Design Features

One Project Design Feature is proposed with regard to biological resources.

> **PDF-BIO-1:** Prior to the issuance of any grading permit that would remove potentially suitable nesting habitat for raptors or songbirds, Harvard-Westlake School shall demonstrate and guarantee to the satisfaction of the Los Angeles Department of City Planning that either of the following have been or shall be accomplished:
>
> 1. Vegetation removal activities will be scheduled outside the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to avoid potential impacts to nesting birds.
> 2. Any construction activities that occur during the nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors) will

require that all suitable habitat be thoroughly surveyed for the presence of nesting birds by a qualified biologist experienced in avian nesting bird behavior before commencement of clearing. If any active nests are detected, a buffer of 300 feet around the nest (500 feet for raptors), or as determined appropriate by the biologist based on species and site-specific conditions, will be delineated, flagged, and avoided until the nesting cycle is complete. The buffer may be modified and/or other recommendations proposed as determined appropriate by the biological monitor to minimize impacts.

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?

(1) Impact Analysis

(a) Candidate, Sensitive, or Special-Status Plants

(i) Direct Impacts

Project construction would result in the direct removal of a number of ornamental, non-native tree species and other common ornamental plant species; no direct removal of vegetation is anticipated during Project operation beyond routine landscape maintenance. Common tree and plant species present within the Biological Study Area occur in large numbers throughout the region and their removal does not meet the significance threshold defined above, as they do not constitute Candidate, Sensitive, or Special Status Plant species. However, several special-status native plant species were reported in the vicinity based on CNDDB and CNPS, totaling 54 species within the 9-quadrangle search. One special-status plant species, Nevin's barberry, was observed within off-site portions of the Biological Study Area during the general biological survey. Two Nevin's barberry individuals were planted within the restored California brittlebush scrub planted along the Zev Greenway. Although both of these native species were planted as part of a restoration effort along the Zev Greenway and Los Angeles River, Nevin's barberry is a Federal and State endangered species and CRPR 1B.1.

The Project would avoid impact to Nevin's barberry (i.e., avoid trampling or removal of this plant) (**Figure IV.C-3**, *Impacts to Special-Status Plant Species and Plant Communities*). As such, Project impacts to this special-status plant species would be less than significant.

Because of the high level of human disturbance and ornamental landscaping, none of the remaining 53 special-status plant species (listed in Appendix D of this Draft EIR) are

expected to occur within the Biological Study Area due to (1) the lack of suitable habitat found within the Biological Study Area during the general biological survey, (2) the Biological Study Area is located outside of the species' elevation range or distribution, or (3) the lack of suitable microhabitat (e.g., soils, hydrology, etc.) within the Biological Study Area, and focused surveys for any of these 53 species were not warranted. A detailed assessment of each species' potential to occur is included in Appendix D of this Draft EIR. **As such, impacts to special-status plant species would be less than significant**.

(ii) Indirect Impacts

Indirect Project construction and operation activities, such as changes in the ambient levels of light and noise, human activity, or possible introduction of non-native species, would not result in significant impacts to special-status, candidate, and/or sensitive plant species. The two special-status plants (i.e., two individual Nevin's barberry plants) already occur along a public trail, and the additional human activity, light, or noise would not have an adverse effect on these species. Furthermore, the native landscaping proposed, which would exclude invasive exotic plant species, would help to enhance the natural community in which these species occur, as well as the surrounding area, by expanding the habitat, creating a greater native seed source, and providing a larger buffer from non-native ornamental landscaping in the surrounding developed areas. **Thus, indirect Project construction and operation activities would not result in significant impacts to special-status, candidate, and/or sensitive plant species**.

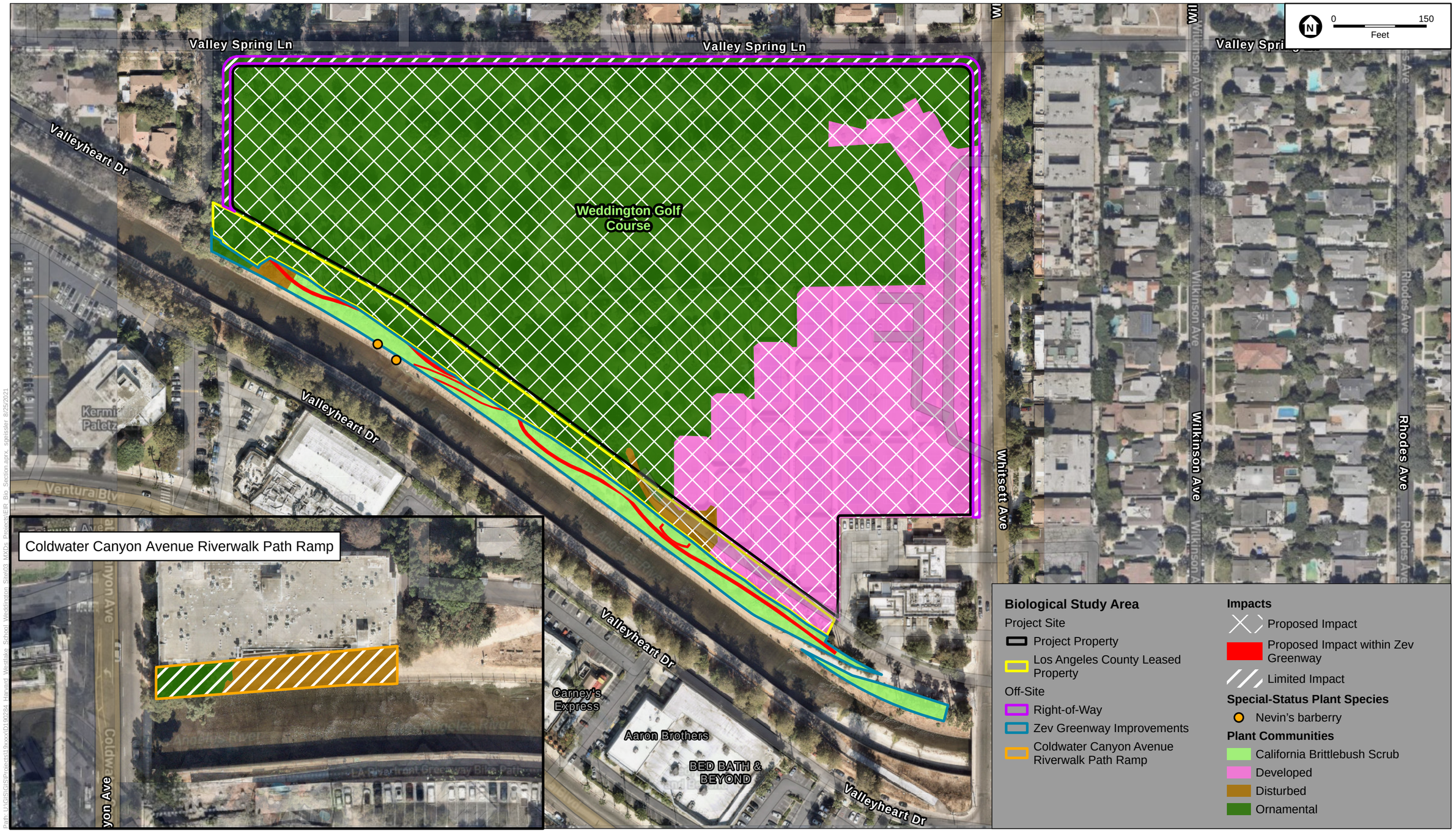
(b) Candidate, Sensitive, or Special-Status Wildlife

(i) Direct Impacts

The Project would result in the removal of ornamental vegetation and the temporary displacement of common and non-indigenous wildlife species; however, impacts to common and non-indigenous wildlife species do not meet the significance threshold defined above, as they do not constitute candidate, sensitive, or special-status wildlife species.

A total of 46 of the 47 special-status wildlife species identified as occurring in the Project vicinity in available databases are not considered to have the potential to occur within the Biological Study Area due to the lack of suitable habitat or because the Biological Study Area is outside the known distribution range for the species. These special-status species, their preferred habitat, and analysis of their potential to occur within the Biological Study Area are listed in Appendix D of this Draft EIR. Since these special-status species are not expected to be present within the Biological Study Area, the Project would have no impact on these species.

One special-status bat species, the western yellow bat (species of special concern), was considered to have moderate potential to roost and forage in the Biological Study Area. **Construction of the Project could result in potentially significant direct impacts to this bat species if tree removal commences during the maternity roosting season (generally March 1 through September 30).**



SOURCE: ESRI, 2020. (Aerial)

Harvard-Westlake River Park Project

Figure IV.C-3
Impacts to Special-Status Plant Species and Plant Communities

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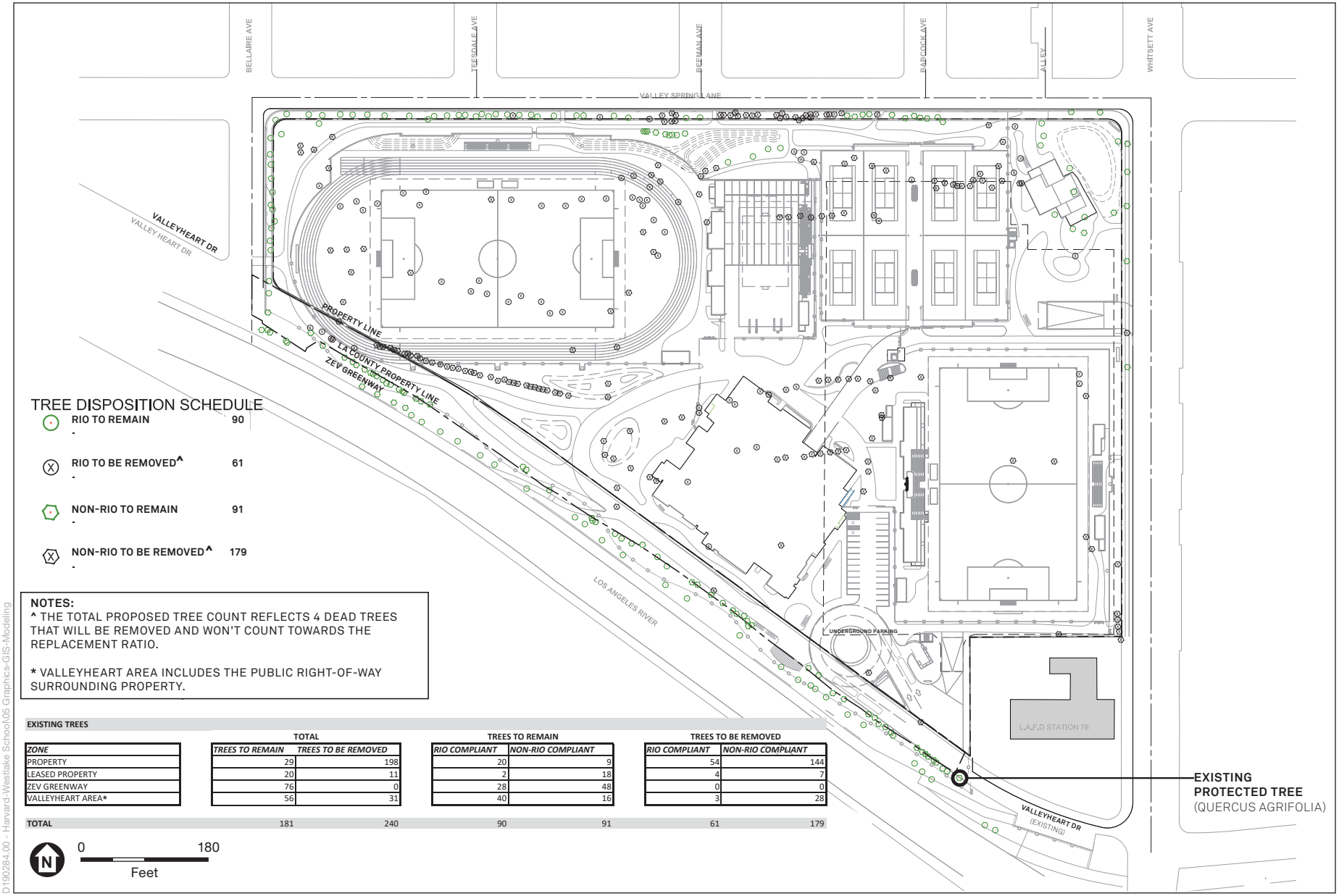
(ii) Indirect Impacts

Indirect effects of the Project on special-status bat species would be similar to those currently experienced from existing on-site conditions but could include an increase in ambient levels of sensor stimuli (e.g., light, noise, and human activity) during limited periods when multiple recreational activities are underway. Construction and operation of the Project are not expected to introduce any unnatural predators or competitors because non-native animals are not promoted by construction or operational activities and invasive plant species would be avoided in the landscape palette for the Project. The landscape plan for the Project would consist entirely of native trees, the vast majority of which are species sourced from the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes that would be planted in locations that promote the restoration of native plant communities along the Los Angeles River. The Project would implement an extensive tree planting and landscaping program that would remove 240 of the existing 421 inventoried on- and off-site trees (four of which are deemed dead and, therefore, excluded from mitigation requirements), and plant 393 trees, resulting in a net increase of 153 trees beyond existing conditions (or a 36 percent increase). The Project would result in a total of 574 trees within the on- and off-site Project areas (**Figure IV.C-4**, *Tree Removal Plan* and **Figure IV.C-5**, *Tree Planting Plan*). Furthermore, the native landscaping proposed would help to enhance the existing off-site native habitat, as well as the surrounding area, by expanding the habitat, creating a greater native seed source, and providing a larger buffer from non-native ornamental landscaping in the surrounding developed areas, which may benefit special-status bat species by providing enhanced foraging opportunities (**Figure IV.C-6**, *Planting Zone Plan*).

Lighting associated with construction would be limited to night lighting for security purposes if warranted, which would be similar to existing conditions. Because construction lighting would be temporary and similar to existing conditions, it would not impact the long-term survival of a special-status bat species which have low to moderate potential to occur in the Biological Study Area, and therefore, would not be significant. During the Project's operation, lighting would allow the use of outdoor recreational facilities and other passive recreational spaces beyond sunset, extending the usable hours of the facility, especially during the winter months. Exterior lighting would be comprised of lighting for outdoor athletic events and activities during the evening hours and low-level lighting along pathways, around the gymnasium building, in the surface parking area, and in entrance areas for security and wayfinding purposes. In addition, lighting to accent signage and landscaping elements would be installed in limited areas of the Biological Study Area. Field lights, and those for the pool and tennis court areas, would utilize LED technology, timer controls, and shields directed only to the use intended to be illuminated to prevent spillover and glare and, as with all other exterior lighting, would be designed to comply with LAMC and RIO District Ordinance requirements.



TREE DISPOSITION SCHEDULE

RIO TO REMAIN	90
RIO TO BE REMOVED^	61
NON-RIO TO REMAIN	91
NON-RIO TO BE REMOVED^	179

NOTES:
^ THE TOTAL PROPOSED TREE COUNT REFLECTS 4 DEAD TREES THAT WILL BE REMOVED AND WON'T COUNT TOWARDS THE REPLACEMENT RATIO.

* VALLEYHEART AREA INCLUDES THE PUBLIC RIGHT-OF-WAY SURROUNDING PROPERTY.

EXISTING TREES

ZONE	TOTAL		TREES TO REMAIN		TREES TO BE REMOVED	
	TREES TO REMAIN	TREES TO BE REMOVED	RIO COMPLIANT	NON-RIO COMPLIANT	RIO COMPLIANT	NON-RIO COMPLIANT
PROPERTY	29	198	20	9	54	144
LEASED PROPERTY	20	11	2	18	4	7
ZEV GREENWAY	76	0	28	48	0	0
VALLEYHEART AREA*	56	31	40	16	3	28
TOTAL	181	240	90	91	61	179

0 180
Feet

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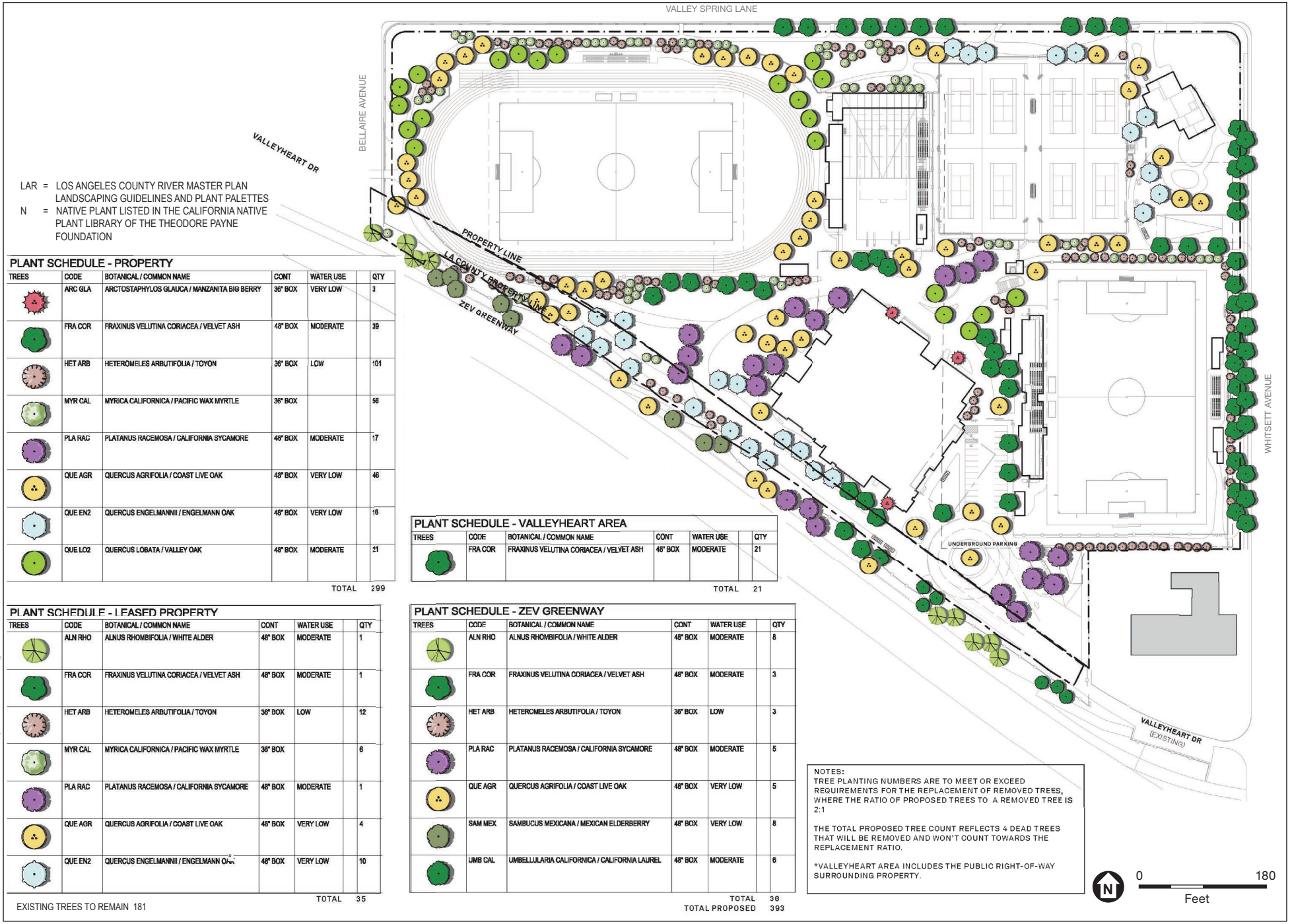
SOURCE: Studio-MLA, 2021

Harvard-Westlake River Park Project

Figure IV.C-4
Tree Removal Plan



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SOURCE: Studio-MLA, 2020

Harvard-Westlake River Park Project

Figure IV.C-5
Tree Planting Plan

LAR = LOS ANGELES COUNTY RIVER MASTER PLAN LANDSCAPING GUIDELINES AND PLANT PALETTES
N = NATIVE PLANT LISTED IN THE CALIFORNIA NATIVE PLANT LIBRARY OF THE THEODORE PAYNE FOUNDATION

NATIVE / WATERSHED WISE PLANT RATIO

TOTAL LANDSCAPE AREA : 253,571 SF
TOTAL NATIVE / WATERSHED WISE PLANTING AREA : 253,571 SQ.FT.
PCT. OF NATIVE / WATERSHED WISE PLANTS TO TOTAL LANDSCAPE: 100%
(253,571 / 253,571 = 1.0)

CONCEPT PLANT SCHEDULE ENTIRE PROJECT AREA

PLANT SCHEDULE ZONE A
SHRUBS & GROUNDCOVERS

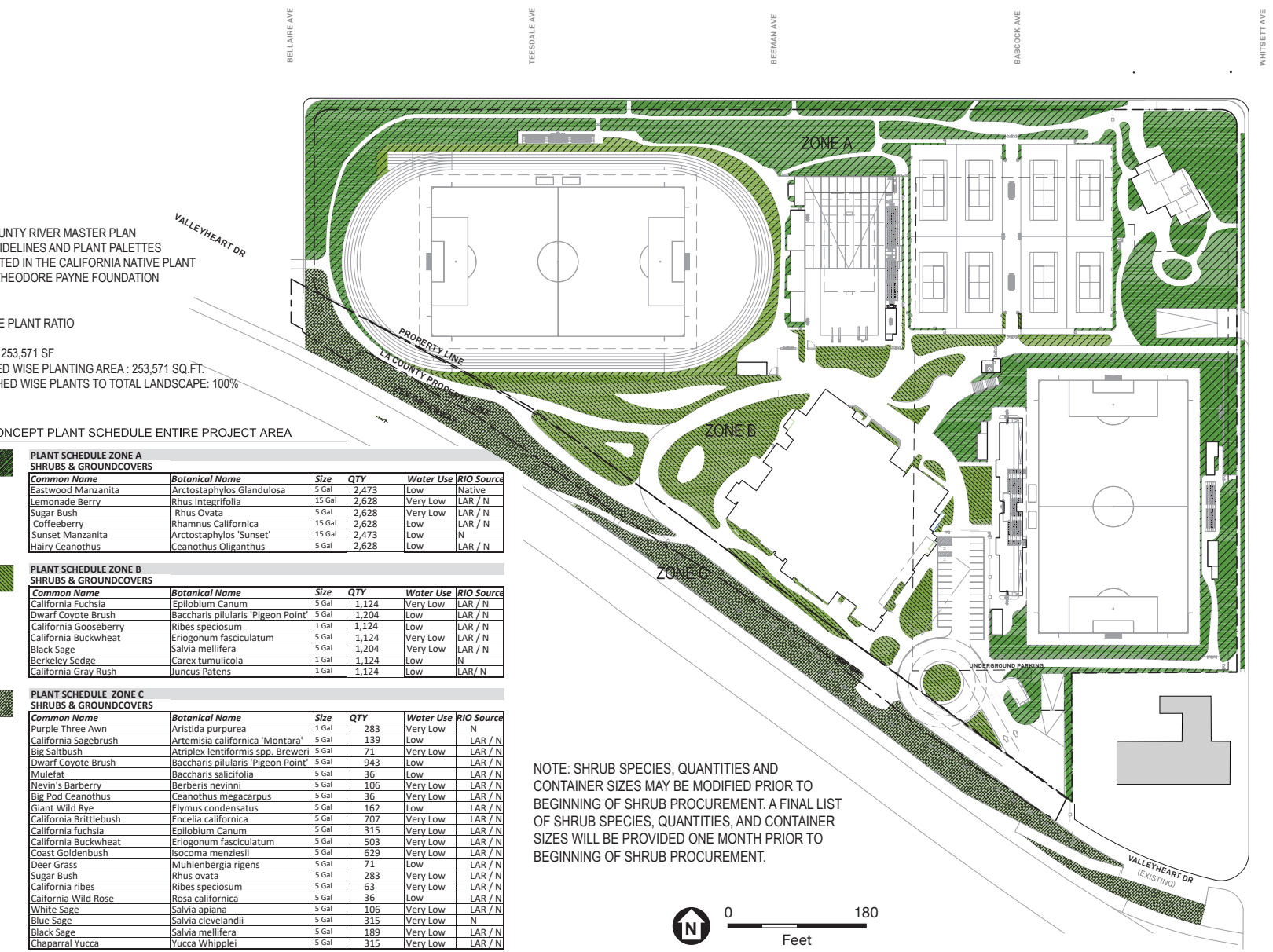
Common Name	*Botanical Name*	*Size*	*QTY*	*Water Use*	*RIO Source*
Eastwood Manzanita	Arctostaphylos Glandulosa	5 Gal	2,473	Low	Native
Lemonade Berry	Rhus Integrifolia	15 Gal	2,628	Very Low	LAR / N
Sugar Bush	Rhus Ovata	5 Gal	2,628	Very Low	LAR / N
Coffeeberry	Rhamnus Californica	15 Gal	2,628	Low	LAR / N
Sunset Manzanita	Arctostaphylos 'Sunset'	15 Gal	2,473	Low	N
Hairy Ceanothus	Ceanothus Oliganthus	5 Gal	2,628	Low	LAR / N

PLANT SCHEDULE ZONE B
SHRUBS & GROUNDCOVERS

Common Name	*Botanical Name*	*Size*	*QTY*	*Water Use*	*RIO Source*
California Fuchsia	Epilobium Canum	5 Gal	1,124	Very Low	LAR / N
Dwarf Coyote Brush	Baccharis pilularis 'Pigeon Point'	5 Gal	1,204	Low	LAR / N
California Gooseberry	Ribes speciosum	1 Gal	1,124	Low	LAR / N
California Buckwheat	Eriogonum fasciculatum	5 Gal	1,124	Very Low	LAR / N
Black Sage	Salvia mellifera	5 Gal	1,204	Very Low	LAR / N
Berkeley Sedge	Carex tumulicola	1 Gal	1,124	Low	N
California Gray Rush	Juncus Patens	1 Gal	1,124	Low	LAR/ N

PLANT SCHEDULE ZONE C
SHRUBS & GROUNDCOVERS

Common Name	*Botanical Name*	*Size*	*QTY*	*Water Use*	*RIO Source*
Purple Three Awn	Aristida purpurea	1 Gal	283	Very Low	N
California Sagebrush	Artemisia californica 'Montara'	5 Gal	139	Low	LAR / N
Big Saltbush	Atriplex lentiformis spp. Breweri	5 Gal	71	Very Low	LAR / N
Dwarf Coyote Brush	Baccharis pilularis 'Pigeon Point'	5 Gal	943	Low	LAR / N
Mulefat	Baccharis salicifolia	5 Gal	36	Low	LAR / N
Nevin's Barberry	Berberis nevinni	5 Gal	106	Very Low	LAR / N
Big Pod Ceanothus	Ceanothus megacarpus	5 Gal	36	Very Low	LAR / N
Giant Wild Rye	Elymus condensatus	5 Gal	162	Low	LAR / N
California Brittlebush	Encelia californica	5 Gal	707	Very Low	LAR / N
California fuchsia	Epilobium Canum	5 Gal	315	Very Low	LAR / N
California Buckwheat	Eriogonum fasciculatum	5 Gal	503	Very Low	LAR / N
Coast Goldenbush	Isocoma menziesii	5 Gal	629	Very Low	LAR / N
Deer Grass	Muhlenbergia rigens	5 Gal	71	Low	LAR / N
Sugar Bush	Rhus ovata	5 Gal	283	Very Low	LAR / N
California ribes	Ribes speciosum	5 Gal	63	Very Low	LAR / N
Caifornia Wild Rose	Rosa californica	5 Gal	36	Low	LAR / N
White Sage	Salvia apiana	5 Gal	106	Very Low	LAR / N
Blue Sage	Salvia clevelandii	5 Gal	315	Very Low	N
Black Sage	Salvia mellifera	5 Gal	189	Very Low	LAR / N
Chaparral Yucca	Yucca Whipplei	5 Gal	315	Very Low	LAR / N



NOTE: SHRUB SPECIES, QUANTITIES AND CONTAINER SIZES MAY BE MODIFIED PRIOR TO BEGINNING OF SHRUB PROCUREMENT. A FINAL LIST OF SHRUB SPECIES, QUANTITIES, AND CONTAINER SIZES WILL BE PROVIDED ONE MONTH PRIOR TO BEGINNING OF SHRUB PROCUREMENT.

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SOURCE: Studio-MLA, 2020

Harvard-Westlake River Park Project

Figure IV.C-6
Planting Zone Plan

Under existing conditions, lighting on-site includes six golf ball-shaped light standards and four additional canopy-mounted floodlights for the driving range and 128 tennis courts lights that are turned on daily at sunset and remain on for up to 30 minutes following the closing of the driving range (at 11:00 p.m.) and tennis courts (at 10:00 p.m.) in order to allow for cleaning and maintenance at the end of the day. The tennis court lights generate the highest luminance values from the Project Site, and are located in close proximity to the Zev Greenway and the Los Angeles River. The existing fixtures on the Project Site have no integral shielding and a more generic optical pattern common to floodlighting. In comparison, the Project would include 45 total light poles that range between 21 feet and 80 feet in height. The tennis courts would be moved away from the Zev Greenway to the northern portion of the Project Site. Some of the Field B lighting would be adjacent to the Zev Greenway in the southwestern portion of the Biological Study Area. Although the tennis and field light fixtures would range in height from 40 to 80 feet, these fixtures would be internal to the Project Site and screened from most direct proximate views by intervening trees, landscaping, walls/fencing, and other features. The lighting fixtures are specifically designed with precise optics and integral shields to aid in controlling the light and preventing unwanted spill light, uplight, or glare. The new lighting system is generally expected to produce ¼ or less candela, or glare, than the existing lighting.[48]

Monday through Friday outdoor activities would cease by 8:00 p.m. during the school year and by 6:00 p.m. during the summer (except for the tennis courts which would remain open for public uses until 9:00 p.m.). Saturday outdoor activities would cease by 6:00 p.m. (as previously noted, except for public usage of the tennis courts), and except for up to 10 Saturdays per year when outdoor athletic activities may take place up until 8:00 p.m. Lighting for outdoor athletic activities would be shut off after those times, except for low-level lighting for security and wayfinding purposes or lighting to accent signage and landscaping elements. Thus, the duration of lighting would be shorter than existing conditions every day of the year. The Zev Greenway does not have dedicated lighting for nighttime use. The Zev Greenway trail, which is immediately adjacent to the Los Angeles River, does have views to lighting on-site and receives filtered light through the trees between the trail and the existing golf and tennis facilities.[49]

Based on the lighting analysis, which calculated the spill light from the sports lighting on-site and beyond to all of the neighboring properties, the results indicate that along the property line at the Los Angeles River, incremental lighting levels would be at or below 0.2 foot candle at the property line and at or below 0.01 foot candle fifteen feet past the property line, which is consistent with RIO District Ordinance lighting requirements. Additionally, the final aiming process of the lighting equipment is a controlled process by which the field engineers work to manually adjust the fixtures and reduce off-site light levels. This aiming process allows for miniscule changes to be made, which reduces off-site lighting while not

48 StudioK1. Harvard-Westlake River Park Project, Study City, CA. Lighting Technical Report. Studio City, CA, October 2021. Provided in Appendix B of this Draft EIR.

49 StudioK1. *Harvard-Westlake River Park Project, Study City, CA. Lighting Technical Report*. Studio City, CA. October 2021. The Lighting Technical Report is provided in Appendix B of this Draft EIR.

affecting the target illumination. Finally, the Project would further reduce lighting effects by planting additional new trees which would create a natural barrier between the new lighting and the Zev Greenway.[50] In compliance with the RIO District Ordinance, the lighting designs would limit or eliminate the spill lighting that would cross the Project's property line into the Zev Greenway and cause unwanted nighttime illumination or glare on the Los Angeles River area. Additionally, the lighting fixtures are specifically designed with precise optics and integral shields to aid in controlling the light and preventing unwanted spill light, uplight, or glare. Although the Biological Study Area is currently not subject to highest levels of nighttime illumination found within busy commercial areas nearby, there is already ample existing lighting. Street lighting and residential building lighting comprises most of the lighting sources on the immediate bounding streets, vehicle headlights and illuminated signage also contribute to the nighttime environment.[51] So although portions of the Biological Study Area would have an increase in lighting during hours of outdoor athletic activities, such lighting would be precisely-controlled and result in substantially less off-site illumination and glare than current conditions. Outside of the field lighting, other areas of the Biological Study Area would have conditions similar to or less than the existing condition. Furthermore, it is anticipated that School-related practices and game competition would occur in the afternoons and early evenings and would end between the hours of 4:45 p.m. to 7:45 p.m., with approximately 50 percent of school days containing no outdoor athletic activities after 5:30 p.m. Indoor activities in the gymnasium would end no later than 9:30 p.m., though indoor activities would generally cease by 7:30 p.m. Thus, field lights and building lights would be shut off each night and the duration of lighting would be shorter every day of the year than existing conditions except for low-level lighting for security and wayfinding purposes or lighting to accent signage and landscaping elements. If present on-site, the special-status bat species are already adapted to living in an urbanized setting with the existing night lighting on-site, as well as from the adjacent residential and commercial areas and traffic along roads. Portions of the Biological Study Area that would have an increase in lighting during hours of outdoor athletic activities would be focused on fields and tennis courts, which do not contain roosting habitat for special-status bats, and have lighting fixtures designed with precise optics and integral shields to aid in controlling the light and preventing unwanted spill light, uplight, or glare. Additional lighting, tightly focused on the fields and tennis courts, also has the potential to attract more insects on which bat species forage, which could be a benefit. **Therefore, indirect impacts to special-status bat species associated with a change in the on-site ambient lighting would be low and minimal operational lighting impacts would not diminish the chances for long-term survival of a special-status bird and bat species and, therefore, would be less than significant**.

There would also be additional indirect impacts to special-status bat species from noise and human activities associated with Project construction; however, construction

[50] StudioK1. *Harvard-Westlake River Park Project, Study City, CA. Lighting Technical Report*. Studio City, CA. October 2021. The Lighting Technical Report is provided in Appendix B of this Draft EIR.

[51] StudioK1. *Harvard-Westlake River Park Project, Study City, CA. Lighting Technical Report*. Studio City, CA. October 2021. The Lighting Technical Report is provided in Appendix B of this Draft EIR.

activities would be temporary on an intermittent basis, and potential on-site tree roosts would be removed during the initial construction phase if no active roosts are found. As such, impacts would not diminish the long-term survival of a special-status bat species and, therefore, would be less than significant. Indirect impacts associated with a change in the on-site operational noise and human activities would be similar to existing conditions with the potential for more noise and human activities during sports events. If present on-site, the special-status bat species are already adapted to living in an urbanized setting and ambient noise and human activities associated with frequent use of the golf and tennis facilities on-site. Increases in noise and human activities would be concentrated around outdoor athletic activities within the fields, tennis courts, and swimming pool, which do not contain vegetation or have suitable roosting habitat for the special-status bats, and larger sporting events would be limited to specific hours, as well as limited in duration. **A change in the on-site operational noise levels and associated human activities would be low[52] and would not diminish the chances for long-term survival or significantly impact special-status bat species**.

Therefore, Project construction and operation activities, including changes in the ambient levels of light and noise, would not result in significant indirect impacts to special-status, candidate, and/or sensitive bat species. As such, indirect impacts to special-status, candidate, and/or sensitive bat species would be less than significant.

(2) Mitigation Measures

The following mitigation measure is required to reduce potentially significant direct impacts on special-status wildlife resources.

BIO-MM-1: Due to the presence of potentially suitable roosting habitat (ornamental trees) for special-status bat species (i.e., western yellow bat), Harvard-Westlake School shall demonstrate and guarantee to the satisfaction of the Los Angeles Department of City Planning that either of the following has been or shall be accomplished:

1. Tree removal activities shall be scheduled outside of the maternity roosting season (October 1 through February 28) to avoid potential impacts to special-status bat species.
2. Any construction or palm tree removal activities that occur during the maternity roosting season for special-status bat species (March 1 through September 30) shall require a qualified biologist experienced with bat roost biology to conduct a pre-construction (or pre-tree removal) survey, using sonic bat detectors (e.g., Anabat or Sonobat) to determine whether special-status bat species are roosting within trees that would be removed. The surveys shall be conducted at dusk and after nightfall by a biologist. If an

[52] Acoustical Engineering Services, Inc. Noise Technical Report Harvard-Westlake River Park Project, June 2021. The Noise Technical Report is provided in Appendix K of this Draft EIR.

active roost site is located during the pre-construction survey, the roost shall be avoided and Project activities shall be conducted as recommended by the biologist to avoid the area, which may include temporary postponement or provision of a suitable buffer established around the roost until roosting activities cease. Suitable buffers could include netting, canvas, or similar materials as recommended by the biologist. A report shall be submitted to the City with the results of the pre-construction or tree removal survey and any needed maternity roost avoidance actions.

(3) Level of Significance After Mitigation

Project impacts to special-status plant species would be less than significant without mitigation. Therefore, no mitigation measures were required or included, and the impact level for these impacts remain less than significant.

By avoiding maternity roosting season, or by conducting pre-construction surveys during maternity roosting season and avoiding direct impacts to active roosts, potentially significant impacts on special-status wildlife species would be reduced to a less than significant level with implementation of Mitigation Measure BIO-MM-1.

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, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

(1) Impact Analysis

(a) Sensitive Natural Communities

(i) Direct Impacts

The off-site portion of the Biological Study Area along the Zev Greenway supports 0.88 acre of California brittlebush scrub, which is considered a sensitive natural community by CDFW. As summarized in **Table IV.C-2**, *Impacts to Plant Communities*, implementation of the Project would result in limited impacts from a proposed river connection (trail), river fence, and river overlook to 0.14 acre of recently restored California brittlebush scrub (16 percent[53] of off-site sensitive natural community). **Although impacts would be limited, direct impacts to this sensitive natural community are potentially significant**.

[53] Percentage is based on calculation before rounding.

TABLE IV.C-2
IMPACTS TO PLANT COMMUNITIES

Plant Communities	On-Site (Acres)	Off-Site Right-of-Way (Acres)	Off-Site Zev Greenway Improvements (Acres)	Off-Site Coldwater Canyon Avenue Riverwalk Path Ramp (Acres)	Total (Acres)[a]
Ornamental Landscaping	12.44	0.41	-	0.04	12.89
California Brittlebush Scrub	-	-	0.14	-	0.14
Disturbed	0.14	-	0.01	0.09	0.24
Developed	4.67	0.14	-	-	4.81
Total	**17.25**	**0.55**	**0.15**	**0.13**	**18.08**

NOTE:

[a] Total acres refers to all of the acreage that comprises the Biological Study Area and not exclusively the 17.2-acre Project Site. In order to be conservative, the analysis assumed the entire Project Site would be impacted.

SOURCE: ESA, 2021

(ii) Indirect Impacts

Indirect Project construction and operation activities, such as changes in the ambient levels of light and noise, human activity, or potential for introduction of non-native species, would not result in significant impacts to sensitive natural communities. The California brittlebush scrub occurs along a public trail, and the additional human activity, light, or noise would not have an adverse effect on this sensitive natural community since the plants would not be affected by subtle changes in Project light, noise, or human activity. Furthermore, the Project's native landscaping, which would exclude invasive exotic plant species and, in fact, would proactively remove Mexican fan palms, would help to enhance this sensitive natural community, as well as the surrounding area, by expanding the habitat, creating a greater native seed source, and providing a larger buffer from non-native ornamental landscaping in the surrounding developed areas (such as currently occurs through the rapid spread of Mexican fan palms). **Thus, indirect Project construction and operation activities would not result in significant impacts to sensitive natural communities.**

(b) Riparian Habitat

There are no drainages in the Biological Study Area that support streambed associated riparian vegetation under the jurisdiction of CFDW or USFWS; **therefore, no impacts to riparian habitat would occur and no mitigation is required**.

(2) Mitigation Measures

The following mitigation measure would reduce potentially significant impacts on sensitive natural communities to a less-than-significant level.

BIO-MM-2: Prior to issuance of a building permit, Harvard-Westlake School shall submit to the Department of City Planning a landscape plan or mitigation plan depicting replacement of an equivalent acreage of California brittlebush scrub removed at a 1:1 ratio. The sensitive natural community does not need to be dominated only by California brittlebush, but this species shall be prevalent within the community, and the native scrub mix proposed shall use similar species as used for the Zev Greenway restoration habitat.[54] The replacement of sensitive natural community habitat shall be planted clustered adjacent to and contiguous with the Zev Greenway, and the locations and species shall be to the satisfaction of the Department of City Planning and in conformance with the landscape and planting guidelines in the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes. Replacement sensitive natural community habitat areas shall be planted on-site and shall be shown on the Project's landscape plan. The restored sensitive natural community shall be monitored for five years to verify that California brittlebush scrub has been successfully restored.

(3) Level of Significance After Mitigation

With replacement of any California brittlebush scrub that is impacted, potentially significant direct impacts on sensitive natural communities would be reduced to a less-than-significant level with implementation of Mitigation Measure BIO-MM-2.

As no riparian habitat occurs in the Biological Study Area, no impacts would occur. Therefore, no mitigation measures were required or included as no impact would occur.

Threshold (c): Would the Project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

As discussed in the Initial Study (Appendix A of this Draft EIR), the Project Site does not contain wetlands as defined by Section 404 of the Clean Water Act. In addition, as discussed in Appendix D, the Biological Study Area does not support drainages or wetlands that are under the jurisdiction of the CDFW, USACE, or Regional Water Quality Control Board. There are no State or Federally protected wetlands within the Biological Study Area. **Therefore, the Project would not have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means, and no impact would occur with respect to Threshold (c). As such, no further analysis is required.**

[54] Community Conservation Solutions, The Zev Yaroslavsky L.A. River Greenway Trail Project Restoring Native Habitat Native Plant Species, 2017.

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) Wildlife Movement and Corridors

Although the Biological Study Area supports a landscaped area with a large number of trees, due to its urban setting, the Biological Study Area supports limited potential live-in and marginal movement habitat for species on a local scale (i.e., some reptile, bird, and small mammal species, such as squirrels) but does not facilitate wildlife movement for species on a regional scale and is not identified as a regionally important dispersal or seasonal migration corridor. The Biological Study Area contains a portion of the Zev Greenway and could serve as patch habitat along the river and provide some habitat value to urban-adapted wildlife species. Any movement on a local scale likely occurs primarily by species that are already adapted to urban environments from the development, disturbances, and human activities currently existing on-site and in the vicinity of the Biological Study Area. Although implementation of the Project would result in temporary disturbances associated with construction to local wildlife movement within the Biological Study Area, such as the daily foraging of resident wildlife on-site, those species adapted to urban areas would be expected to persist on-site following construction. Project operations would be similar in nature to existing conditions and species adapted to urban areas would be expected to persist on-site.

The only potential for regional scale movement within the vicinity of the Biological Study Area would be via the adjacent Los Angeles River, which is not within the Biological Study Area. Since the Biological Study Area does not function as a regional wildlife corridor and is not known to support wildlife nursery area(s), no impacts would occur to regional movement.

Although this section of the Los Angeles River adjacent to the Biological Study Area is channelized, lacks vegetation, and is surrounded by chain-linked fencing, there is also native vegetation planted along the southwestern-facing slope north of the channel that is part of a half-mile stretch of native habitat restored along the Zev Greenway and a row of mature western sycamore and ornamental trees planted along the top of the southern bank of the Los Angeles River, and some regional wildlife movement likely occurs within and along the river. The Project is not anticipated to indirectly impact any wildlife movement that occurs within the Los Angeles River. The land adjacent to this particular reach of the river is highly developed and includes a number of single-family homes, multi-level apartment complexes, and commercial developments, as well as busy roads. The Zev Greenway also provides long-term recreational use of this reach of the Los Angeles River, increasing human activity adjacent to the Biological Study Area. As such, most wildlife that is currently using this reach of the Los Angeles River is likely adapted to urban environments. Based on the lighting analysis, lighting levels along the property line nearest

the Zev Greenway would be at or below 0.2-foot candle at the property line of the Project Site and 0.01 foot candle fifteen feet past the property line, which is consistent with RIO District lighting requirements. Additionally, the final aiming process of the lighting equipment is a controlled process by which the field engineers work to manually adjust the fixtures and reduce off-site light levels. This aiming process allows for miniscule changes to be made which reduces off-site lighting while not affecting the target illumination. Finally, the Project would further reduce lighting effects by planting additional new trees which would create a natural barrier between the new lighting and the existing river trail property.[55] For context, it should be noted that the Ventura Boulevard area to the south of the Biological Study Area, and immediately adjacent to the Los Angeles River to the south, is highly activated at night and is heavily traveled with vehicles using the road to access the many commercial uses or to traverse across the area along the busy connector. Ventura Boulevard is heavily lined with a wide variety of stores, restaurants, and other commercial uses, and these building uses feature high levels of illumination from signage, building lighting, internal and external functional and display lighting, and occasionally parking lot lighting. This all contributes to a high level of nighttime illumination along the Ventura Boulevard area, which is also immediately adjacent to the Los Angeles River.[56] The incremental addition of lighting associated with the Project design would be consistent with the City regulations and would be concentrated primarily away from the Los Angeles River since the lighting fixtures are specifically designed with precise optics and integral shields to aid in controlling the light and preventing unwanted spill light, uplight, or glare. Construction activities, including noise, would be temporary on an intermittent basis, and the incremental addition of noise would be similar to existing conditions, or for larger sporting events, increases in noise and human activities would be concentrated around outdoor athletic activities within the fields, tennis courts, and swimming pool, and limited to specific hours, as well as limited in duration. A change in the on-site operational noise levels and associated human activities would be low[57] and would not diminish wildlife use of the Los Angeles River or Zev Greenway. Additionally, native vegetation that is currently planted along the Zev Greenway, as well as Project landscaping that would further expand and enhance the native habitat, would shield additional ambient lighting and noise. Consequently, impacts to wildlife movement resulting from Project lighting and noise would be less than significant. Movement on a local scale likely occurs with species adapted to urban environments (i.e., bats, common birds, rodents). Local movement is not restricted for aerial species, such as bats and birds, which have the ability to travel over or around potential movement obstacles, such as roadways or construction sites. Although implementation of the Project would result in temporary disturbances to local wildlife movement within the Biological Study Area with the removal of landscape trees that may be used by birds and bats, those species adapted to urban areas would be

[55] StudioK1. *Harvard-Westlake River Park Project, Study City, CA. Lighting Technical Report*. Studio City, CA. October 2021.

[56] StudioK1. *Harvard-Westlake River Park Project, Study City, CA. Lighting Technical Report*. Studio City, CA. October 2021.

[57] Acoustical Engineering Services, Inc. Noise Technical Report Harvard-Westlake River Park Project, June 2021. The Noise Technical Report is provided in Appendix K of this Draft EIR.

expected to persist on-site following construction because a significant number of native replacement trees (a 36-percent increase as compared to existing conditions) would be planted on-site, which would greatly exceed the number removed, and additional native shrub habitat would be planted that would provide habitat value not currently existing on-site by expanding the habitat, creating a greater native seed source, and providing a larger buffer from non-native ornamental landscaping in the surrounding developed areas. **Therefore, Project impacts on the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors would be less than significant**.

(b) Migratory Species and Native Wildlife Nursery Sites

The Biological Study Area supports potential nesting, roosting, and foraging habitat for migratory birds and bats. Since the Biological Study Area primarily supports ornamental trees and turfgrass, as well as a thin strip of native California brittlebush scrub that was recently restored, the quality of foraging habitat is low. Higher quality foraging habitat occurs in less developed areas with larger expanses of open space. The loss of a limited and isolated area of low quality foraging habitat as a result of the Project would not be expected to impact the foraging of any species. It should also be noted that Project landscaping would consist entirely of native tree and plant species that would provide foraging opportunities for bird species. The landscape plan for the Project would consist entirely of native trees, the vast majority of which are also sourced from the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes and would be planted in locations that promote the restoration of native plant communities along, and contiguous to, the Los Angeles River. The Project would also result in a 36-percent net increase in trees for a total of 574 trees within the on- and off-site Project areas. Furthermore, the Project's native landscaping would help to enhance the existing off-site native habitat, as well as the surrounding area, by expanding the habitat, creating a greater native seed source, and providing a larger buffer from non-native ornamental landscaping in the surrounding developed areas, which may benefit wildlife by providing enhanced foraging opportunities. **Therefore, impacts to foraging habitat would be less than significant.**

The Biological Study Area has the potential to support songbird and raptor nests and bat roosts due to the presence of shrubs, ground cover, and limited trees on-site. Nesting activity typically occurs from February 15 to August 31 for songbirds and January 15 to August 31 for raptors, and March 1 to September 30 for bats. Disturbing or destroying active nests is a violation of the MBTA. In addition, nests and eggs are protected under Fish and Wildlife Code Section 3503. As such direct impacts to breeding birds or roosting bats (e.g., through nest or roost removal) or indirect impacts (e.g., by noise causing abandonment of the nest or roost) would be a potentially significant impact as defined by the thresholds above. Project Design Feature PDF-BIO-1, which demonstrates compliance with regulatory requirements for nesting bird protection, and Mitigation Measure BIO-MM-1 would reduce any direct impacts to nesting birds and roosting bat species to a less-than-significant level.

Indirect impacts to nesting birds and roosting bats during construction and tree removal may result in behavioral changes and could cause unsuccessful breeding opportunities. However, construction activities would be temporary on an intermittent basis. Although portions of the Biological Study Area would have an increase in lighting during hours of outdoor athletic activities that would be focused on fields and tennis courts, these areas do not contain vegetation or have suitable habitat for nesting bird and roosting bat species, and such lighting would be precisely-controlled and result in substantially less off-site illumination and glare as compared to existing conditions. Additional lighting, particularly given the tightly controlled and focused nature of the Project's lighting, also has the potential to attract more insects on which bat species forage, which could be a benefit. Outside of the field lighting, other areas of the Biological Study Area would have lighting conditions similar to or less than the existing condition, and field lights and building lights would be shut off each night and the duration of lighting would be shorter every day of the year than existing conditions except for low-level lighting for security and wayfinding purposes or lighting to accent signage and landscaping elements. If present on-site, the nesting bird and roosting bat species are already adapted to living in an urbanized setting with the existing night floodlighting on-site, as well as from the adjacent residential and commercial areas and traffic along roads. The incremental addition of noise would be similar to existing conditions, or for larger sports events, increases in noise and human activities would be concentrated around outdoor athletic activities within the fields, tennis courts, and swimming pool, and limited to specific hours, as well as limited in duration. A change in the on-site operational noise levels and associated human activities would be low[58] and would not diminish wildlife use by nesting birds or roosting bat species that are already adapted to living in an urbanized setting. **Thus, indirect impacts from lighting, noise, and human activity during Project operation would not diminish long-term survival of nesting birds or roosting bat species and, therefore, would not be significant**.

(2) Mitigation Measures

The following mitigation measures are required to reduce potentially significant impacts on native wildlife nursery sites (nesting bird and roosting bat species).

Refer to the prior discussion of Mitigation Measure BIO-MM-1 for roosting bat species and Project Design Feature PDF-BIO-1 for nesting birds. No additional mitigation measures are required.

(3) Level of Significance After Mitigation

Project impacts regarding wildlife corridors would be less than significant without mitigation. Therefore, no mitigation measures are required or included, and the impact level for these impacts remain less than significant.

[58] Acoustical Engineering Services, Inc. Noise Technical Report Harvard-Westlake River Park Project, June 2021. The Noise Technical Report is provided in Appendix K of this Draft EIR.

By avoiding nesting or maternity roosting season, or by conducting pre-construction surveys during nesting or maternity roosting season and avoiding direct impacts active nests or roosts, potentially significant direct and indirect impacts on nesting bird and roosting bat species would be reduced to a less-than-significant level with implementation of Mitigation Measure BIO-MM-1 and Project Design Feature PDF-BIO-1.

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

(a) Local City of Los Angeles Local Plans and Ordinances

(i) Framework Element

Chapter 6, Open Space and Conservation, of the City's Framework Element identifies goals, objectives, and policies for the City relative to biological resources. Objective 6.1 of the Open Space and Conservation Chapter of the City's Framework Element specifies the protection of "the City's natural settings from the encroachment of urban development, allowing for the development, use, management, and maintenance of each component of the City's natural resources to contribute to the sustainability of the region." Policy 6.1.2 requires the coordination of "City operations and development policies for the protection and conservation of open space resources, by . . . preserving habitat linkages, where feasible, to provide wildlife corridors and to protect natural animal ranges." With the implementation of Mitigation Measures BIO-MM-1 and BIO-MM-2, as well as Project Design Feature PDF-BIO-1 above, the Project would replace impacted sensitive natural communities and reduce potentially significant impacts on native wildlife nursery sites (nesting bird and roosting bat species). **Thus, the Project would not conflict with the City's Framework Element objectives and policies**.

(ii) Conservation Element

The City's Conservation Element also includes specific objectives, policies, and programs related to the protection of the biological resources. Section 6 Endangered Species, Policy 1 requires the City to "continue to require evaluation, avoidance, and minimization of potential significant impacts, as well as mitigation of unavoidable significant impacts on sensitive animal and plant species and their habitats and habitat corridors relative to land development activities." The Project would avoid impacts to special-status plant species, have less than significant impacts on migratory wildlife corridors, and with the implementation of Mitigation Measure BIO-MM-1 above, the Project would reduce potentially significant impacts on special-status wildlife species. Under Section 12 Habitat, Policy 1 requires the City to "continue to identify significant habitat areas, corridors and buffers and to take measures to protect, enhance and/or restore them." The Project Site is not within a Los Angeles County Significant Ecological Area (SEA), and the Project would have less than significant impacts on migratory wildlife corridors. With the

implementation of Mitigation Measures BIO-MM-1 and BIO-MM-2, as well as Project Design Feature PDF-BIO-1 above, the Project would replace impacted sensitive natural communities and reduce potentially significant impacts on native wildlife nursery sites (nesting bird and roosting bat species). **Thus, the Project would not conflict with the City's Conservation Element objectives and policies**.

(iii) Open Space Element

The Project would continue to provide existing, publicly-accessible recreational and open space uses in the Biological Study Area while improving access to connect these uses to the adjacent Los Angeles River, which is consistent with the City's Open Space Element goals to conserve open space to provide recreation and access to open space lands. The Project is also consistent with the Open Space Element's policies for privately-owned open space lands, which outlines:

> *Private development which occurs in proximity to desirable open space areas should include roads and trails adequate to serve both that development and the immediately adjacent recreation and open space areas.*
>
> *Where development is allowed in ecologically important areas, the intensity of development should be kept at a minimum consistent with reasonable uses of the land. All measures should be taken to protect these areas including buffering ecologically important areas from conflicting or detrimental uses.*

The Project's 5.4 acres of publicly-accessible, landscaped open space would be located in a highly urbanized area and would replace existing non-RIO District-compliant trees with native trees that meet RIO District Ordinance standards. The Project would provide a direct public connection to the Zev Greenway along the Los Angeles River at its intersection with Coldwater Canyon Avenue. The Project's open space would be highly accessible to the surrounding community and, with the addition of a substantial quantity of native trees and shrubs, pathways, and seating, would meet a high standard with respect to location and quality of open space, as well as increasing the City's open space available for public use.

Although the Biological Study Area is not an ecologically important area, the adjacent Los Angeles River is considered an ecologically important area due to its potential to facilitate regional wildlife movement as a wildlife corridor. Project lighting would be shielded away from the river to prevent spillover and glare and would be designed to comply with LAMC and RIO District requirements. Construction activities, including noise, would be temporary on an intermittent basis, and the incremental addition of operational noise would be largely similar to existing conditions when no events with spectators occur, and during special events or other athletic events with spectators, they would be limited to specific hours and limited in duration; thus, a change in the on-site operational noise

levels and associated human activities would be low[59] and would not diminish wildlife use of the Los Angeles River or the Zev Greenway. The Project would enhance the habitat adjacent to the river, non-native Mexican fan palms would be removed, and native plants would entirely comprise the landscape plan to provide native trees, as well as native shrub cover that currently does not exist on-site and may provide habitat for wildlife.

With incorporation of the aforementioned mitigation measures, the Project would avoid, minimize, or mitigate impacts to special-status species (with avoidance of nesting and roosting seasons or pre-construction surveys), sensitive habitats (by replacing impacted California brittlebush scrub), and native wildlife nursery sites (with avoidance of nesting and roosting seasons or pre-construction surveys) to a less-than-significant level. **Thus, the Project would not conflict with the applicable objectives and policies of the Open Space Element of the City's General Plan**.

(iv) Community Plan

The Project Site is located within the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan, with which, as explained below, the Project would not be in conflict. The Project would not conflict with Goal 5 A of the Community Plan to create a community with sufficient open space in balance with development to serve the recreational, environmental, and health needs of the community and to protect environmental and aesthetic resources; or Objective 5-1 to preserve existing open space resources and where possible develop new open space. The Project Site is identified in the Community Plan as a "key site" that would provide access to the Los Angeles River for recreational purposes. The Project would provide 5.4 acres of landscaping and pathways for public use, including a new trail connection to the Zev Greenway. The Project would also allow public use of the two fields, tennis courts, pool, and gymnasium facilities when not in use by the School. The Project would increase existing open space resources compared to existing conditions, in which all facilities are part of a private golf and tennis facility.

The Project would not conflict with the Community Plan's Policy 5-1.1 that encourages the retention of passive and visual open space which provides a balance to the urban development of the Plan Area. The Project would increase existing open space resources compared to existing conditions, in which all facilities are part of a private golf and tennis facility. The Project would not conflict with the Community Plan's Policy 5-1.2 to accommodate active parklands, and other open space uses. The Project would promote active parkland by accommodating the public use of the athletic fields, tennis courts, pool, and gymnasium facilities when these facilities are not in use by the School. Further, by integrating 5.4 acres of landscaped public open space on the Project Site with the adjacent Zev Greenway, usability and appeal would be expanded. The Project would not conflict with the Community Plan's Policy 5-1.3 to require development in major opportunity sites to provide public open space. The Project would provide 5.4 acres of

[59] Acoustical Engineering Services, Inc. Noise Technical Report Harvard-Westlake River Park Project, June 2021. The Noise Technical Report is provided in Appendix K of this Draft EIR.

landscaped public open space, as well as pathway access to the Zev Greenway, and use of all other Project athletic and recreational facilities when not otherwise in use by the School. **Thus, the Project would not conflict with the applicable goals, objective, and policies of the Community Plan**.

(v) Ordinances and Other Planning Documents

In compliance with efforts to revitalize the Los Angeles River and consistent with the City's RIO District Ordinance and Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes, the Project would provide 5.4 acres of publicly-accessible open space and landscaped trails connecting to the Zev Greenway and on-site landscaped areas, water features, and recreational facilities. The water features, benches, wooded areas, and natural spaces would be open and available to the public daily (in addition to the other Project Site recreational facilities), providing public access to the Biological Study Area's river frontage. The Project is designed to be consistent with the RIO District Ordinance and the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes. Plant materials would consist entirely of native plants that have low to medium water demand. The Project's landscape design includes the maintenance and planting of healthy trees that are consistent with the RIO District Ordinance and Landscaping Guidelines; the maintenance and enhancement of native habitat for wildlife; contribution to the environmental and ecological health of the City's watershed system; and, increased public access to the Los Angeles River. The Project would remove invasive Mexican fan palms, which are not RIO District-compliant species. The landscape plan for the Project would consist entirely of native trees, the vast majority of which would also be species sourced from the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes that would be planted in locations that promote the restoration of native plant communities along the Los Angeles River. The Project would also result in a 36-percent net increase in trees for a total of 574 trees within the on-and off-site Project areas. Furthermore, the Project's native landscaping would help to enhance the existing off-site native habitat along the Zev Greenway. Based on the lighting analysis, lighting levels nearest the Zev Greenway would be at or below 0.2 foot candle at the property line of the Project Site and 0.01 foot candle fifteen feet beyond the property line, which is consistent with RIO District Ordinance lighting requirements. Additionally, the final aiming process of the lighting equipment is a controlled process by which the field engineers work to manually adjust the fixtures and reduce off-site light levels. This aiming process allows for miniscule changes to be made which reduces off-site lighting while not affecting the target illumination. Finally, the Project would further reduce lighting effects by planting additional new trees which would create a natural barrier between the new lighting and the existing river trail property.[60]

[60] StudioK1. *Harvard-Westlake River Park Project, Study City, CA. Lighting Technical Report*. Studio City, CA. October 2021. The Lighting Technical Report is provided in Appendix B of this Draft EIR.

The Project, which includes 5.4 acres of publicly-accessible open space, is designed to be consistent with the Los Angeles RIO District Ordinance[61] and the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes[62] (Landscaping Guidelines). The Project's landscape design focuses on (i) the creation of new publicly-accessible open space with access to the Los Angeles River; (ii) the maintenance and planting of healthy trees that are consistent with the RIO District Ordinance and Landscaping Guidelines; (iii) the maintenance and enhancement of native habitat for wildlife; (iv) contribution to the environmental and ecological health of the City's watershed system; and, (v) provision of features, such as signs, display boards, and artwork, that support educational programming focused on the Los Angeles River and ecology/sustainability.

The Project's landscape plan is consistent with the provisions of the RIO District Ordinance and includes the removal and replacement of many of the non-native and invasive species that had been previously brought to and planted within the Biological Study Area. Proposed plant materials would consist entirely of California native plants that have low to medium water demand. The primary goals of the Project's landscape design are to (i) create a dense tree canopy for natural habitat and learning opportunities, (ii) provide a high level of visual quality with respect to adjacent residential neighborhoods and public enjoyment, and (iii) create a diverse and pleasant outdoor setting for public use and relaxation. The Project's landscaping would also enhance the connection between the Project Site and the Zev Greenway.

Consistent with the provisions of the RIO District Ordinance, the tree program would significantly increase the percentage of native trees on-site and the total number of trees by 36 percent (153 trees) for a total of 574 trees in the Biological Study Area. The tree planting plan would be RIO District-compliant, and all tree species would be California native with the vast majority also sourced from the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes.[63] The replacement trees would have a minimum 24-inch box size, though many would be sourced at larger sizes. Native species would include California sycamore, coast live oak, Engelmann oak (*Quercus engelmannii*), valley oak, velvet ash (*Fraxinus velutina*), toyon, and big berry manzanita (*Arctostaphylos glauca*) in the Project Site and white alder (*Alnus rhombifolia*), velvet ash, California sycamore, Mexican elderberry, California bay laurel, and toyon in the off-site improvement areas. The new RIO District-compliant trees would be planted in locations that promote the restoration of native plant communities along the Los Angeles River and habitat creation and canopy cover for various species. Introduction of climate-appropriate

61 City of Los Angeles, Zoning Information (Z.I) No. 2358 River Improvement Overlay District Ordinance Nos. 183144 and 183145, effective August 20, 2014, revised January 12, 2015.

62 Los Angeles County Public Works, Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes, January 2004.

63 Los Angeles County Public Works, Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes, January 2004.

planting in these areas would also provide shelter and food sources for a myriad of bird and animal species around the Biological Study Area and the Los Angeles River.

The Project also proposes three understory planting zones throughout the Biological Study Area, resulting in tens of thousands of new shrubs and perennials located on the Property (**Figure IV.C-6**, *Planting Zone Plan*). Sample species include black sage (*Salvia mellifera*), eastwood manzanita (*Arctostaphylos glandulosa*), lemonade berry (*Rhus integrifolia*), and California fuschia (*Epilobium canum*). In addition to providing a natural aesthetic for users of the Biological Study Area, the reinvigorated understory would provide shelter, habitat, and food sources for birds and small animal species, in contrast with existing site conditions that are comprised of non-native trees and resource-intensive turf grass.

Additionally, a large portion of the Project Site is currently landscaped with water-intensive grass that, on average, requires the use of approximately one million gallons of water each month. Because the existing golf course must be watered frequently, many of the fertilizers applied to the Project Site are not immediately and fully absorbed into the soil and potentially washed off-site into other portions of the Biological Study Area and the Los Angeles River, thus, contributing to downstream pollution and impacting the City's watershed. The Project includes an underground stormwater capture and reuse system in the northeastern portion of the Biological Study Area to treat water that is collected on-site, as well as water collected from the 39-acre residential neighborhood to the north of the Biological Study Area. This supports improving the health of the City's watersheds, which is a goal of the RIO District Ordinance.

As previously discuss above, the Project is consistent with the Open Space Element of the Community Plan.

Therefore, the Project would not conflict with the City's local plans and ordinances, and no mitigation measures are required.

(vi) City-Protected and Non-Protected Significant Trees and Shrubs

Of the 421 trees inventoried by Carlberg Associates, a total of 240 trees are proposed for removal due to impacts of grading and construction of a new storm drain and stormwater capture system, the subterranean parking structure, athletic fields, walkways, and driveways. Of the 240 removals, 209 are located on-site, 31 street trees are located off-site in the public rights-of-way, of which 25 are Mexica fan palms. No trees would be removed within the off-site Zev Greenway area. A total of 181 trees are proposed for preservation, as shown on Figure IV.C-4. Of the 181 trees to be preserved, 49 are located on-site, 56 are located off-site in the public rights-of-way, and 76 are located off-site within the Zev Greenway area.

A majority of trees within the on- and off-site areas contemplated for Project improvements are proposed for removal. Exceptions to the removal include the

eucalyptus along Valley Spring Lane, the Aleppo and Canary Island pines along Bellaire Avenue, and the mature trees within the vicinity of the existing clubhouse, which would be retained. Because of the large number of existing trees throughout the golf course area within the area of Field B, the gymnasium, and the north edge of the tennis courts, as well as a few existing trees within the Field A development area, 240 trees would be removed and replaced (except for four trees that would be removed that are deemed dead, and are, therefore, not subject to replacement requirements). Approximately 50 percent (121 trees) of the 240 trees to be removed are Mexican fan palms and, in total, 75 percent (179 trees) are not RIO District-compliant and are considered invasive species. Other non-native (and non-protected) tree species that would be removed vary and include cedar, olive, palm, pine, and gum trees, among others.

On-site and off-site Mexican fan palms would be removed from within the Biological Study Area. A total of 121 Mexican fan palms are proposed for removal, which includes 76 due to grading or construction and 45 in order for the Project to be in compliance with the City of Los Angeles' RIO District Ordinance. The RIO District Ordinance prohibits the planting of Mexican fan palms and, in compliance with the RIO District Ordinance, the on-site Mexican fan palms would be removed as part of the Project given their detrimental nature when planted near the Los Angeles River. The other 119 trees to be removed are scattered throughout the Biological Study Area, mostly within the on-site area, and four of the removal trees (2 blue gum eucalyptus and 2 olives) are standing dead. One native coast live oak,[64] a City-ordinance protected tree, located off-site in the southeastern corner of the Zev Greenway area would likely require some measure of canopy pruning and root pruning to accommodate updates to the existing asphalt driveway that is located under the northern canopy of the tree.[65] This is considered an encroachment, not a removal, but would still require a permit for the actions under the City's Protected Tree and Shrub Ordinance since the updates to the asphalt driveway could inflict damage to the root system, although the tree would be preserved.[66] In the unlikely circumstance the coast live oak requires replacement, the Project would adhere to applicable replacement requirements in the City's Protected Tree and Shrub Ordinance. In addition to possible encroachment on this single native coast live oak tree, seven coast redwood trees would be removed. Although coast redwood trees are native to California, they are not locally indigenous to Southern California and not City-protected trees and, therefore, are analyzed only as significant trees. Significant trees are those with a trunk diameter of eight inches or greater or are located within the public right-of-way. No other native trees

64 Coast live oak (*Quercus agrifolia*) is also referred to as California live oak in the City of Los Angeles Protected Tree and Shrub Ordinance; however, for purposes of this document, it is referred to as coast live oak.

65 A protected tree permit under LAMC Section 17.05 would be required for any damage to the root system of this protected tree.

66 If plans change and trees protected by the City's Tree Preservation and Protection Ordinance are proposed for removal, the City of Los Angeles will require mitigation tree plantings at a ratio of 4:1 and a Protected Tree Removal Permit will be required.

would be removed or encroached upon. A detailed discussion of the tree assessment and arborist recommendations are contained in Appendix D of this Draft EIR.

Removed non-protected "significant" trees, including Mexican fan palm species, would be replaced at a 1:1 ratio with RIO District-compliant trees, and removed public street trees from the right-of-way would be replaced at a 2:1 ratio. In aggregate, the 240 removed trees would be replaced by 393 California native trees, which exceeds the minimum number of trees required for replacement (**Figure IV.C-4**, *Tree Removal Plan* and **Figure IV.C-5**, *Tree Planting Plan*).

The removal of 209 significant on-site trees and 31 public street trees is potentially significant because such trees contribute to the overall aesthetics of the local setting, assist in preventing soil erosion, and contribute to the reduction of atmospheric carbon dioxide. With incorporation of the Mitigation Measure BIO-MM-3 below, the Project would mitigate impacts to City-protected and non-protected significant trees to a less-than-significant level.

(2) Mitigation Measures

The following mitigation measure is required to reduce potentially significant impacts to City-protected and non-protected significant trees to a less-than-significant level.

> **BIO-MM-3:** Prior to issuance of a building permit, Harvard-Westlake School shall submit to the Department of City Planning a landscape plan or tree plan depicting replacement of each "non-protected" significant tree removed at a minimum 1:1 ratio. The actual mitigation requirement may be modified by the Department of City Planning dependent on their view of dead tree removals and removal of Mexican fan palms. The replacement tree locations and species shall be to the satisfaction of the Department of City Planning and in conformance with the landscape and planting guidelines in the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes. Replacement trees shall be planted in the Biological Study Area as shown on the Project's landscape plan.
>
> Removal of 31 public street trees shall require a tree removal permit and mitigation plantings, which is typically a ratio of 2:1.

(3) Level of Significance After Mitigation

The Project does not conflict with the City's local plans and ordinances, and no mitigation measures are required or included.

Potentially significant direct impacts to City-protected and non-protected significant trees would be reduced to a less-than-significant level with implementation of Mitigation Measure BIO-MM-3.

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 the Initial Study (Appendix A of this Draft EIR), the Biological Study Area is not located within a habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan. **Therefore, the Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan, and no impact would occur with respect to Threshold (f). As such, no further analysis is required.**

e) Cumulative Impacts

(1) Impact Analysis

There are no federal wetlands or riparian habitat located in the Biological Study Area; therefore, no cumulative impacts to such biological resources would occur.

The Biological Study Area is located within a highly urbanized setting, with surrounding development and highly traveled roads. The Project would have limited impacts to biological resources within the Biological Study Area. The Project would comply with the City's local plans and ordinances, and with implementation of the prescribed mitigation measures, the Project would result in less-than-significant impacts to special-status bat species, sensitive natural communities, migratory bird species, and significant trees. Five related projects were considered in the cumulative impacts analysis. Related projects nearby include two projects at the Sportsmen's Lodge site, located at 12833 Ventura Boulevard in Studio City, just south of the Los Angeles River and east of Coldwater Canyon Avenue. The first project is for the demolition of the existing Sportsmen's Lodge event/banquet facility and the subsequent construction of a mixed-use shopping center with restaurants, retail stores, health club, and parking spaces. The second, which is a subsequent project on the same property, includes residential development and additional restaurants. Although the Sportsman Lodge site is already developed and has limited biological resources, the first Sportsman Lodge project's Mitigated Negative Declaration (MND) included mitigation measures for lighting (such that the light source cannot be seen from the public right-of-way), glare (all lighting along the river shall be downward facing), nesting birds (avoiding nests), landscaping guidelines (in accordance with Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes), and trees (protection, relocation, or replacement).[67] The second Sportsman Lodge project is a new project, for which a CEQA document will need to be prepared, and, as necessary, would likely include similar mitigation measures as the first Sportsman Lodge project. In addition, two small mixed-use redevelopment projects (each proposed project under 0.5 acre) located at

[67] City of Los Angeles, Department of City Planning, Recommendation Report, South Valley Area Planning Commission. Case No. DIR-2014-886-SPP-SPPA-2A. CEQA No. ENV 2014-887-MND, March 25, 2015.

adjoining properties 12544 Ventura Boulevard and 12548 Ventura Boulevard, and one development project (also a proposed project under 0.5 acre) located at 12582 Ventura Boulevard that currently consists of undeveloped land were reviewed. These small projects have limited potential for biological resources (e.g., nesting birds and bats, trees), and because they involve redevelopment of already developed areas, as is the case for the adjoining properties 12544 Ventura Boulevard and 12548 Ventura Boulevard) and/or have limited impacts to biological resources (i.e., 12582 Ventura Boulevard consists of a non-native grassy lot with some scattered non-native Brazilian pepper trees [*Schinus terebinthifolia*]), these projects would not require mitigation but rather compliance with existing MBTA or local tree ordinance regulations. Related projects would be required to comply with applicable regulatory requirements, such as the MBTA, and, to implement mitigation measures to addresses significant impacts under CEQA regarding migratory bird species, native wildlife nursery sites, and significant trees. When considered with the impacts of the related projects and the Project's less than significant impacts with mitigation, **the Project's contribution to cumulative impacts would not be cumulatively considerable. As such, with incorporation of the Project's project design feature and mitigation measures, cumulative impacts on biological resources would be less than significant.**

(2) Mitigation Measures

Cumulative impacts to biological resources would be less than significant with the incorporation of Project Design Feature PDF-BIO-1 and Mitigation Measures BIO-MM-1 through BIO-MM-3 for the Project (i.e., avoidance of nesting and roosting seasons or pre-construction surveys for special-status species, replacing impacted California brittlebush scrub, avoidance of nesting and roosting seasons or pre-construction surveys for native wildlife nursery sites, and replacement of "non-protected" significant and street trees). No additional mitigation measures beyond those identified for the reduction of impacts related to biological resources are required.

(3) Level of Significance After Mitigation

Cumulative impacts related to biological resources would be less than significant without additional mitigation measures beyond those identified for the Project.