

Appendix D Biological Resources Memorandum

March 18, 2022

Mariana Zimmermann
Placeworks
700 South Flower Street, Suite 600
Los Angeles, California 90017

RE: Biological Resources Assessment for the Norwalk Entertainment District – Civic Center Specific Plan Project

Dear Mariana:

This report includes findings of a biological resources assessment conducted by South Environmental for the Norwalk Entertainment District – Civic Center Specific Plan Project (project). This report identifies and assesses the potential impacts to any sensitive or protected biological resources on the project site, indicates the regulations governing these resources, and discusses recommendations for avoiding or mitigating any potential impacts. Figures are in Attachment A and site photographs are in Attachment B.

The biological resources of the project site were assessed based on a literature review and a field survey. The literature review included queries of the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB) online and California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants of California online to identify any special-status plants, animals, and natural communities that have previously been recorded in the United States Geological Survey (USGS) Whittier 7.5" quad that the project site is located within, and the eight surrounding USGS 7.5" quads: El Monte, Baldwin Park, La Habra, Anaheim, Los Alamitos, Long Beach, South Gate, and Los Angeles. Other sources are referenced throughout the document and listing in the Bibliography. A field survey of the project site was conducted by South Environmental biologists Matthew South and Scott Altmann on January 5, 2022 to assess which plants, natural communities, and wildlife currently occupy the site, or have the potential to occur at the site or in the vicinity. An assessment of potential jurisdictional features was also completed during the survey.



Project Description

Project Location

The proposed specific plan area, or project site, consists of approximately 13.2 acres located at the southeast corner of the intersection of Imperial Highway and Norwalk Boulevard in Norwalk (attached Figure 1 and Figure 2). The project site consists of three assessor's parcels (APNs 8047-006-922, -924, and -925) which are owned by the City of Norwalk and a portion of one assessor parcel (APN 8047-006-927), which is owned by the County of Los Angeles (County). The project site is bordered by Imperial Highway to the north, Avenida Manuel Salinas to the east, the Los Angeles County Superior Court–Norwalk property to the south, and Norwalk Boulevard to the west.

Proposed Development

The City will prepare an EIR to analyze environmental impacts associated with implementation of the proposed project, which would include the establishment and implementation of the Norwalk Entertainment District-Civic Center Specific Plan. The proposed project to be described in the specific plan includes the construction of a mixed-use development with residential, commercial, and open space uses on the location of the current City Hall Lawn and surface parking lot. Up to 350 residential units and associated amenities would be developed. Up to 110,000 square feet of commercial uses would be developed and would include a mix of food and beverage establishments, retail, commercial, health and wellness facilities, and grocery uses.

Residential parking would be provided on-site, and the proposed project would also utilize the existing parking structure in the southern part of the project site for parking for the proposed commercial uses. The existing parking structure would remain. No modifications are proposed to the existing Norwalk City Hall building or the small portion of the County building that are within the project site.

The proposed project would include the removal of the existing City Hall lawn and surface parking lot, as well as some of the existing trees, shrubs and other existing landscaping on the project site. The proposed project would include the development of landscaped areas, including publicly accessible landscaped plazas and other areas, and residential open space. The landscaping plan will include tree plantings throughout the project site.

Construction of the proposed project, in accordance with the proposed specific plan, is anticipated to begin in 2023 and last up to 24 months.



Environmental Setting

The project site is a flat area at an elevation of 100-102 feet above mean sea level (amsl) and is largely developed with the City Hall building, surface parking, a large parking structure, associated landscaping such as non-native trees and shrubs, and a lawn with sporadic non-native trees that is used for periodic gatherings and cultural events. The project site is in an urban setting surrounded by development: private businesses and government buildings.

Soils

According to the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) SoilWeb mapper (NRCS 2022), soils on the project site include **Urban land-Hueneme, drained-San Emigdio complex, 0 to 2 percent slopes**, which is a non-hydric soil found in urban areas of Los Angeles County.

Plant Community

The project site is largely developed with a lawn occurring in the northern section and buildings and parking occurring in the southern section. Plants that occur are found in landscaping and planters with a complete dominance of ornamental trees, shrubs, and lawn. A total of 160 landscaped trees are planted on the project site. The plants on the project site are heavily pruned, mowed, or otherwise maintained for public safety. No native plants or habitats occur on the project site, nor do any sensitive natural communities because landscaped areas and lawns are not considered sensitive. The list of plants observed during the reconnaissance visit are in Table 1.

Table 1. Summary of plants observed at the project site

Common name	Scientific name
Outeniqua yellowwood	<i>Afrocarpus falcatus</i>
camelia species	<i>Camelia</i> sp.
fountain grass	<i>Cenchrus setaceus</i>
broad leaf hopbush	<i>Dodonaea viscosa</i>
lemon-scented gum	<i>Corymbia citriodora</i>
red ironbark	<i>Eucalyptus sideroxylon</i>
fig species	<i>Ficus</i> sp.
Chinese holly	<i>Ilex cornuta</i>
jacaranda	<i>Jacaranda mimosifolia</i>
American sweetgum	<i>Liquidambar styraciflua</i>
bottlebrush	<i>Melaleuca</i> sp.
Kentucky bluegrass	<i>Poa pratensis</i>
Canary Island pine	<i>Pinus canariensis</i>



pine species	<i>Pinus sp.</i>
common bird-of-paradise	<i>Strelitzia reginae</i>

Animals

During the survey, several bird species common to urban settings of southern California were observed on the project site: common raven (*Corvus corax*), black phoebe (*Sayornis nigricans*), mourning dove (*Zenaida macroura*), American crow (*Corvus brachyrhynchos*), and lesser goldfinch (*Spinus psaltria*). No mammals, reptiles, or amphibians were observed during the visit, and it is expected that common animals that would typically be found in urban areas might occur (i.e. fox squirrel, California ground squirrel, coyote).

Special-Status Species

A single monarch butterfly (*Danaus plexippus*) was observed on the site near trees in the northwest corner. Monarch is a candidate for federal listing that is protected as a wintering population at winter roost sites in California that extend along the coast from northern Mendocino to Baja California, Mexico. However, the habitat for overwintering monarch roosts includes wind-protected tree groves (eucalyptus, Monterey pine, cypress), with nectar and water sources nearby. While a single monarch was observed, the project site lacks necessary wind protected roosting sites, nectar plants (annual wildflowers), and a nearby water source, and therefore, the project site does not support protected wintering populations of monarch.

No other special-status species were observed on the site during the survey. According to the literature review, no special-status species have previously been recorded on the project site and none are expected to occur based on the level of development and lack of native habitats. There was no other evidence of special-status species: tracks, scat, carcasses or bones at the site. Based on the literature analysis, no special-status species were assessed to have the potential to inhabit the site. The severely disturbed nature of the site and its complete fragmentation from core high-quality habitat (as discussed below) generally does not provide conditions that would support populations of special-status species. There are no special habitats on the site, such as caves, thickets, cliffs, or wetlands that many special-status species in the region require. Furthermore, the site is not within designated Critical Habitat for any species.

Wildlife Movement Corridors and Habitat Linkages

The project area is entirely developed and is set in an urbanized setting. The project site is completely isolated from native habitats for plants and animals. The closest area with native habitats is approximately 5.0-miles to the northeast in the Puente Hills. While there are some parks closer to the site, they do not provide high-quality habitats that special-status wildlife



require. There is no habitat corridor connecting the project site to the Puente Hills area. The survey area is not within an important habitat linkage corridor as defined by the South Coast Missing Linkages Project, nor is it part of or close to USFWS critical habitat. Moreover, it is not in or close to any state or federal protected parks, forests, or wilderness areas. Therefore, the site is isolated from high-quality natural habitats and does not provide wildlife movement corridors or habitat linkages.

Jurisdictional Resources

The site is within the Coyote Creek – San Gabriel Watershed. No water resources (i.e. wetlands, rivers, lakes, drainage ditches) were found on the project site based on the survey. The project site is a developed, urban area and lacks jurisdictional resources.

Regulatory Setting

The following regulations at the federal, state, and local levels are applicable to the protection of natural resources on the project site:

Federal Regulations

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) protects individuals as well as any part, nest, or eggs of any bird listed as migratory. In practice, federal permits issued for activities that potentially impact migratory birds typically have conditions that require pre-disturbance surveys for nesting birds. In the event nesting is observed, a buffer area with a specified radius must be established, within which no disturbance or intrusion is allowed until the young have fledged and left the nest, or it has been determined that the nest has failed. If not otherwise specified in the permit, the size of the buffer area varies with species and local circumstances (e.g., presence of busy roads, intervening topography, etc.), and is based on the professional judgment of a monitoring biologist. A list of migratory bird species protected under the MBTA is published by USFWS.

California Regulations

State of California Fish and Game Code Section 3500

Section 3503.5 of the California Fish and Game Code states that it is “unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.” Activities that result in the abandonment of an active bird of prey nest may also be considered in violation of this code. In addition, California Fish and



Game Code, Section 3511 prohibits the taking of any bird listed as fully protected, and California Fish and Game Code, Section 3515 states that it is unlawful to take any non-game migratory bird protected under the MBTA.

California Migratory Bird Protection Act

The California Migratory Bird Protection Act (MBPA) was enacted in September 2019 to reinforce the MBTA at the state level. The Act states:

“It is unlawful to take or possess any migratory nongame bird as designated in the federal Migratory Bird Treaty Act (16 U.S.C. Sec. 703 et seq.) before January 1, 2017, any additional migratory nongame bird that may be designated in that federal act after that date, or any part of a migratory nongame bird described in this section, except as provided by rules and regulations adopted by the United States Secretary of the Interior under that federal act before January 1, 2017, or subsequent rules or regulations adopted pursuant to that federal act, unless those rules or regulations are inconsistent with this code.” This section is inactive on January 20, 2025, and the following language below will be adopted.

“It is unlawful to take or possess any migratory nongame bird as designated in the federal Migratory Bird Treaty Act (16 U.S.C. Sec. 703 et seq.), or any part of a migratory nongame bird described in this section, except as provided by rules and regulations adopted by the United States Secretary of the Interior under that federal act.” This section is operative starting on January 20, 2025.

California Environmental Quality Act (CEQA)

The California Environmental Quality Act (CEQA) is a statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible. CEQA applies to certain activities of state and local public agencies. A public agency must comply with CEQA when it undertakes an activity defined by CEQA as a “project.” A project is an activity undertaken by a public agency or a private activity which must receive some discretionary approval (meaning that the agency has the authority to deny the requested permit or approval) from a government agency which may cause either a direct physical change in the environment or a reasonably foreseeable indirect change in the environment.

Local Regulations

City of Norwalk Street Tree Ordinance (Norwalk Municipal Code Chapter 12.32)

The Street Tree Ordinance contained in the Norwalk Municipal Code protects “street trees” and “street shrubs” as defined in the ordinance. Norwalk Municipal Code (NMC) Section 12.32.070



states in part that “[n]o person shall cut, trim, prune, plant, spray, remove, injure or interfere with any street tree or shrub without prior permission of the Director of Public Services. The Director may grant such permission in his or her discretion, and where necessary, subject to the condition that a removed tree or shrub will be replaced by an approved tree or shrub in conformity with the master plan, and to such other conditions as he or she may deem in the public interest.” Furthermore, NMC Section 12.32.120 provides that during the construction of any building or structure no street tree shall be “in the vicinity of such building or structure without such good and sufficient guards or protectors as shall prevent injury to the tree or shrub” from the construction. NMC Section 12.32.130 requires a permit for certain construction operations that affect street trees and street shrubs.

Impacts Analysis

The impacts from the project are limited to the removal of landscaped trees on the project site and within the planters in the parking lot that are protected by the NMC (attached Figure 3). These trees and any shrubs on the project site also provide habitat for nesting birds, and if trees or shrubs are removed when nests are present, they could be impacted. However, due to the urban setting and lack of native habitat or water resources the project is not expected to result in additional impacts. For the purposes of this project the impacts to biological resources will be assessed within the context of the questions found in Appendix G of CEQA.

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 Game or U.S. Fish and Wildlife Service?

The project site is entirely developed with City Hall, a parking structure, a parking lot, and a landscaped lawn area. No native habitats occur on the project site and no special-status species are expected to occur on the project site due to the lack of habitat and level of development. A single monarch butterfly was observed near the trees in the northwestern corner of the project site; however, while monarch’s wintering populations are considered sensitive, a single butterfly is not considered sensitive. No wintering population was observed during the survey, and none is expected to occur because the trees where the monarch was observed lack wind protection, a food source, and a nearby water supply that the population would require. No impacts would occur to special-status species or its habitat from the project.

The proposed development would require the removal of shrubs and trees that could provide potential nesting structures for birds protected by the MBTA, MBPA, and the Fish and Game Code. If present at the time of vegetation removal, active nests, eggs, or young could be



destroyed or otherwise disturbed to a point at which the young do not survive, which would be a violation of the MBTA, MBPA, and the Fish and Game Code. In addition, indirect impacts from construction noise or vibration have the potential to disturb an active bird nest to the point of failure if the nest is within immediate proximity to project construction activities, and this would also be a violation of the MBTA and Fish and Game Code. To avoid impacts to active bird nests, eggs, or young, preconstruction nesting bird surveys and monitoring is required as described in Mitigation Measure Bio-1 below. With the incorporation of Mitigation Measure Bio-1 the project's potential impacts to nesting birds would be less than significant with mitigation incorporated.

Mitigation Measure Bio-1: Preconstruction Nesting Bird Survey and Avoidance

- If possible, ground disturbing activities and vegetation removal (including tree trimming) should be timed to occur outside the bird nesting season (September 1 – January 31).
- If ground disturbing activities or vegetation removal (including tree trimming) are scheduled during the bird nesting season (February 1 – August 31) a preconstruction survey for nesting birds should be conducted within 72 hours prior to initiation of construction activities. The survey should be conducted by a qualified biologist with prior experience conducting nesting bird surveys for construction projects. The survey area should include the project site and suitable habitat within a 100-foot buffer, or a buffer size determined by the qualified biologist based on level of proposed disturbance and access. If no active nests are found, no additional measures are required.
- If active nests are found the biologist will map the location and document the species and nesting stage. A no-work buffer will be established around the active nest as determined by the qualified biologist and based on the species sensitivity to disturbance and the type and duration of the disturbance. No construction activities shall occur within the no-work buffer until the biologist has determined the nest is no longer active.

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 Game or US Fish and Wildlife Service?

No riparian habitat or sensitive natural communities occur on the project site. The project site is an urban area with buildings, a parking lot, a parking structure, and a landscaped lawn. Therefore, no impact to riparian habitat or sensitive natural communities would occur from the project.



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?

Based on literature reviews and field reconnaissance, there are no state or federally protected wetlands or jurisdictional features on the site. Therefore, development of the project will result in no impact to state or federally protected wetlands.

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?

Based on the lack of native habitats, the urban nature of the project site, and the project site's isolation from other habitat, there are no migratory wildlife corridors, habitat linkages, or wildlife nursery sites. No waterways occur on or adjacent to the project site and no fish would be present as a result. No impact to the movement of any native resident or migratory fish or wildlife species or established native resident or migratory wildlife corridors would occur from the project. Nor would the project impede the use of native wildlife nursery sites because they do not occur.

Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Trees and shrubs occur within the sidewalk immediately adjacent to the project site along Norwalk Boulevard, Imperial Highway, and Avenida Manuel Salinas, and within the project site itself. The proposed project would redevelop portions of the project site, which would include both the removal of certain existing trees and shrubs and the planting of new trees and landscaping in the proposed development site as part of the project. With respect to trees, as shown in Figure 3, and dependent on the ultimate design and layout of buildings constructed under the specific plan, the proposed project could result in the removal of up to 160 trees within the project site, including within the City Hall Lawn and surface parking lot.

The proposed project would comply with the Norwalk Tree Ordinance as it applies to any street trees and street shrubs, as defined in the ordinance, that may be located on or adjacent to the project site, including by obtaining any required approval from the Director prior to removal, and by providing guards and protectors sufficient to prevent injury from project construction to street trees and street shrubs that are not authorized for removal. Because the proposed project would comply with applicable provisions of the Norwalk Tree Ordinance as it relates to any street trees and street shrubs on or adjacent to the project site, the proposed project would not conflict with any local policies or ordinances protecting biological resources, and impacts would be less than significant.



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?

There are no adopted Habitat Conservation Plans or Natural Community Conservation Plans or similar approved plans at the local, regional, state, or federal level for the project site or adjacent areas. Therefore, development of the project will have no impact to an adopted Habitat Conservation Plan or Natural Community Conservation Plan.

Conclusion

The project site consists primarily of the City Hall building, a parking lot, a parking structure, and a lawn with ornamental trees. No native habitats or plant communities occur, and special-status species have no potential to occur due to the lack of habitats and urban nature of the project site. There are no wetlands or protected riparian areas and the project is not within a protected area or habitat conservation plan area. Potential impacts from the proposed development area limited to the potential for bird nests to be lost during tree removal or indirectly impacted by project construction noise and vibration. With the implementation of Mitigation Measure Bio-1, and compliance with the Norwalk Tree Ordinance the project's potential impacts would be avoided or reduced to a level that is less than significant according to CEQA.

If you have any questions regarding the information in this report, please contact Matthew South by email: msouth@southenvironmental.com or by mobile phone: 303.818-3632.

Sincerely,

Matthew R. South
Principal Biologist

Bibliography

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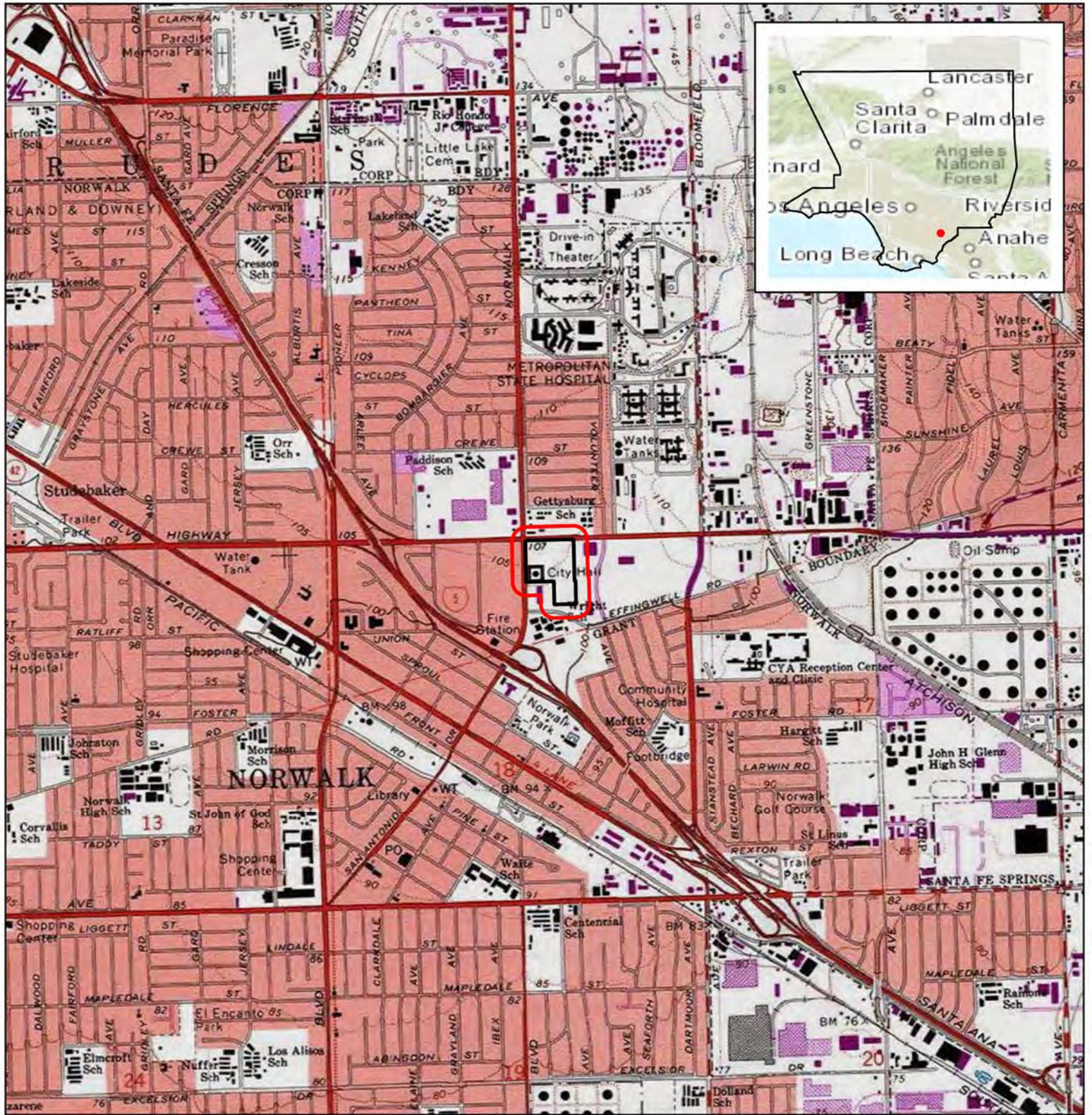
National Map Viewer. Accessed online: <https://viewer.nationalmap.gov/services/>

List of Attachments

1. **Attachment A.** Figures
2. **Attachment B.** Photograph Exhibit

Attachment A:

Figures



Source: ESRI USA Topo Maps and World Topo Map 2022

Norwalk Entertainment District - Civic Center Specific Plan Project

Figure 1. Project Location

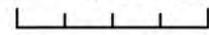
- Project Site (12.68-Acres)
- Review Area (30.79-Acres)

Project Site is within the City of Norwalk, California, in Los Angeles County on the USGS Whittier 7.5-minute quadrangle map in Section 18 of Township 03 South and Range 11 West

Center Coordinate (Decimal Degrees):
 Latitude: 33.9166318N Longitude: -118.0711734W

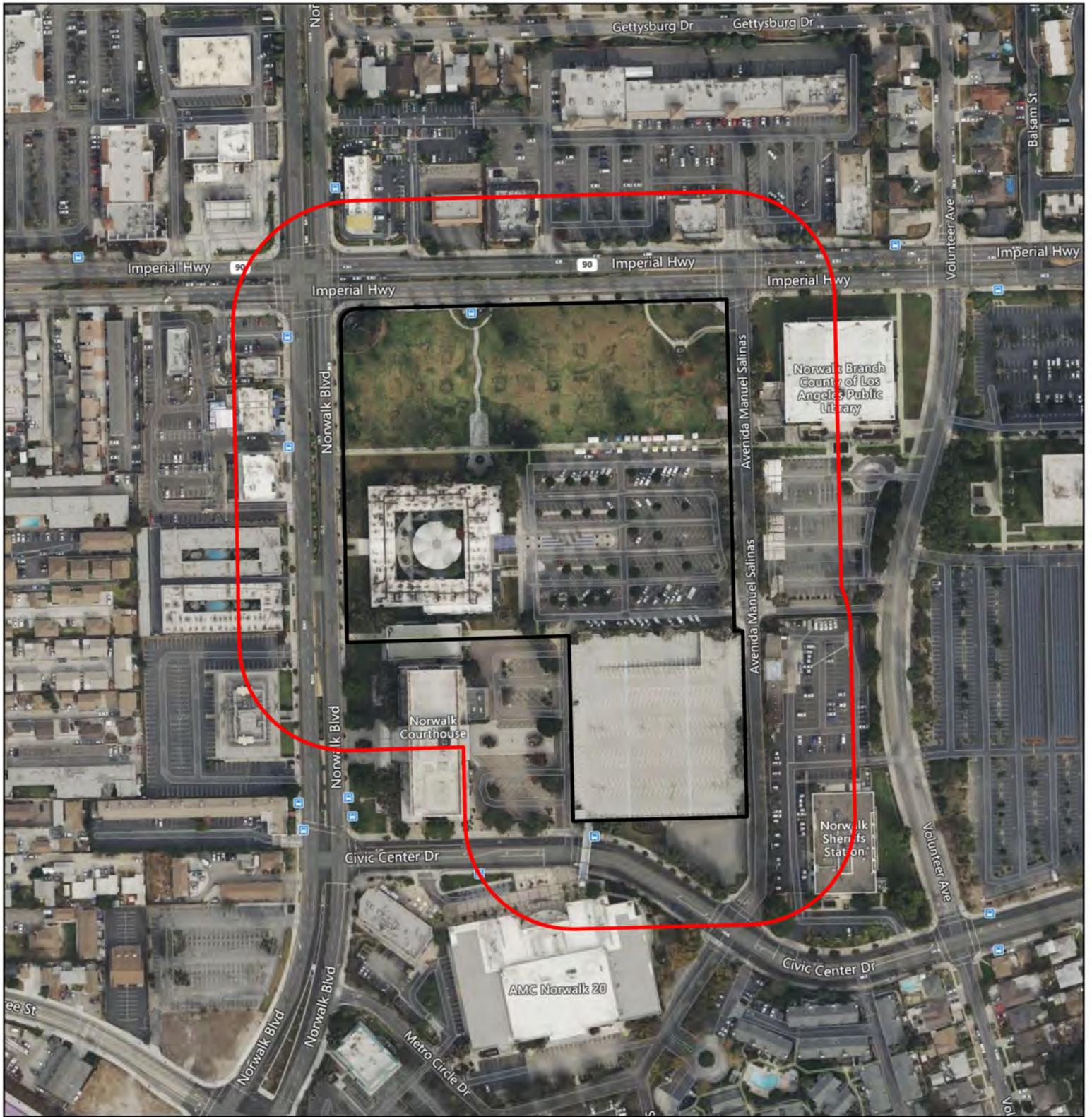


0 1,000 2,000 Feet



Scale: 1:24,000





Source: BING Aerial Image 2022

Norwalk Entertainment District - Civic Center Specific Plan Project

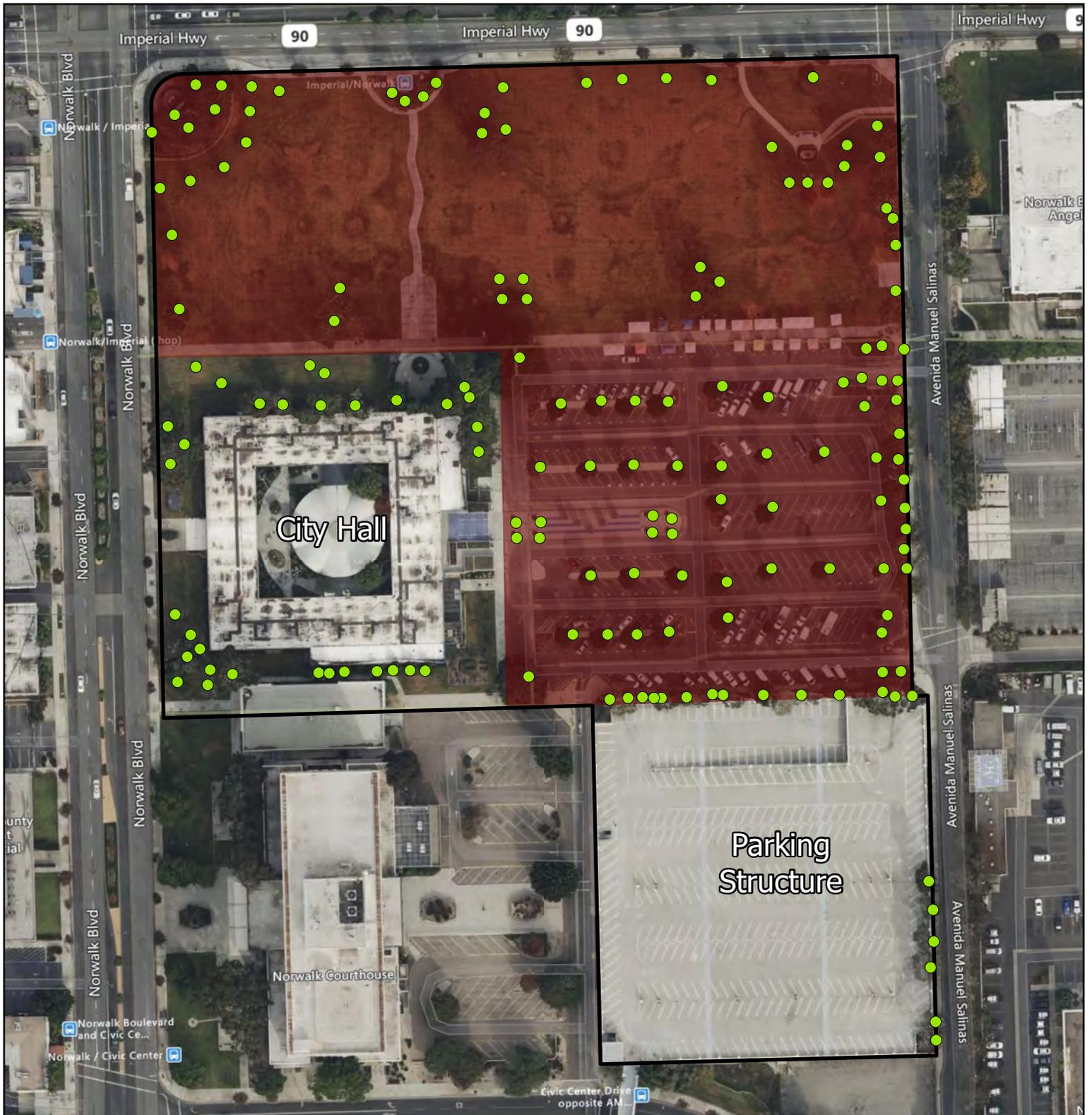
Figure 2. Site Vicinity

- Project Site (12.68-Acres)
- Review Area (30.79-Acres)

0 150 300 Feet

Scale: 1:3,000

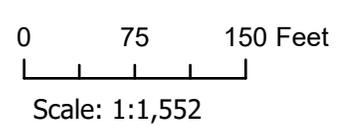




Source: BING Aerial Image 2022

Norwalk Entertainment District - Civic Center Specific Plan Project

Figure 3. Landscaped Trees



- Tree
- Project Site (12.68-Acres)
- Proposed Development Area



Attachment B:

Photograph Exhibit



Image 1: View of lawn and trees north of City Hall where new development is proposed. Taken from center of lawn facing southwest.



Image 2: View of lawn and trees where new development is proposed. Taken from center of lawn facing northeast.



Image 3: View of parking lot east of the City Hall where development is proposed. Taken from center of parking lot facing City Hall toward the west.



Image 4: Depicts the parking lot and parking structure in the background, taken facing southwest.



Image 5: Depicts the lawn where development is proposed in the northeast corner of project site facing north.



Image 6: Depicts the lawn where development is proposed in the northwest corner of the project facing northwest.

Appendices

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