

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—Radford Studio Center Project* (Biological Resources Report) prepared for the Project by Psomas in November 2024, and included in its entirety in Appendix E of this Draft EIR.¹ The Biological Resources Report incorporates in its appendices the *Jurisdictional Delineation Report—Radford Studio Center Project* (Jurisdictional Delineation Report) prepared by Psomas in March 2024, the *Protected Tree Report* (referred to as the Tree Report) prepared by Carlberg Associates in July 2024, and the *Biological Constraints Analysis for the Radford Studio Center Project* (Biological Constraints Report) also prepared by Psomas in July 2023.

2. Environmental Setting

a. Regulatory Framework

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

- Federal Endangered Species Act
- Migratory Bird Treaty Act

¹ Psomas, *Biological Resources Technical Report—Radford Studio Center Project*, November 2024. Included in Appendix E of this Draft EIR.

- Marine Mammal Protection Act
- Clean Water Act Sections 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 Game Code Sections 3503 and 3513
- California Native Plant Society
- Porter-Cologne Water Quality Control Act
- California Fish and Game Code Section 1600
- Sensitive Vegetation Communities
- 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

(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.

The 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, the 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).²

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.³ 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

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

³ USFWS, *Migratory Bird Treaty Act*, 2020.

in the unpermitted take of migratory birds or their eggs is illegal and fully prosecutable under the MBTA.

(c) Marine Mammal Protection Act

The Marine Mammal Protection Act of 1972, and as amended, establishes federal responsibility for the protection and conservation of marine mammal species by prohibiting the harassment, hunting, capture, or killing of any marine mammal. The primary authority for implementing the act belongs to the USFWS and NMFS.⁴

(d) Clean Water Act Sections 404 and 401

Pursuant to Section 404 of the Clean Water Act,⁵ the U.S. Army Corps of Engineers (USACE) and the United States Environmental Protection Agency (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) the territorial seas and 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) tributaries; (iii) lakes and ponds, and impoundments of jurisdictional waters; and (iv) adjacent wetlands.⁶ 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.”

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

⁴ USFWS, *Marine Mammal Protection Act, 2004*.

⁵ 33 USC Section 1341.

⁶ *Federal Register, Volume 85, Number 77, Tuesday April 21, 2020—Rules and Regulations*.

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).

(e) 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.⁷

(f) 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, 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 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,

⁷ USFWS, *Federal Noxious Weed Act, 1975*, www.fws.gov/law/federal-noxious-weed-act, accessed January 15, 2025.

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.⁸ 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 taking 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.⁹ 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

⁸ 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.

⁹ California Fish and Game Code Sections 86 and 2080.

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.

(c) California Migratory Bird Protection Act

Assembly Bill (AB) 454, the California Migratory Bird Protection Act, which expires on January 20, 2025, reenacted the existing provisions of the 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, by making it unlawful, 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.

(d) California Fish and Game Code—Stream and Riparian Habitat, Fully Protected Species, and Species of Special Concern

Pursuant to California Fish and Game Code Section 1600, CDFW has authority over all perennial, intermittent, and ephemeral rivers, streams, and lakes in the state, and requires any person, state or local governmental agency, or public utility to notify the CDFW before beginning any activity that would “substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake” that supports fish or wildlife resources.

A stream is defined as a “body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation” (California Code of Regulations, Title 14 Section 1.72). A Lake or Streambed Alteration Agreement may be required for any Proposed Project that would result in an adverse impact to a river, stream, or lake. CDFW jurisdiction typically extends to the top of the bank and out to the outer edge of adjacent riparian vegetation if present. However, CDFW can take jurisdiction over a body of flowing water and the landform that conveys it, including water sources and adjoining landscape elements that are byproducts of and affected by interactions with flowing water without regard to size, duration, or the timing of flow.

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.¹⁰ 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.

(e) *California Fish and Game Code Sections 3503 and 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.

¹⁰ CDFW, *Species of Special Concern*, <https://wildlife.ca.gov/Conservation/ssc>, accessed November 14, 2024.

(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 List 1A (plants presumed extinct); List 1B (plants rare, threatened, or endangered in California and elsewhere); List 2 (plants rare, threatened, or endangered in California, but more numerous elsewhere); List 3 (plants about which more information is needed—a review list); and List 4 (plants of limited distribution—a watch list). In general, plants appearing on CNPS List 1A, 1B, or 2 meet the criteria of Section 15380 of the CEQA Guidelines; thus, substantial adverse effects to these species would be considered significant. Additionally, plants constituting CNPS List 1A, 1B, or 2 meet the definitions of California Department Fish and Game Code Section 1901 (Native Plant Protection Act) or Sections 2062 and 2067 (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 Regional Water Quality Control Board (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 (CNDDDB). Sensitive vegetation communities are also identified by the CDFW on its List of California Natural Communities Recognized by the CNDDDB. 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.¹¹

(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 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 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*

¹¹ California Department of Fish and Wildlife, *Natural Communities* webpage, <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>, accessed January 16, 2025.

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.

(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.¹² 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."

(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 and 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,

¹² *City of Los Angeles, Department of City Planning, The Citywide General Plan Framework, An Element of the Los Angeles General Plan, July 27, 1995.*

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).¹³

(c) City of Los Angeles General Plan Open Space Element

The City of Los Angeles General Plan Open Space Element (Open Space Element) includes goals, objectives, policies, and programs directed toward 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.¹⁴

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

Native species of oak (*Quercus* sp., except scrub oak [*Quercus 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 four and a half 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.

¹³ *City of Los Angeles Department of City Planning, Conservation Element of the City of Los Angeles General Plan, September 26, 2001, p. I-2.*

¹⁴ *City of Los Angeles, Department of City Planning, Open Space Plan, June 1973, p. 1.*

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 least 15 gallons or larger, measure one inch or more in diameter at one 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. Native trees that have been planted as part of a tree planting program are exempt from these ordinances and are not considered protected.

The City also requires preparation of a report by a tree expert identifying all on-site trees, impacts to trees related to grading and construction, and mitigation measures for impacts to protected trees. Other key requirements of the tree report include inventory and assessment of all on-site non-protected trees with a diameter-at-standard height (DSH) of at least four inches, inventory of off-site trees whose protected zones (12 times the trunk DSH) may be impacted, inventory of all adjacent street trees, photographs of each tree along with a photograph of a leaf from each tree type, mapping of all trees’ locations and their canopies (driplines) plus protected zones, and the tree expert’s opinion as to whether the tree occurs naturally or was planted.

(e) Sherman Oaks–Studio City–Toluca Lake–Cahuenga Pass Community Plan

The Project Site is located within the Sherman Oaks–Studio City–Toluca Lake–Cahuenga Pass Community Plan area.¹⁵ The Sherman Oaks–Studio City–Toluca Lake–Cahuenga Pass Community Plan (Community Plan) is one of 35 community and district plans established for different areas of the City to implement the policies of the General Plan Framework Element. There are no goals, objectives, or policies in the Community Plan specifically related to biological resources.¹⁶

¹⁵ City of Los Angeles, *Zone Information and Map Access System (ZIMAS) Parcel Profile Reports for APNs 2368-001-028, 2368-001-030, 2368-005-011, and 2368-001-029, March 3, 2023.*

¹⁶ City of Los Angeles, *Sherman Oaks–Studio City–Toluca Lake–Cahuenga Pass Community Plan, adopted May 13, 1998, last amended September 7, 2016.*

(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 City's Los Angeles River Revitalization Master Plan (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.

(g) Los Angeles River Revitalization Master Plan

The City adopted the 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.¹⁷ 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.

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 improve the aesthetics of the region, enrich the quality of life for residents, and help sustain the economy of the region. The goal of the LARRMP related to biological resources includes the following:

- To revitalize the river by enhancing flood storage and water quality, enabling safe public access, and restoring a functional ecosystem.

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

b. Existing Conditions

(1) Physical Setting

As described in the Biological Resources Report, the Project Site is located within an urbanized area of the City, approximately one mile north of the Hollywood Hills and five miles southwest of the Verdugo Mountains. The Project Site is generally bounded by the Los Angeles River and Tujunga Wash¹⁸ to the north and east, Colfax Avenue to the east, a public

¹⁷ *City of Los Angeles, Los Angeles River Revitalization Master Plan, April 2007.*

¹⁸ *The Tujunga Wash is a tributary of the Los Angeles River and runs along the east of the North Lot.*

alley of varying width, from approximately 28 feet to 30 feet, to the south with various commercial uses across the alley fronting Ventura Boulevard, and Radford Avenue to the west. The Project Site is bisected into two lots, the North Lot and South Lot, by the Los Angeles River.

A bridge that crosses the Los Angeles River provides internal vehicular and pedestrian access between the North Lot and South Lot of the Project Site. The Project Site perimeter is enclosed with chain link, wrought iron, or combination block wall/chain link fencing, some of which is lined with trees, shrubs, and climbing vines, and segments of which include green screening. Additional landscaping within the Project Site includes trees and shrubs, as well as landscaped infiltration basins in parking areas. Street trees are also located along Radford Avenue.

Surrounding development consists of a combination of residential, institutional, and commercial land uses. No natural large expanses of open space, which could serve as habitat areas, are located adjacent to the Project Site.

The segments of the Los Angeles River that bisect the Project Site and of the Tujunga Wash along the eastern and northern boundary of the Project Site are considered “Blue Line streams.”¹⁹ Blue Line streams are streams, which were converted to concrete-lined channels in the late 1950s, that have been identified on U.S. Geological Survey (USGS) topographical maps as flowing for most or all of the year.

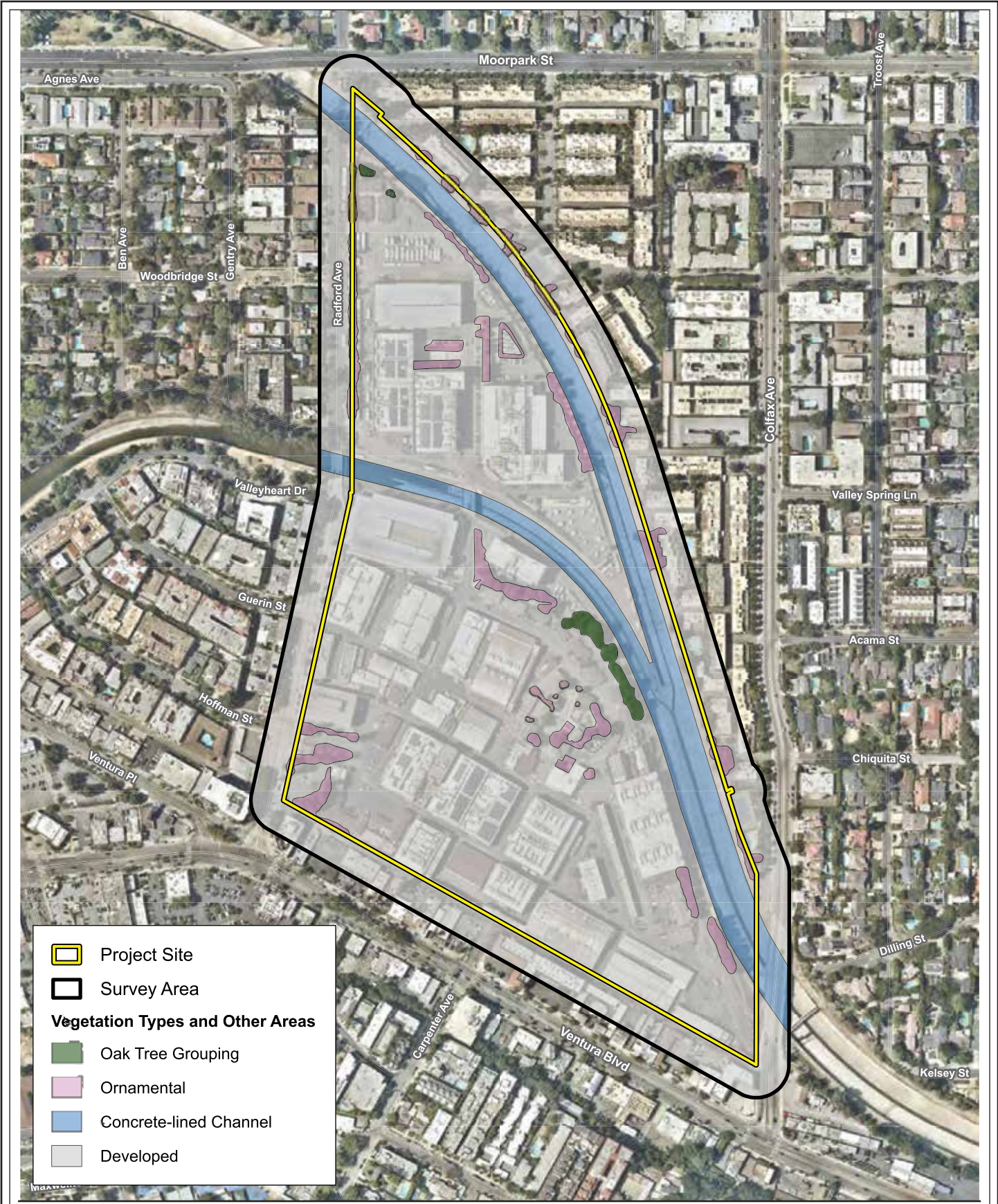
(2) Land Cover Types and Vegetation Communities

Vegetation on the Project Site consists of ornamental landscaping with no naturally occurring habitat areas. Land cover types on the Project Site include planted oak groupings, ornamental plantings, concrete-lined channels, and developed areas as indicated in Figure IV.C-1 on page IV.C-16. Each of the land cover types found within the Project Site and other on-site areas is described below:²⁰

- Oak Groupings: This vegetation type consists of groupings of coast live oaks (*Quercus agrifolia*). Oak groupings are not described as an oak woodland because the dominant trees are the result of landscaping and are not a naturally occurring component of the area. Though dominated by mature coast live oaks, these areas also contain several non-native tree species.

¹⁹ Psomas, *Biological Resources Technical Report—Radford Studio Center Project*, November 2024. Included in Appendix E of this Draft EIR.

²⁰ Psomas, *Biological Resources Technical Report—Radford Studio Center Project*, November 2024. Included in Appendix E of this Draft EIR.









| | |
|-------------------------------------------------------------------------------------|------------------------|
|  | Project Site |
|  | Survey Area |
| Vegetation Types and Other Areas | |
|  | Oak Tree Grouping |
|  | Ornamental |
|  | Concrete-lined Channel |
|  | Developed |

Figure IV.C-1
Vegetation Map

- Ornamental Plantings: Ornamental planting areas are dominated by a variety of non-native tree species that were planted as Project Site landscaping. These areas contain mature non-native tree species, such as silk oak trees (*Grevillea robusta*), sweetshade trees (*Hymenosporum flavum*), and Peruvian pepper trees (*Schinus molle*), as well as ornamental shrubs and turf grass. Western sycamore trees are present in these areas that are dominated by non-native species as well.
- Concrete-lined Channels: These areas comprise portions of the Los Angeles River and Tujunga Wash that pass through the Project Site. These channels have been converted from natural drainage features to hardened channels for flood-control purposes. These channels do not contain any vegetation and are ecologically and hydrologically separated from the rest of the Project Site by vertical concrete side levees that are approximately 15 feet tall.
- Developed Areas: Developed areas consist of portions of the Project Site that consist of paved or built structures and do not contain any native or naturally occurring vegetation. Individual ornamental plantings may occur in these areas.

(3) Special Status Biological Resources

The following is a discussion of special status biological resources that were observed, reported, or have the potential to occur on the Project Site and in adjacent off-site areas. These resources include plant and wildlife species that have been afforded special status and/or recognition by federal and state resource agencies, as well as private conservation organizations. In general, an individual taxon (i.e., species, subspecies, or variety) is given such recognition if the documented or perceived decline or limitations of its population size, geographic range, and/or distribution resulting in most cases from habitat loss is present. In addition to species, special status biological resources include vegetation types and habitats that are either unique, of relatively limited distribution in the region, or of particularly high wildlife value. These resources have been defined by federal, state, and local government conservation programs. Sources used to determine the special status of biological resources and definitions of the terms used in this subsection (i.e., federally endangered species, federally threatened species, candidate species, California species of special concern, CRPR ratings) are listed in the Biological Resources Report included in Appendix E of this Draft EIR.²¹

(a) Special Status Vegetation Types

The majority of the Project Site is developed, and the only vegetated areas consist of small areas of landscaping. As such, no special status vegetation types are expected to

²¹ Psomas, *Biological Resources Technical Report—Radford Studio Center Project*, November 2024. Included in Appendix E of this Draft EIR.

occur on the Project Site or within the Project's off-site impact area. In particular, though there are some landscaped areas dominated by mature coast live oaks groupings, these are not considered to constitute a coast live oak woodland (CRPR rankings of G5, S4) because these trees were purposefully planted and have no woodland understory, and because there are several non-native tree species interspersed with the oaks. Therefore, no special status vegetation types occur on the Project Site.²²

(b) Special Status Plants

Table 2 of the Biological Resources Report lists and provides a summary of the 62 special status plant species reported to occur in the Project region (i.e., the USGS' Sunland, San Fernando, Oat Mountain, Van Nuys, Burbank, Canoga Park, Topanga, Beverly Hills, and Hollywood 7.5-minute quadrangles) and includes information on the status, species background, and potential for occurrence.²³ This list includes species reported by the CNDDDB and the CNPS, supplemented with species from the Project Biologist's experience that either occur nearby or could occur based on the presence of potentially suitable habitat.

Overall, as provided in the Biological Resources Report, based on the lack of natural habitat conditions on the Project Site, and because the Project Site is located outside the range of some species, there are no special status plants expected to occur on the Project Site.

(d) Special Status Wildlife

Table 3 in the Biological Resources Report lists and provides a summary of the 38 special status wildlife (i.e., invertebrate, fish, amphibian, reptile, bird, and mammal) species reported to occur in the Project region (i.e., the Sunland, San Fernando, Oat Mountain, Van Nuys, Burbank, Canoga Park, Topanga, Beverly Hills, and Hollywood 7.5-minute quadrangles) and includes information on the status, species background, nearest reported location, and potential for occurrence on the Project Site. This list includes species reported by the CNDDDB, supplemented with species from the Psomas Project Biologist's experience that either occur nearby or could occur based on the presence of suitable habitat.

²² *Psomas, Biological Resources Technical Report—Radford Studio Center Project, November 2024. Included in Appendix E of this Draft EIR.*

²³ *A sampling of the special status plant species listed in Table 2 of the Biological Resources Report includes: Ventura Marsh milk-vetch (*Astragalus pycnostachyus* var. *lanosissimus*), Plummer's mariposa lily (*Calochortus plummerae*), San Fernando Valley spineflower (*Chorizanthe parryi* var. *Fernandina*), Southern California black walnut (*Juglans californica*), and San Bernardino aster (*Symphotrichum defoliatum*).*

As determined in the Biological Resources Report, based on the lack of natural habitat conditions on the Project Site, and because the Project Site is located outside the range of some species, the majority of the special status wildlife species reported in the region are not expected to occur on the Project Site except for two special status bat species, the western mastiff bat (*Eumops perotis*) and the big free-tailed bat (*Nyctinomops macrotis*), which may use the Project Site for foraging. Although habitat conditions on the Project Site are not ideal due to the level of disturbance in general and minimal availability of open space, there is a moderate likelihood for both species to forage and/or roost throughout the Project Site due to the presence of potentially suitable habitat, including man-made structures, such as buildings and bridges.²⁴

One additional species has been recognized by the Los Angeles Audubon Society as “at risk” in the region. In addition to the species listed in Table 3 of the Biological Resources Report, the Audubon “at-risk” species that has the potential to occur on the Project Site includes California towhee (*Melospiza crissalis*). Although not recognized by State or federal agencies, the Los Angeles County Department of Regional Planning considers this species worthy of consideration as sensitive.²⁵

(4) Jurisdictional Resources

Two jurisdictional features occur on the Project Site, the Los Angeles River and Tujunga Wash, which are described in detail in the Jurisdictional Delineation Report included as Appendix A of the Biological Resources Report provided as Appendix E to this Draft EIR. These streams pass through the Project Site but are not part of the Radford Studios property. They were channelized in the 1950s and converted to concrete-lined storm drain channels by the USACE. The concrete-lined and channelized nature of these jurisdictional features prevents the establishment of vegetation within them. As a result, there is no riparian habitat that would be subject to CDFW or USFWS jurisdiction. Currently, the Los Angeles County Flood Control District is responsible for the operation and maintenance of these channels. Figure IV.C-2 on page IV.C-20 shows the location of these jurisdictional features.

The Los Angeles River and Tujunga Wash convey stormwater and urban runoff in an easterly and southeasterly direction. Due to the vertical side levees associated with these channels, there is no hydrological connection to the rest of the Project Site.²⁶ Though they

²⁴ Psomas, *Biological Resources Technical Report—Radford Studio Center Project*, November 2024. Included in Appendix E of this Draft EIR.

²⁵ Psomas, *Biological Resources Technical Report—Radford Studio Center Project*, November 2024. Included in Appendix E of this Draft EIR.

²⁶ Psomas, *Jurisdictional Delineation Report—Radford Studio Center Project*, March 2024. Included as Appendix A of the Biological Resources Report.



Figure IV.C-2
Jurisdictional Resources

are not hydrologically connected to other parts of the Project Site and are not part of the Radford Studios property, they are discussed herein as they have the potential to be affected by Project activities. A discussion of agency jurisdiction over these features is provided below:

- Waters of the United States Determination: The Los Angeles River has been determined to be a Traditional Navigable Waterway²⁷ by the USACE so that it is considered waters of the United States (waters of the U.S.) by definition. The Tujunga Wash, a tributary to the Los Angeles River, is also considered waters of the U.S. due to its connection to the Los Angeles River and because it conveys relatively permanent flows. The Ordinary High Water Mark (OHWM) limits were based on the extent of the entire width of the flat channel bottom. Based on the limit of the OHWM, the Project Site contains a total of 10.33 acres of non-wetland waters of the U.S. Because the channels are hardened, no hydrophytic vegetation or hydric soils are present. Therefore, no wetland conditions are present on the Project Site.²⁸
- RWQCB Jurisdiction: The RWQCB's jurisdictional limits of "waters of the State" matches that of USACE waters of the U.S. unless waters lack a connection to a Traditional Navigable Waterway or do not convey water on a relatively permanent basis.²⁹ Because the Los Angeles River and Tujunga Wash are not considered isolated and relatively permanent flows are present, the quantity of USACE and RWQCB jurisdiction is equal. Therefore, the Project Site contains a total of 10.33 acres of non-wetland "waters of the State."³⁰
- CDFW Jurisdiction: The limits of CDFW jurisdiction on the Project Site were mapped to the top of the bank. Because the streambanks of the Los Angeles River and Tujunga Wash both consist of vertical levees, the CDFW jurisdictional limits match those of the USACE/RWQCB from an aerial view. Therefore, the total quantity of CDFW jurisdiction is 10.33 acres.³¹

²⁷ *Traditional Navigable Waters are all waters that are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (Department of the Army, Corps of Engineers, Department of Defense; and USEPA 2023).*

²⁸ *Psomas, Jurisdictional Delineation Report—Radford Studio Center Project, March 2024. Included as Appendix A of the Biological Resources Report.*

²⁹ *This refers to continuous flows for at least three months.*

³⁰ *Psomas, Jurisdictional Delineation Report—Radford Studio Center Project, March 2024. Included as Appendix A of the Biological Resources Report.*

³¹ *Psomas, Jurisdictional Delineation Report—Radford Studio Center Project, March 2024. Included as Appendix A of the Biological Resources Report.*

(5) Wildlife Populations and Movement Patterns

As provided in the Biological Resources Report, vegetation in and adjacent to the Project Site provides minimal habitat for wildlife species. Only wildlife species that are common to the urban environment are expected to occur on the Project Site. Although the Los Angeles River and Tujunga Wash pass through the Project Site, they are highly modified concrete channels that support very limited aquatic habitat and are ecologically disconnected from the rest of the Project Site by the approximately 15-foot-tall concrete side walls. The potential for the Project Site to support common wildlife species is described below.

(a) Wildlife Populations

The wildlife populations in and around the Project Site include the following:³²

- **Fish:** Due to the limited quantity and low quality of aquatic habitat in the Los Angeles River and Tujunga Wash and their lack of connectivity to fish habitat, suitable conditions for fish in the portions of these concrete-lined drainages passing through the Project Site are expected to be limited to non-native mosquito fish.
- **Amphibians:** Amphibians require moisture for at least a portion of their life cycle, and many require standing or flowing water for reproduction. Terrestrial species may or may not require standing water for reproduction, as they survive in dry areas by aestivating (i.e., remaining beneath the soil in burrows or under logs and leaf litter and emerging only when temperatures are low and humidity is high). Many of these species' habitats are associated with water, and they emerge to breed once the rainy season begins. Soil moisture conditions can remain high throughout the year in some habitat types, depending on factors, such as amount of vegetation cover, elevation, and slope/aspect. Due to the limited quantity and low quality of aquatic habitat provided by the Los Angeles River and Tujunga Wash and the lack of ponded water elsewhere on the Project Site, amphibian species are expected to be limited on the Project Site.
- **Reptiles:** Reptiles are well-adapted to life in arid habitats. They have several physiological adaptations that allow them to conserve water. There are some vegetated areas on the Project Site that may support common reptile species that can survive in urban environments (e.g., western fence lizard [*Sceloporus occidentalis*]). However, given the limited distribution, lack of connectivity, and low quality of the habitat present, the Project Site is expected to support limited reptile populations.

³² Psomas, *Biological Resources Technical Report—Radford Studio Center Project*, November 2024. Included in Appendix E of this Draft EIR.

- **Birds:** The Project Site contains many trees that have the potential to provide both food resources and sites for roosting, perching, and nesting for birds. Building and other infrastructure features may also provide suitable roosting and nesting locations for birds. Due to the Project Site's location and level of disturbance in the vicinity of the Project Site, only birds that are common to the urban environment are expected to occur. Common bird species, such as house finch (*Haemorhous mexicanus*), black phoebe (*Sayornis nigricans*), and mourning dove (*Zenaida macroura*), were observed during the field assessment.
- **Mammals:** Similar to birds, the Project Site contains numerous trees that could support mammals that are common to the urban environment, such as Eastern fox squirrels (*Sciurus niger*) or raccoons (*Procyon lotor*). The Project Site also provides potentially suitable habitat for the numerous bat species known to occur in the region. One critical element necessary to support bat populations is the presence of suitable day-roosting sites. Different bat species utilize a wide array of sites for day-roosting, both natural and artificial. Such sites include trees, bridges, buildings, and other man-made structures. Of the 46 species of bats known from North America, over half are known to use buildings as roosts at least for part of the year. Buildings offer bats a wide range of roost microhabitats, including, but not limited to, spaces beneath floorboards and inside insulation. Structures located on the exterior of buildings also provide suitable roosting habitat, including crevices between bricks and stones; between vents; behind windows, screens, and shutters; and spaces beneath shingles. Because roosting bats are protected in California, it is important to identify and appropriately manage occupied, day-roost structures as this is when bats are most vulnerable. Bats enter a state of torpor during the day to minimize their metabolic rate; however, this state leaves bats unable to quickly respond to any environmental changes (e.g., roost demolition). Furthermore, bats rear their young during the spring and summer months, and the pups are not able to fly or otherwise evacuate the roosts for weeks.

(b) *Wildlife Movement*

Wildlife corridors link together areas of suitable wildlife 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. As discussed in the Biological Resources Report, in the absence of habitat linkages that allow movement to adjoining open space areas, 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 information. Corridors mitigate the effects of this fragmentation by (1) allowing animals to move between remaining habitats, thereby permitting depleted populations to be replenished and promoting genetic exchange; (2) providing escape routes from fire, predators, and human disturbances, thus reducing the risk that catastrophic events (such as fire or disease) will result in population or local species extinction; and (3) serving as travel routes for individual animals

as they move in their home ranges in search of food, water, mates, and other necessary resources.³³

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 (e.g., foraging for food or water, defending territories, or searching for mates, breeding areas, or cover). A number of terms such as “wildlife corridor,” “travel route,” “habitat linkage,” and “wildlife crossing” have been used in various wildlife movement studies to refer to areas in which wildlife move from one area to another. To clarify the meaning of these terms and to facilitate the discussion on wildlife movement in this analysis, these terms are described as follows:³⁴

- **Travel Route**: A landscape feature (such as a ridgeline, drainage, canyon, or riparian strip) within a larger natural habitat area that is frequented by animals to facilitate movement and to provide access to necessary resources (e.g., water, food, cover, den sites). The travel route is generally preferred by animals because it provides the least amount of topographic resistance in moving from one area to another. It contains adequate food, water, and/or cover while moving between habitat areas, and it provides a relatively direct link between target habitat areas.
- **Wildlife Corridor**: A piece of habitat, usually linear in nature, that connects two or more habitat patches that would otherwise be fragmented or isolated from one another. Wildlife corridors are usually bound by urban land areas or other areas unsuitable for wildlife. The corridor generally contains suitable cover, food, and/or water to support species and to facilitate their movement while in the corridor. Larger, landscape-level corridors (often referred to as “habitat linkages” or “landscape linkages”) can provide both transitory and resident habitat for a variety of species.
- **Wildlife Crossing**: A small, narrow area, relatively short in length and generally constricted in nature that allows wildlife to pass under or through an obstacle or barrier that otherwise hinders or prevents movement. Crossings typically are manmade and include culverts, underpasses, drainage pipes, and tunnels to provide access across or under roads, highways, pipelines, or other physical obstacles. These often represent “choke points” along a movement corridor, which may impede wildlife movement and increase the risk of predation.

³³ Psomas, *Biological Resources Technical Report—Radford Studio Center Project*, November 2024. Included in Appendix E of this Draft EIR.

³⁴ Psomas, *Biological Resources Technical Report—Radford Studio Center Project*, November 2024. Included in Appendix E of this Draft EIR.

The Project Site is surrounded by commercial and residential development that does not provide significant opportunities for wildlife movement. The Project Site is located approximately one mile north of the Hollywood Hills, which is the closest area that provides substantial natural open space. Griffith Park, located approximately three miles southeast from the Project Site, provides more expansive areas of native habitat, though it is separated from the Project Site by US-101 and State Route (SR) 134. Native habitat areas to the north or northeast of the Project Site are more than five miles away.³⁵

The only potential wildlife movement corridor that passes through the Project Site would be the Los Angeles River and Tujunga Wash. Though these unvegetated concrete channels do not provide any opportunity for cover or foraging for dispersing wildlife, they do provide unobstructed pathways for travel. These channels may provide some dispersal potential for wildlife; however, there is very little connectivity with other portions of the Project Site due to the vertical side levees of the channels.³⁶

(6) Protected Trees

Trees surveyed on the Project Site are detailed in the Tree Report provided in Appendix B of the Biological Resources Report. In summary, 625 trees were documented during the tree inventory, including 609 on-site trees and 16 street trees located in the adjacent public right-of-way. There are no trees on neighboring private properties whose protection zones (12 times the trunk DBH) overlap the Project Site. The onsite trees include 45 protected tree or shrub species, including 35 coast live oaks, 9 western sycamores, and 1 toyon pursuant to the City of Los Angeles' Tree Preservation Ordinance No. 186,873. The protected oak and sycamore trees are generally located on the northern and western perimeters of the Project Site.³⁷

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 result in any of the following:

³⁵ *Psomas, Biological Resources Technical Report—Radford Studio Center Project, November 2024. Included in Appendix E of this Draft EIR.*

³⁶ *Psomas, Biological Resources Technical Report—Radford Studio Center Project, November 2024. Included in Appendix E of this Draft EIR.*

³⁷ *Carlberg Associates, Protected Tree Report, July 2024. Included as Appendix B of the Biological Resources Report.*

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

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?*

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?*

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?*

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

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 listed above are relied upon. The analysis utilizes factors and considerations identified in the City's 2006 *L.A. CEQA Thresholds Guide*, as appropriate, to assist in answering the Appendix G Threshold questions. The *City's 2006 L.A. CEQA Thresholds Guide* identifies the following factors to evaluate potential 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.
- The loss of individuals or the reduction of existing habitat of a locally designated species or a reduction in a locally designated natural habitat or plant community.
- Interference with wildlife movement/migration corridors that may diminish the chances for long-term survival of a sensitive species.
- The alteration of an existing wetland habitat.

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

b. Methodology

This section summarizes the analysis methodology used in this section and the Biological Resources Report included as Appendix E of this Draft EIR. As indicated in Figure IV.C-1 and Figure IV.C-2 on pages IV.C-16 and IV.C-20, respectively, the biological resources study area (study area) discussed in this section and the Biological Resources Report includes the Project area plus a 200-foot buffer to identify biological resources within this potential indirect impact area. Generally, Project disturbances to biological resources are expected to diminish to a level equal to or lesser than existing disturbance levels within 200 feet of the Project Site.

The analysis in this section identifies the potential “direct” and “indirect” impacts of the Project on biological resources. Direct impacts are those that involve the initial loss of habitat or individuals due to vegetation clearing and construction-related activities. Indirect impacts would be those related to impacts on the adjacent remaining habitat off-site due to construction activities (e.g., noise, dust) or operation of the Project (e.g., human activity).

Biological resources impacts associated with the Project were evaluated with respect to the following special status (synonymous with “sensitive”) biological issues:

- Species listed under FESA or CESA;
- Species proposed for listing under FESA or CESAs;
- Non-listed species that meet the criteria in the definition of “Rare” or “Endangered” in CEQA Guidelines Section 15380;
- Species designated as California Species of Special Concern;

Land cover types (synonymous with “habitat” and “community”) suitable to support a federally or State-listed Endangered or Threatened plant or wildlife species;

- Streambeds, waterbodies, wetlands, and their associated vegetation;
- Vegetation types, other than wetlands, considered special status by regulatory agencies (e.g., USFWS and CDFW) or resource conservation organizations; and
- Other species or issues of concern to regulatory agencies or conservation organizations.

c. Project Design Features

The following Project Design Features related to biological resources have been identified for the Project.

Project Design Feature BIO-PDF-1 (Landscaping): A qualified biologist will be retained to review the landscaping plan prior to submittal of the plan to the City to ensure that any landscaping component of the Project does not include the planting of exotic, invasive species that would potentially degrade the quality of the regional natural open space. A list of potential landscaping plant species will be submitted to the biologist for review prior to submittal of landscape plans to the City; the biologist will ensure that exotic plant species known to be invasive (e.g., those on the California Invasive Plant Council's [Cal-IPC's] invasive plant inventory) are not included on the list. The biologist will make recommendations for more suitable plant species if necessary. Once a final plant palette is prepared, landscaping installed in the development area will include only species on the approved palette.

Project Design Feature BIO-PDF-2 (Migratory Bird Protection): Pursuant to the provisions of the MBTA, this project design feature provides the specific procedures that would be undertaken in the event an active bird nest is found. Specifically, if any active bird nest is found during a pre-construction nesting bird survey or is discovered inadvertently during earthwork or construction-related activities, a Qualified Biologist will be retained by the Applicant or Owner to determine an appropriate avoidance buffer, which will be no less than is necessary to protect the nest, eggs and/or fledglings, from damage or disturbance in consideration of the following factors: the bird species, the availability of suitable habitat within the immediate area, the proposed work activity, and existing disturbances associated with surrounding land uses. The buffer will be demarcated using bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary of the buffer. All construction personnel will be notified of the buffer zone and will avoid entering the protected area. No Ground Disturbing Activities or vegetation removal will occur within this buffer area until the Qualified Biologist has confirmed that breeding/nesting is complete and the young have fledged the nest and/or that the nest is no longer an Active Nest. The Qualified Biologist will prepare a report prior to the issuance of any building permit detailing the results of the nesting bird survey and subsequent monitoring, which will be maintained by the Applicant for at least five years after certificate of occupancy is issued.

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) Direct Impacts

(i) Special Status Vegetation Types

The vegetation and land cover types that would be impacted by the Project are shown in Figure IV.C-3 on page IV.C-30 and summarized in Table IV.C-1 on page IV.C-31. As provided therein, the Project would impact a total of 52.33 acres of various vegetation and land cover types, the majority of which (48.94 acres) is developed. The vegetation and land cover types to be disturbed would either be temporarily disturbed or permanently removed. The 7.31 acres of the Project Site comprised of concrete-lined channels (i.e., the Los Angeles River and Tujunga Wash) would not be impacted. The impacted vegetation types and land cover types are common throughout the region and provide limited suitability for native plant and wildlife species. As identified in Section 2.b, above, there are no special status vegetation types expected to occur on the Project Site, and, therefore, no direct impacts to special status vegetation types would occur. In addition, while there are a few scattered oak tree groupings within landscaped areas of the Project Site as identified in Figure IV.C-3, they do not represent an oak woodland due to the lack of native understory and other components of a vegetation community. **Overall, as determined in the Biological Resources Report, impacts to special status vegetation types and land cover types would be less than significant.**

(ii) Special Status Plant Species

A total of 62 special status plant species are known to occur in the general Project region as listed and described in Table 2 of the Biological Resources Report included as Appendix E of this Draft EIR. Due to the lack of suitable habitat, none of these special status plant species are expected to occur on the Project Site or within the Project's off-site impact area. **Therefore, as concluded in the Biological Resources Report, no Project impacts on special status plant species would occur.**

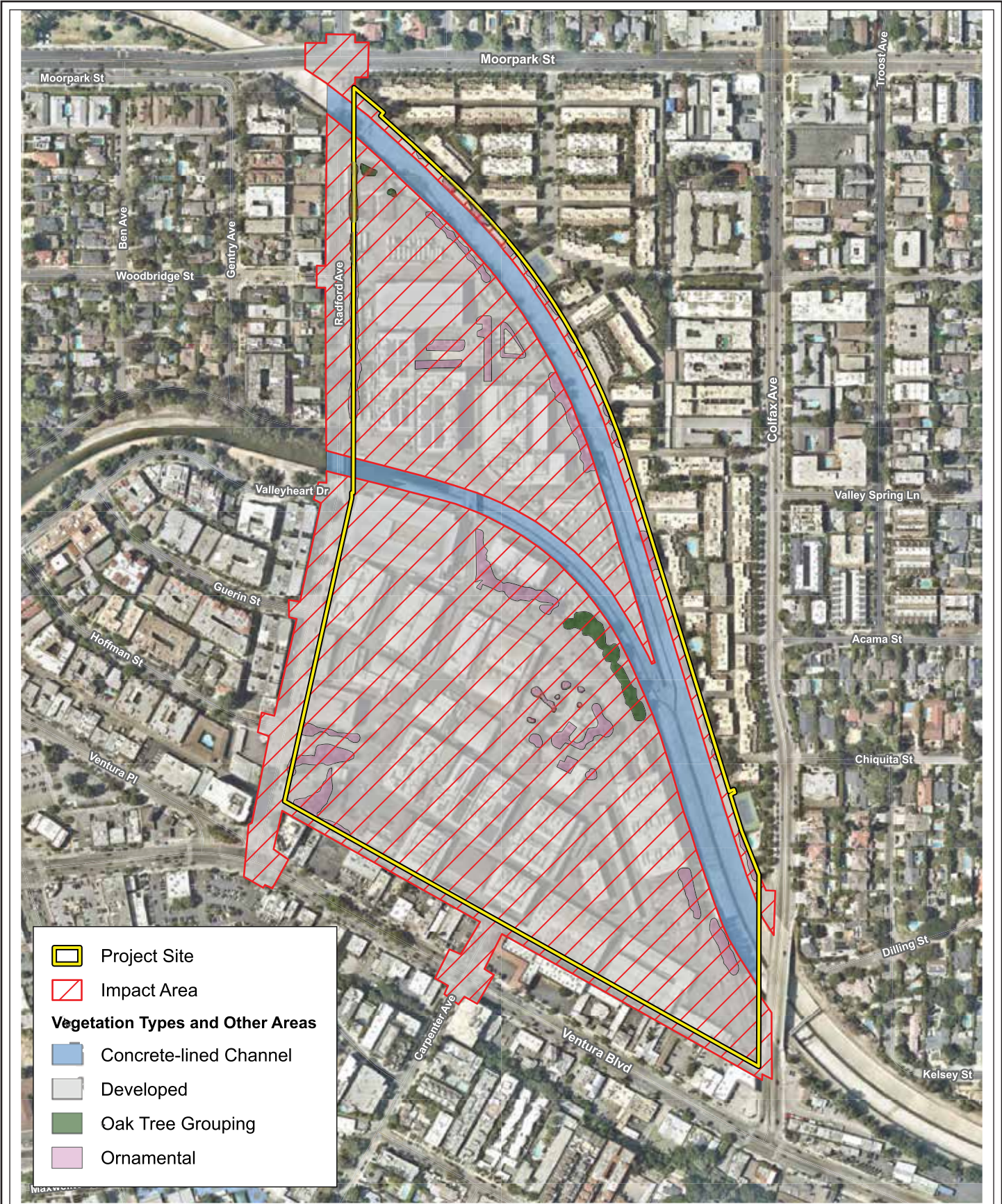


Figure IV.C-3
Vegetation Impacts

Source: Psomas, Biological Resources Technical Report - Radford Studio Center Project, April 2024.

**Table IV.C-1
Land Cover Types Impacted by the Project**

| Vegetation and Land Cover Types | Existing (acres) | | Project Impacts (acres) | | |
|---------------------------------|------------------|--------------|-------------------------|-------------|--------------|
| | On-Site | Off-Site | On-Site | Off-Site | Total |
| Oak groupings | 0.42 | 0.00 | 0.42 | 0.0 | 0.42 |
| Ornamental plantings | 2.79 | 0.62 | 2.79 | 0.18 | 2.97 |
| Concrete-lined channels | 7.31 | 0.86 | 0.0 | 0.0 | 0.0 |
| Developed areas | 41.73 | 15.78 | 41.73 | 7.21 | 48.94 |
| Total | 52.25 | 17.26 | 44.94 | 7.39 | 52.33 |

Total acreage may not equal the addition of each row above due to rounding of acreage within each row.
Source: Psomas, Biological Resources Technical Report—Radford Studio Center Project, November 2024. Included in Appendix E of this Draft EIR.

(iii) Special Status Wildlife Species

A total of 38 special status wildlife species are known to occur in the general Project region as listed and described in Table 3 of the Biological Resources Report included as Appendix E of this Draft EIR, as well as one species of local concern (the California towhee). Most of these species are not expected to occur on the Project Site due to the lack of suitable habitat. Two special status wildlife species, the big free-tailed bat and western mastiff bat, and one species of local concern, the California towhee, have the potential to forage and/or roost within the Project Site. Although habitat conditions on the Project Site are not ideal due to the level of disturbance in general and minimal availability of open space, there is a moderate likelihood for the two bat species to forage and/or roost throughout the Project Site due to the presence of potentially suitable habitat, including man-made structures, such as buildings and bridges. The California towhee has a low likelihood to occur for foraging or nesting due to the presence of small patches of vegetation in a few locations on site. In addition, due to the abundance of California towhee throughout the region, and the low likelihood for direct mortality due to species mobility, and the extremely minimal loss of suitable habitat, impacts on this species are considered less than significant.

The western mastiff bat is found in many open semi-arid to arid habitats, including conifer and deciduous woodlands, coastal scrub, grasslands, palm oases, chaparral, and desert scrub, but is also commonly found in urban areas. This species typically forages in open areas with high cliffs and roosts in small colonies in crevices on cliff faces but may also use crevices in structures. The big free-tailed bat feeds primarily on moths caught while flying over water sources in suitable habitat in the southwestern U.S. This species prefers rugged, rocky terrain and roosts in crevices in high cliffs or rocky outcrops, but may also use

crevices in structures in urban areas. Although habitat conditions on the Project Site are not ideal due to the level of disturbance in general and minimal availability of open space, there is a moderate likelihood for both species to forage and/or roost throughout the Project Site. While temporary loss of habitat is not likely to affect regional populations of these two bat species, construction activities, such as building demolition, tree removal, and demolition of other structures on the Project Site, may result in direct mortality of individuals or untimely abandonment of a roost. **As such, impacts on these species would be potentially significant.**

(b) Indirect Impacts

Indirect impacts, often called “edge effects,” are those that affect the quality of nearby wildlife habitat resulting from disturbance by construction (such as noise, night lighting, and human activity) and/or the long-term use of the Project Site and utility alignment. The Project’s potential indirect impacts are described below.

(i) Special Status Vegetation and Plant Species

Potential indirect impacts to special status vegetation and plant species could occur from increased dust levels during construction, which could settle on plants in the area and result in reduced health. Additionally, the introduction of non-native, invasive plant and weed species could degrade the quality of the regional vegetation, including vegetation communities that provide suitable habitat for special status species. However, as discussed above, there are no special status vegetation or plant species expected to occur on the Project Site. **As such, no indirect impacts to special status vegetation and plant species would occur.**

(ii) Special Status Wildlife Species

Noise and Vibration

As described above, two special status wildlife species, the big free-tailed bat and western mastiff bat, and one species of local concern, the California towhee, have the potential to forage and/or roost within the Project Site. During active construction, temporary noise and vibration levels have the potential to disrupt foraging, nesting, roosting, and/or denning activities for a variety of wildlife species, such as birds and bats. Construction noise and vibration could deter wildlife from using habitat adjacent to construction. However, the Project Site and adjacent areas are already highly urbanized and reflect an urban noise environment where other construction activities occur. In addition, a substantial amount of similar urban habitat is present in the vicinity of the Project Site where the animals may disperse while construction of the Project is underway. **Therefore, as concluded in the Biological Resources Report, indirect impacts to special status wildlife from construction-related noise and vibration would be less than significant.**

As provided in Section IV.K, Noise, of this Draft EIR, following construction of the Project, the ambient noise and vibration levels adjacent to the Project Site are expected to incrementally increase. Wildlife species stressed by noise and vibration may disperse from the habitat immediately adjacent to the Project Site. Increases in noise and vibration, if substantial enough, can cause a variety of reactions in wildlife species, such as retreating into concealed spaces or fleeing the areas, which may result in harm to the individual. However, as discussed in the Biological Resources Report, this effect on biological resources would be limited to very low numbers and highly urban adapted species, and the persistence of such species in the region is not expected to be negatively affected to any measurable degree. In addition, the Project would result in a net increase in on-site trees and other landscaping, which would provide habitat for some of the wildlife species that currently utilize the existing on-site habitat. **Therefore, indirect impacts to special status wildlife from operation-related noise and vibration would be less than significant.**

Night Lighting

Night lighting may impact the behavioral patterns of nocturnal and crepuscular (i.e., active at dawn and dusk) wildlife adjacent to night lighting. Due to the urban setting of the Project Site and the presence of existing night lighting throughout most of the Project Site and adjacent areas, the potential increase in night lighting from the Project, if any, would be negligible and is not expected to affect biological resources of the area. **Therefore, indirect impacts of night lighting on special status wildlife species would be less than significant.**

(c) Conclusion

In summary, based on the above, the Project would not have a substantial direct or indirect adverse effect on special status vegetation and plant species. However, the Project could potentially have a substantial adverse effect on special status wildlife species (the big free-tailed bat and western mastiff bat), and impacts would be potentially significant.

(2) Mitigation Measures

The following mitigation measures are required to reduce Project impacts related to special-status wildlife species:

Mitigation Measure BIO-MM-1 (Bat Roost Avoidance and Impact Minimization):

To avoid the direct loss of bats that could result from removal of trees and/or structures that may provide day or night roost habitat (e.g., in cavities or under loose bark), the following methods shall be implemented:

- a. Tree/structure removal activities shall be scheduled outside of the maternity roosting season for bats (October 1 and February 28) to avoid potential impacts to special-status bat species.
- b. No less than 15 days before scheduled tree/structure removal, a Qualified Biologist experienced with bat roost biology shall conduct a pre-construction reconnaissance survey to identify those trees and/or structures proposed for disturbance that could provide hibernacula, roosting, or nursery colony habitat for bats. If trees and/or structures are removed outside the maternity season (March 1 to September 30), a Qualified Biologist experienced with bat roost biology shall conduct a follow up focused bat survey no less than 7 days before scheduled tree/structure removals. The surveys shall be conducted at dusk and after nightfall by a Qualified Biologist. Each tree and/or structure identified as potentially supporting an active maternity roost or day roost shall be closely inspected by the bat specialist to more precisely determine the presence or absence of roosting bats. If an active roost site is located during the survey, the roost shall be avoided, the tree and/or structure determined to be a maternity roost shall be left in place, and Project activities shall be conducted as recommended by the Qualified Biologist to avoid the area. A report shall be submitted to the City with the results of the survey and any needed maternity roost avoidance actions.
- c. To minimize disturbance to night roosts, tree removal activities shall not be conducted within 100 feet of bridges between 10:00 P.M. and sunrise at any time of year when work is conducted.
 - i. Bird exclusion netting shall not be used on underside of bridges.
 - ii. Lights shall not be used under bridges.
 - iii. Combustion equipment, such as generators, pumps, and vehicles, shall not be parked or operated under bridges.
 - iv. Personnel shall not be present under bridges from half an hour before sunset to half an hour after sunrise.
- d. If bats are not detected, but the Qualified Biologist determines that roosting bats may be present at any time of year, trees/structures that are to be demolished shall be slowly pushed down under the operator's control using heavy machinery rather than felling them with chainsaws. To ensure the optimum warning for any roosting bats that may still be present, the tree/structure shall be pushed lightly two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree shall then be pushed to the ground slowly and shall remain in place until it has been inspected by a qualified biologist. Trees that are observed to have bats during this process shall not be sawn up or mulched immediately. A period of at least 24 hours shall elapse prior

to such operations to allow bats to escape. Bats shall be allowed to escape prior to demolition of trees/structures. This may be accomplished by placing one-way exclusionary devices into areas where bats are entering a building to allow them to exit but not enter the tree/structure.

- e. The Qualified Biologist shall document all demolition monitoring activities and prepare a summary report upon completion of tree disturbance and/or building demolition activities.

(3) Level of Significance After Mitigation

With implementation of Mitigation Measure BIO-MM-1, potentially significant impacts related to special-status wildlife species would be reduced to less than significant with mitigation.

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 Game or U.S. Fish and Wildlife Service?

(1) Impact Analysis

As previously described, the Los Angeles River and Tujunga Wash are concrete-lined channels, which prevent the establishment of vegetation within them. As a result, there are no riparian habitats that would be subject to CDFW or USFWS jurisdiction. Furthermore, as indicated in the analysis under Threshold (a) above, none of the on-site vegetation types or other areas (see Figure IV.C-3 on page IV.C-30) are considered special status by resource agencies, and while there are a few scattered oak tree groupings within landscaped areas of the developed site, they do not represent an oak woodland because these trees were purposefully planted, they have no woodland understory, and because there are several non-native tree species interspersed with the oaks.³⁸ **As such, there is no riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS on the Project Site, and no impact would occur.**

(2) Mitigation Measures

No Project-level impacts related to riparian habitat or other sensitive natural community would occur. Therefore, no mitigation measures are required.

³⁸ Psomas, *Biological Resources Technical Report—Radford Studio Center Project*, November 2024. Included in Appendix E of this Draft EIR.

(3) Level of Significance After Mitigation

No Project-level impacts related to riparian habitat or other sensitive natural community would occur. Therefore, no mitigation measures were required or included.

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?

(1) Impact Analysis

As discussed previously, there are no federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) as defined by Section 404 of the Clean Water Act on the Project Site. **Therefore, the Project would not have a substantial adverse effect on State or federally protected wetlands through direct removal, filling, hydrological interruption, or other means, and no impacts to state or federally protected wetlands would occur.**

However, there are two jurisdictional features—the Los Angeles River and Tujunga Wash—that pass through the Project Site. As discussed in Section b(5)(b) above and as indicated in Figure IV.C-2 on page IV.C-20, both the Los Angeles River and the Tujunga Wash are non-wetland waters of the U.S. (regulated by the USACE); unvegetated, non-wetland “waters of the State” (regulated by the RWQCB), and CDFW jurisdictional waters. The jurisdictional limits for all three agencies (USACE, RWQCB, and CDFW) are equal, so that a total of 10.33 acres of jurisdictional features (4.73 acres for the Los Angeles River and 5.60 acres for the Tujunga Wash) are present. As discussed in the Biological Resources Report, these drainage features were converted to concrete-lined storm drains in the 1950s and are hydrologically separated from the rest of the Project Site. **As a result, no indirect impacts to these drainage features are anticipated from any ground disturbances associated with the Project.**

As discussed in Section II, Project Description, of this Draft EIR, and as indicated in Figure IV.C-4 on page IV.C-37, the Project proposes the following activities that may affect drainage features: (1) the expansion of the existing bridge internally connecting the North Lot to the South Lot over the Los Angeles River (i.e., Gilligan’s Island Road bridge expansion); and (2) the construction of a new bridge (i.e., the Radford Bridge) over the Tujunga Wash. These construction activities could potentially encroach on the Los Angeles River and the Tujunga Wash and be considered an encroachment on these facilities pursuant to 33 CFR, Part 208.10. Therefore, a permit from the USACE pursuant to U.S. Code Title 14, Section 408 may be required prior to construction of the two proposed bridges associated with the Project. Consultation with the USACE Civil Works Branch is required to review the



Figure IV.C-4
Impacts to Jurisdictional Resources

Source: Psomas, Biological Resources Technical Report - Radford Studio Center Project, April 2024.

proposed bridge designs to confirm the need for a Section 408 permit. The USACE Civil Works Branch reviews projects that propose to occupy or use an existing USACE civil works project pursuant to 33 USC Section 408. Examples of civil works projects include levees, dams, sea walls, jetties, dikes, wharfs, piers, and wetland restoration projects funded by or built by the USACE. Areas subject to USACE review for a Section 408 permit extend outward from the facility itself to include an associated maintenance easement (which extends approximately 25 feet beyond the edge of the Los Angeles River and Tujunga Wash). The USACE may grant such permission if it determines the alteration proposed will not be “injurious to the public interest” and “will not impair the usefulness” of the civil works project.

Additional regulatory permitting is dependent on the proposed methods of bridge construction. Specifically, consultation with the regulatory agencies (USACE, RWQCB, and CDFW) would be required to determine if the placement of material (e.g., sandbags, diversion pipe) to divert water around a work area or if the installation of bridge falsework (temporary supports) to support bridge construction would require the issuance of permits pursuant to Sections 401 and 404 of the Clean Water Act. Additionally, notification to the USACE and RWQCB is required if construction equipment needs to operate within the jurisdictional limits of the two drainage features.

Currently, the Gilligan’s Island Road bridge spans the Los Angeles River without touching the side walls of the channels. The expansion of this bridge would also avoid touching the side walls of the channel. Similarly, the new Radford Bridge would not require any modification to the concrete lined channel of the Tujunga Wash. However, as described above, the placement of bridge falsework or water diversion materials (e.g., sandbags, diversion pipe) within the channel would require notification to the USACE to determine if a Section 408 permit would need to be issued. With regard to notification to and/or consultation with the CDFW, pursuant to California Fish and Game Code Section 1602, the CDFW issues Lake or Streambed Alteration Agreements (LSAAs) for activities that would “substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material ...” As discussed in the Biological Resources Report, if a stream diversion is necessary, the Project design would only divert water around a specific work area temporarily, and, upon completion of the Project, no permanent diversion of water would result from the Project. All flows would remain in the channel and would continue downstream in the same manner as without the diversion. Accordingly, no downstream riverine habitat areas would be expected to experience any change in flows resulting from Project implementation.³⁹ Overall, proposed bridge construction activities would not be expected to substantially alter the Tujunga Wash or the

³⁹ Psomas, *Biological Resources Technical Report—Radford Studio Center Project, November 2024. Included in Appendix E of this Draft EIR. Based on information in the Jurisdictional Delineation Report—Radford Studio Center Project included as Appendix A of the Biological Resources Report.*

Los Angeles River because the bridges would not result in substantial modifications to the structure of the channel bottom or side walls of these channels and would have no effect on water flows or the ability of these channels to convey water. Additionally, while the CDFW may consider additional shading on stream bottom to be an indirect Project impact, the lack of aquatic habitat in the channel would likely not constitute an impact. Indirect shading impacts would include approximately 5,410 square feet (0.12 acres) associated with the Radford Bridge and approximately 1,350 square feet (0.03 acres) associated with the Gilligan's Island Road bridge expansion (see Figure IV.C-4 on page IV.C-37).

Regarding water quality impacts to the Los Angeles River and Tujunga Wash, stormwater runoff traversing the Project Site during construction could potentially carry silt, petroleum and rubber residue, and other construction-related pollutants from the Project construction sites to the Los Angeles River and Tujunga Wash during the construction period.⁴⁰ However, by complying with applicable regulations and through implementation of the required SWPPP and water quality BMPs to reduce construction-related pollutants in stormwater runoff from the construction sites, Project construction-related water quality impacts on the Los Angeles River and Tujunga Wash would be considered less than significant.⁴¹ Refer to Section IV.I, Hydrology and Water Quality, of this Draft EIR for further analysis of the hydrology and water quality impacts of the Project.

Lastly, it should be noted that the Project has been designed to be consistent with the City's RIO District landscaping requirements, including providing for the planting of native trees, plants, and shrubs, as well as the City's LARRMP and the County's Los Angeles River Master Plan. See the analysis under Threshold (e) below for further discussion.

In summary, prior to any construction activities occurring adjacent to or within waters under the regulatory authority of the USACE, RWQCB, or the CDFW, the Applicant would prepare and process an USACE Section 404 permit application; an USACE Section 408 permit application; an RWQCB Application for Discharges of Dredged or Fill Material to Waters of the State; and a CDFW Section 1602 Notification of Lake or Streambed Alteration, as applicable. As part of the permitting process, the Applicant would meet with RWQCB and CDFW staff to discuss the Project. The Applicant would implement and comply with all measures required by the USACE, RWQCB, and CDFW permits, as applicable. **As such, with compliance with applicable regulatory requirements, Project impacts on jurisdictional features would be less than significant.**

⁴⁰ Psomas, *Biological Resources Technical Report—Radford Studio Center Project*, November 2024. Included in Appendix E of this Draft EIR. Based on information in the *Jurisdictional Delineation Report—Radford Studio Center Project* included as Appendix A of the *Biological Resources Report*.

⁴¹ Psomas, *Biological Resources Technical Report—Radford Studio Center Project*, November 2024. Included in Appendix E of this Draft EIR. Based on information in the *Jurisdictional Delineation Report—Radford Studio Center Project* included as Appendix A of the *Biological Resources Report*.

Overall, as discussed above, there are no State or federally protected wetlands on the Project Site, and, as such, the Project would not have a substantial adverse effect on State or federally protected wetlands through direct removal, filling, hydrological interruption, or other means as no impact would occur.

With regard to the two jurisdictional features that pass through the Project Site, the Los Angeles River and Tujunga Wash, which are regulated by the USACE, RWQCB, and CDFW, Project impacts on these jurisdictional features would be less than significant.

(2) Mitigation Measures

No Project-level impacts related to State or federally protected wetlands would occur. Therefore, no mitigation measures are required.

Impacts on jurisdictional features would be less than significant with compliance with regulatory requirements. Therefore, no mitigation measures are required.

(3) Level of Significance After Mitigation

No Project-level impacts related to State or federally protected wetlands would occur. Therefore, no mitigation measures were required or included.

Project-level impacts related to jurisdictional resources would be less than significant. Therefore, no mitigation measures were required or included, and the impact level remains less than significant.

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

The Project Site is located within a largely developed area with substantial barriers to wildlife movement. The Project Site does not occur within or adjacent to a recognized regional wildlife corridor. As indicated previously, the Project Site is surrounded by commercial and residential development that does not provide significant opportunities for wildlife movement. The Project Site is located approximately one mile north of the Hollywood Hills, which is the closest area that provides substantial natural open space. Griffith Park, located approximately three miles southeast of the Project Site, provides more expansive areas of native habitat although it is separated from the Project Site by US-101 and SR-134.

Native habitat areas to the north or northeast of the Project Site are more than five miles away.⁴² In addition, the Los Angeles River and Tujunga Wash represent substantial barriers to wildlife movement for all wildlife except those that may be using the channels themselves as movement corridors. These channels provide unobstructed pathways for travel and may provide some dispersal potential for wildlife. However, these unvegetated concrete channels do not provide any opportunity for cover or foraging for dispersing wildlife, there is very little connectivity with other portions of the Project Site due to the vertical side levees of the channels, and the Project would not place permanent impediments within these channels.⁴³

Many common bird species, such as rock dove (*Columba livia*), house finch, house sparrow, mourning dove, lesser goldfinch (*Spinus psaltria*), and American crow (*Corvus brachyrhynchos*), have the potential to nest in the vegetation, on buildings, and other infrastructure, or on the ground throughout the Project Site. The MBTA and California Fish and Game Code prohibit the taking of migratory birds, nests, and eggs. As such, the loss of an active migratory bird nest, including nests of common species, would be considered a violation of the MBTA and Sections 3503, 3503.5, and 3513 of the California Fish and Game Code. Project development would involve clearing portions of the Project Site, including removal of certain buildings, landscaping, and trees, which could potentially be used by nesting birds. However, as part of the Project and in accordance with Project Design Feature BIO-PDF-2 included above, if any active bird nest is found during a pre-construction nesting bird survey or is discovered inadvertently during earthwork or construction-related activities, a Qualified Biologist will be retained by the Applicant or Owner to determine an appropriate avoidance buffer, which will be no less than is necessary to protect the nest, eggs, and/or fledglings from damage or disturbance.

Therefore, the Project would not 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, and impacts would be less than significant.

(2) Mitigation Measures

Project-level impacts related to fish and wildlife movement/corridors would be less than significant. Therefore, no mitigation measures are required.

⁴² Psomas, *Biological Resources Technical Report—Radford Studio Center Project*, November 2024. Included in Appendix E of this Draft EIR.

⁴³ Psomas, *Biological Resources Technical Report—Radford Studio Center Project*, November 2024. Included in Appendix E of this Draft EIR.

(3) Level of Significance After Mitigation

Project-level impacts related to fish and wildlife movement/corridors were determined to be less than significant without mitigation. Therefore, no mitigation measures were required or included, and the impact level remains less than significant.

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) City of Los Angeles General Plan

(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." The Project would develop new studio facilities on a Project Site that is already fully developed with studio uses. However, the Project would not include development in the segments of the Los Angeles River and Tujunga Wash passing through or immediately bordering the Project Site. Thus, the Project would not convert open space to urban use or otherwise affect the City's natural setting. Furthermore, with implementation of Mitigation Measures BIO-MM-1 and BIO-MM-2, the Project would not result in significant and unavoidable impacts to biological resources, as determined in the analyses herein. Thus, the Project would not conflict with the biological resources-related objectives and policies of the City's Framework Element.

(ii) Conservation Element

The City's Conservation Element includes specific objectives, policies, and programs related to the protection of 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." As discussed in the analyses herein, the Project would have less-than-significant

impacts to biological resources with the implementation of Mitigation Measures BIO-MM-1 and BIO-MM-2.

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 fully developed, is located within an urbanized area of the City, and would not develop urban uses within the channels of the Los Angeles River or Tujunga Wash. Furthermore, as discussed previously, the Project would have less-than-significant impacts on migratory wildlife corridors and, as discussed in the analysis under “Other Policies and Ordinances” below, would be consistent with the City’s RIO District Ordinance landscaping requirements, including providing for the planting of native trees, plants, and shrubs, and implementation of the City’s LARRMP and the County’s Landscaping Guidelines. Therefore, the Project would not conflict with the biological resources-related objectives and policies of the City’s Conservation Element.

(iii) Open Space Element

The Open Space Element includes goals calling for the continued provision of and access to existing open space in the City; conserving open space to provide recreation and access to open space lands; and, where development occurs in proximity to desirable open space areas, including roads and trails in private development adequate to serve both that development and the immediately adjacent recreation and open space areas. The Project would retain the Los Angeles River and Tujunga Wash in their existing undeveloped (albeit disturbed) condition and would increase access to and the enjoyment of these publicly-accessible recreational and open space features by providing pedestrian/bicycle path improvements, trees, and other landscaping along these channels.

The Open Space Element also includes a goal stating that, 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 and that all measures should be taken to protect these areas including buffering ecologically important areas from conflicting or detrimental uses. The Project Site is not located within a City-designated SEA.⁴⁴ The Project Site is fully developed and is surrounded by development in an urbanized area of the City. The Project would also provide trees as buffers between the developed portion of the Project Site and the portions of the Los Angeles River and Tujunga Wash passing through or immediately bordering the Project Site. As discussed further in the analysis under “Other Policies and Ordinances” below, the Project would be consistent with the City’s RIO District Ordinance landscaping requirements, including providing for the planting of native trees,

⁴⁴ City of Los Angeles, *Significant Ecological Area Hub*, https://geohub.lacity.org/maps/edit?content=c01bf32eee6d4768ac0a82470c810648_12, accessed February 21, 2024.

plants, and shrubs, and implementation of the City's LARRMP and the County's Landscaping Guidelines.⁴⁵ Furthermore, the Los Angeles River and Tujunga Wash passing through or immediately bordering the Project Site are not part of an SEA and they are not considered an ecologically important area for regional wildlife movement. As such, as evaluated under Threshold (d) above, the Project would result in less-than-significant impacts to wildlife movement. Thus, the Project would not conflict with the biological resources-related objectives and policies of the City's Open Space Element.

(iv) Sherman Oaks–Studio City–Toluca Lake–Cahuenga Pass Community Plan

The Project Site is located within the Sherman Oaks–Studio City–Toluca Lake–Cahuenga Pass Community Plan area. As provided above, there are no goals, objectives, or policies in the Community Plan specifically related to biological resources. As such, none are addressed as part of this analysis.

(b) City of Los Angeles Tree Protection Ordinance

The City of Los Angeles regulates trees that are designated as “protected trees” as defined by Chapter IV, Article 6, Section 17.02 of the LAMC. Project impacts on protected trees and shrubs, including oak trees and western sycamores, that have a cumulative minimum trunk DSH of four inches would require permitting with the City. Additionally, all non-protected trees with a minimum trunk DBH of eight inches require documentation.

A total of 625 trees and palms were inventoried on the Project Site. Of those, 609 are onsite private property trees and 16 are public right-of-way street trees. Of the trees documented on the Project Site, 45 meet the definition of a protected tree or shrub, including 35 coast live oaks, 9 western sycamores, and 1 toyon.⁴⁶

Removal of protected private trees or street trees requires a Tree Removal Permit through the City's Department of Public Works, Urban Forestry Division, and replacement trees are required at a ratio that is consistent with the Tree Protection Ordinance. The current replacement ratio for permitted protected tree removals is 4:1, while the replacement ratio

⁴⁵ *As a part of the Project's compliance with the City's RIO District Ordinance requirements, the Project would provide building setbacks from and pedestrian/bicycle trails and buffering trees and other landscaping along the Los Angeles River and Tujunga Wash, implement measures to avoid light spillover and noise and dust intrusion (including into the channels), and would include the planting of trees and landscaping species that are both low water consuming and consistent with the native non-invasive species permitted under the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes.*

⁴⁶ *Psomas, Biological Resources Technical Report—Radford Studio Center Project, November 2024. Included in Appendix E of this Draft EIR. Based on information in the Tree Report included as Appendix B of the Biological Resources Report.*

for street tree removals is 2:1.⁴⁷ The Tree Protection Ordinance does not regulate the removal of non-protected trees.

If subject to the Tree Protection Ordinance, the Project's removal of 39 protected trees may require installation, bonding, and post-planting monitoring of 156 replacement trees of the same species as those removed. The Project is also expected to result in the removal of 338 non-protected tree and palm species that are expected to require replacement at a 1:1 ratio. **Regardless, as provided in the Biological Resources Technical Report, construction activities related to the Project, including grading, excavation, and building construction in proximity to existing trees would impact protected trees, and therefore, impacts would be potentially significant.**

(c) Other Policies and Ordinances

In compliance with efforts to revitalize the Los Angeles River and consistent with the City's RIO District Ordinance landscaping requirements, the City's LARRMP, and the County's Landscaping Guidelines, the Project would help beautify and enhance public access to the Los Angeles River and Tujunga Wash. Specifically, the Project would include 77,406 square feet of open space with pedestrian walkways, trees and other landscaped elements, and protected bicycle lanes along the Project's Los Angeles River and Tujunga Wash frontages. In particular, implementation of the Project would facilitate the construction of an enhanced greenway along the north/east side of the Los Angeles River at Colfax Avenue, headed northwesterly along the Tujunga Wash to the intersection of Moorpark Street and Radford Avenue. A bicycle connection between the Los Angeles River and a proposed bridge crossing would link pedestrians and bicycle riders to a street-level walking path and protected bikeway proceeding south along Radford Avenue to the alignment of the Los Angeles River bicycle path proposed by the County's 2022 Los Angeles River Master Plan. Buildout of the Project would close an existing gap and complete an essential segment of the City and County's planned network of devoted bicycle infrastructure at a critical intersection of the Tujunga Wash and Los Angeles River located within the Project Site.

In summary, the Project would include an increase in landscaping at the Project Site, including new shrubs and groundcover. All new Project trees and ground level landscaping would be California native species permitted in the RIO District and by the LARRMP Landscaping Guidelines and Plant Palette. In addition, pursuant to Project Design Feature BIO-PDF-1, the Project would not use non-native, invasive plant species in landscaping. Furthermore, the majority of the proposed new landscaping would be in the Very Low and Low hydrozone water use categories, with only some of the proposed landscaping in the

⁴⁷ Psomas, *Biological Resources Technical Report—Radford Studio Center Project, November 2024. Included in Appendix E of this Draft EIR. Based on information in the Tree Report included as Appendix B of the Biological Resources Report.*

Moderate hydrozone category and none in the High hydrozone category.⁴⁸ Therefore, the Project would not conflict with the RIO zoning or the applicable policies and requirements of the LARRMP and Landscaping Guidelines. See Section IV.J, Land Use and Planning, of this Draft EIR for further analysis of Project consistency with RIO zoning requirements.

(d) Conclusion

Based on the above, the Project would potentially conflict with local policies or ordinances protecting biological resources (trees). Impacts would be potentially significant.

(2) Mitigation Measures

The following mitigation measure is proposed to reduce Project impacts related to conflicts with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance:

Mitigation Measure BIO-MM-2 (Tree Protection): Trees to be preserved on-site during the construction process shall have the following best management practices implemented to ensure their protection during construction:

- Prior to the initiation of construction activities, protective fencing shall be placed around the tree protection zone (at least 12 times the tree's trunk diameter-at-standard height) of all trees that are in the vicinity of the Project's construction and are intended to remain in place. No ground disturbance or storage of construction materials should occur within the tree protection zone during construction.
- A Certified Arborist shall be retained to monitor construction activities of any ground disturbance planned within the tree protection zone for any tree to be preserved during construction.

(3) Level of Significance After Mitigation

With implementation of Mitigation Measure BIO-MM-2, potentially significant impacts related to conflicts with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, would be reduced to less than significant.

⁴⁸ *A hydrozone is an area with plant materials that have similar water needs and similar site, slope, sun exposure and soil conditions. Hydrozones can range from low to high and are defined by the low or high water use of the plant material.*

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

As discussed in Section VI, Other CEQA Considerations, of this Draft EIR, and evaluated in the Initial Study included as Appendix A of this Draft EIR, no Habitat Conservation Plan, Natural Community Conservation Plan, or other approved habitat conservation plans apply to the Project Site.⁴⁹ Therefore, as concluded in the Initial Study, 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). No further analysis of this issue is required.

e. Project Impacts with Long-Term Buildout

Project buildout may occur in one phase, with a total construction period of approximately 39 months. Construction could begin in 2025 and end as early as 2028.⁵⁰ However, the Applicant is seeking a Development Agreement with a term of 20 years, which could extend the full buildout year to approximately 2045. The Development Agreement would confer a vested right to develop the Project in accordance with the Specific Plan and a Mitigation Monitoring Program (MMP) throughout the term of the Development Agreement. The Specific Plan and MMP would continue to regulate development of the Project Site and provide for the implementation of all applicable Project Design Features and mitigation measures associated with any development activities during and beyond the term of the Development Agreement. Additionally, given that biological resources conditions are site-specific and that the Project would continue the existing studio use on the Project Site and would not introduce uses that could alter the limited existing or future plant and animal habitat, a later buildout date would not affect the impacts or significance conclusions presented above.

f. Cumulative Impacts

(1) Impact Analysis

As discussed in Section III, Environmental Setting, of this Draft EIR, there are 13 related development projects that have been identified in the vicinity of the Project Site

⁴⁹ California Department of Fish and Wildlife, *California Regional Conservation Plans*, October 2017.

⁵⁰ *Construction of the proposed Radford Bridge, extending from the northern terminus of Radford Avenue north across the Tujunga Wash to Moorpark Street, may be completed after 2028.*

through 2028, the Project's anticipated buildout year.⁵¹ Under CEQA, the cumulative impact from several projects is the change in the environment which results from the incremental impact of the Project when added to other closely related past, present, and reasonably foreseeable probable future projects. The Project Site, adjacent areas, and region in general is highly developed. Other projects that have occurred and are expected to occur in the Project area would be expected to be modifications of existing developed areas with minimal open space and minimal biological resources and therefore minimal biological resource impacts. In addition, as with the Project, the related projects and other cumulative development in the area would be required to comply with applicable regulations and incorporate mitigation measures, as needed, such that the biological resources impacts associated with the related projects, similar to the Project, would be expected to be less than significant with mitigation. Regardless, the Project would result in less-than-significant biological resources impacts with implementation of the proposed PDFs and mitigation measures identified in this section so that the Project's contribution to cumulative biological resources impacts would not be cumulatively considerable. **Therefore, cumulative biological resources impacts would be less than significant.**

(2) Mitigation Measures

Cumulative impacts related to biological resources would be less than significant. Therefore, no mitigation measures are required.

(3) Level of Significance After Mitigation

Cumulative impacts related to biological resources were determined to be less than significant without mitigation. Therefore, no mitigation measures were required or included, and the impact level remains less than significant.

⁵¹ *While Project buildout is anticipated in 2028, the Applicant is seeking a Development Agreement with a term of 20 years, which could extend the full buildout year to approximately 2045. A later buildout date would not affect the cumulative impact analysis related to land use and planning.*