APPENDIX B – BIOLOGICAL REPORT

Environmental Intelligence, LLC

BIOLOGICAL REPORT

3110, 3114, 3118, 3122, 3126, 3134, 3138, 3144, 3152 AND 3164 FUTURE STREET PROJECT

CITY OF LOS ANGELES, LOS ANGELES COUNTY, CALIFORNIA

Highrise Incorporated

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Environmental Intelligence, LLC (EI) was retained by Highrise Incorporated to conduct a habitat assessment for special-status plant and wildlife species in support of the Future Street Project (Proposed Project) located at 3110, 3114, 3118, 3122, 3126, 3134, 3138, 3144, 3152, and 3164 Future Street in the City of Los Angeles, Los Angeles County, California (Exhibit 1). The results of the habitat assessment (1) document existing site conditions; (2) identify vegetation/habitat communities; (3) identify suitable habitat for sensitive species; and (4) provide recommendations for proposed activities.

The Proposed Project consists of grading and construction activities, including removal of trees and vegetation, for 10 new single-family homes on a vacant lot on the northeast side of Future Street.

Two non-sensitive vegetation communities and two land cover types were identified during the habitat assessment.

One special-status plant species, southern California black walnut (*Juglans californica;* CRPR 4.2), was observed during the habitat assessment.

No special-status wildlife species were detected during the habitat assessment.

Trees, shrubs, and buildings on-site and adjacent to the Proposed Project site provide suitable nesting habitat for bird species. Proposed Project impacts will be less than significant with implementation of BIO Mitigation Measure 1.

1.0 INTRODUCTION

Environmental Intelligence, LLC (EI) was retained by Highrise Incorporated to conduct a habitat assessment for special-status plant and wildlife species in support of the Future Street Project (Proposed Project) located at 3110, 3114, 3118, 3122, 3126, 3134, 3138, 3144, 3152, and 3164 Future Street in the City of Los Angeles, Los Angeles County, California (Exhibit 1). The results of the habitat assessment (1) document existing site conditions; (2) identify vegetation/habitat communities; (3) identify suitable habitat for sensitive species; and (4) provide recommendations for proposed activities.

1.1 Project Location and Description

The Proposed Project is located at 3110, 3114, 3118, 3122, 3126, 3134, 3138, 3144, 3152 and 3164 Future Street in the City of Los Angeles, Los Angeles County, California. The Proposed Project is within Township 01 South, Range 13 West of the Los Angeles United States Geological Survey (USGS) 7.5-minute quadrangle.

The Proposed Project is located within the Mount Washington/Glassell Park Specific Plan area. Land use near the Proposed Project is primarily residential within the Cypress Park community. Cypress Park is a densely populated neighborhood with areas of open hillsides near the Proposed Project.

The Proposed Project consists of grading and construction activities, including removal of trees and vegetation, for 10 new single-family homes on a vacant lot on the northeast side of Future Street.

2.0 REGULATORY FRAMEWORK

The Proposed Project will comply with applicable federal, state, and local laws, ordinances, regulations, and standards (LORS) throughout Project construction. Potentially applicable LORS are discussed below.

2.1 Federal

2.1.1 FEDERAL ENDANGERED SPECIES ACT (FESA)

This 1973 law, administered by the United States Fish and Wildlife Service (USFWS), is designed to minimize impacts to imperiled plants and animals, as well as facilitate recovery of such species. Declining plant and animal species are listed as “endangered” or “threatened” based on a variety of factors. Applicants for projects requiring federal agency action that could adversely affect listed species are required to consult with and mitigate impacts in consultation with the USFWS. Adverse impacts are defined as “take” (defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in such conduct”), which is prohibited except as authorized through consultation under Section 7 or through issuance of an Incidental Take Permit under Section 10.

2.1.2 MIGRATORY BIRDS

The protection of birds is regulated by the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA). Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the USFWS (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668[a]).

The MBTA makes it illegal for anyone to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to federal regulations. The migratory bird species protected by the MBTA are listed in 50 CFR 10.13.

2.1.3 BALD AND GOLDEN EAGLE PROTECTION ACT

The BGEPA (16 U.S.C. 668-668c), enacted in 1940, and amended several times since then, prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" bald and golden eagles, including their parts, nests, or eggs. The BGEPA provides criminal penalties for persons who "take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle...or any golden eagle, alive or dead, or any part, nest, or egg thereof." The BGEPA defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." Disturb is

defined under the BGEPA as to agitate or bother an eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior (Pagel et al. 2010). In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations around a previously used nest site during a time when eagles are not present, if, upon the eagle's return, such alterations agitate or bother an eagle to a degree that interferes with or interrupts normal breeding, feeding, or sheltering habits, and causes injury, death or nest abandonment.

2.1.4 CLEAN WATER ACT

Section 404 of the Clean Water Act (CWA, 33 USC 1251 et seq.) regulates the discharge of dredged or filled material into 'waters of the U.S.', including wetlands. Waters of the U.S. include navigable coastal and inland waters, lakes, rivers, streams, and their tributaries; interstate waters and their tributaries; wetlands adjacent to such waters; intermittent streams; and other waters that could affect interstate commerce. The U.S. Army Corps of Engineers (USACE) is the designated regulatory agency responsible for administering the 404 permit program and for making jurisdictional determinations. This permitting authority applies to all waters of the U.S. where the material has the effect of (1) replacing any portion of waters of the U.S. with dry land, or (2) changing the bottom elevation of any portion of waters of the U.S. These fill materials would include sand, rock, clay, construction debris, wood chips, and materials used to create any structure or infrastructure in waters of the U.S. Dredge and fill activities are typically associated with development projects; water-resource related projects; infrastructure development and wetland conversion to farming; forestry; and urban development.

Under Section 401 of the CWA, an activity requiring a USACE Section 404 permit must obtain a State Water Quality Certification (or waiver thereof) to ensure that the activity will not violate established State water quality standards. The U.S. Environmental Protection Agency (USEPA) is the federal regulatory agency responsible for implementing the CWA. However, the State Water Resources Control Board (SWRCB), in conjunction with the nine California Regional Water Quality Control Boards (RWQCBs), has been delegated the responsibility for administering the Section 401 water quality certification program.

2.2 State of California

2.2.1 CALIFORNIA ENDANGERED SPECIES ACT (CESA)

The California Endangered Species Act (CESA) states that all native species of fishes, amphibians, reptiles, birds, mammals, invertebrates, and plants, and their habitats, threatened with extinction and those experiencing a significant decline which, if not halted, would lead to a threatened or endangered designation, will be protected or preserved. This state law prohibits the "take" (defined as to hunt, pursue, catch, capture, or kill) of state-listed species except as otherwise provided in state law. CESA, administered by the California Department of Fish and Wildlife (CDFW), is similar to the federal ESA, although unlike the federal law, CESA applies incidental take prohibitions to species currently petitioned for state-listing status (i.e., candidate species). State lead agencies are required to consult with the CDFW to ensure that their authorized actions are not likely to jeopardize the continued existence of any state-listed species or result in the degradation of occupied habitat. Under Section 2081, CDFW authorizes "take" of state-listed endangered, threatened, or candidate species through incidental take permits or memoranda of understanding. These acts, which are otherwise prohibited, may be authorized through permits or memoranda of understanding if (1) the take is incidental to otherwise lawful activities, (2) impacts of the take are minimized and fully mitigated, (3) the permit is consistent with regulations adopted in accordance with any recovery plan for the species in question, and (4) the applicant ensures suitable funding to implement the measures required by the CDFW. Should a species be both federally and state-listed, and if the federal ESA authorization fulfills CESA requirements, CDFW may streamline the CESA permitting process by adopting a Consistency Determination (Section 2081.1), that concurs with the federal authorization.

2.2.2 California Environmental Quality Act (CEQA)

CEQA applies to "projects" proposed to be undertaken or requiring approval by state and/or local governmental agencies. “Projects” are activities that have the potential to have a physical impact on the environment. The purpose of CEQA is to: (1) disclose to the public the significant environmental effects of a proposed discretionary project, through the preparation of an Initial Study (IS), Negative Declaration (ND), or Environmental Impact Report (EIR); (2) prevent or minimize damage to the environment through development of project alternatives, mitigation measures, and mitigation monitoring; (3) disclose to the public the agency decision-making process utilized to approve discretionary projects through findings and statements of overriding consideration; (4) enhance public participation in the environmental review process through scoping meetings, public notice, public review, hearings, and the judicial process; and (5) improve interagency coordination through early consultations, scoping meetings, notices of preparation, and State Clearinghouse review.

2.2.3 Fish and Game Code and Title 14 Laws and Regulations

Fish and Game Code (FGC) Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by the Code or any associated regulation. Section 3503.5 makes it unlawful to take, possess, or destroy birds of prey. It also prohibits the take, possession, or destruction of nests or eggs of any bird of prey. Section 3511 describes bird species, primarily raptors that are “fully protected.” Fully protected species may not be taken or possessed, except under specific permit requirements. No incidental take permit may be issued for a fully protected species.

Sections 4700, 5050, and 5515 list mammal, reptile and amphibian, and fish species, respectively, that are classified as fully protected in California.

Section 1900 *et seq.* describes the Native Plant Protection Act (NPPA). The NPPA was enacted in 1977 and allows the Fish and Game Commission to designate plants as rare or endangered. There are 64 species, subspecies, and varieties of plants that are protected as rare under the NPPA. The NPPA prohibits take of endangered or rare native plants, but includes some exceptions for agricultural and nursery operations, emergencies, and after properly notifying CDFW, for vegetation removal from canals, roads, and other sites, changes in land use, and in certain other situations.

Title 14, California Code of Regulations (CCR) lists plant and animal species designated as threatened and endangered in California. California Species of Special Concern (SSC) is a category applied by CDFW to those species that are indicators of regional habitat changes or are considered potential future protected species. SSCs do not have any special legal status, but are intended by CDFW for use as a management tool to take these species into special consideration when decisions are made concerning the future of any land parcel.

Pursuant to Sections 1600 through 1616 of the California Fish and Game Code, all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake in California that support wildlife resources and/or riparian vegetation are subject to CDFW regulations. Under Section 1602, it is unlawful for any person to substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated by CDFW as waters within their jurisdiction without first notifying CDFW of such activity. Additionally, a person cannot use any material from the streambeds without first notifying the CDFW of such activity. For a project that may affect stream channels and/or riparian vegetation regulated under Sections 1600 through 1616 of the California Fish and Game Code, CDFW authorization is required in the form of a Streambed Alteration Agreement.

2.3 Local

2.3.1 City of Los Angeles General Plan

The Proposed Project is subject to the requirements and authority of the City of Los Angeles General Plan (2001), governed by the City of Los Angeles Community Development Department. The City of Los Angeles is committed to balancing the need of a property owner desiring to develop his or her property, with the City’s desire to protect plants and wildlife. The Proposed Project shall be in compliance with all

applicable goals and actions as designated within the City General Plan to preserve plant and wildlife resources to encourage the preservation and conservation of plant and wildlife resources in the City.

2.3.2 MOUNT WASHINGTON/GLASSELL PARK SPECIFIC PLAN

The Proposed Project is subject to the requirements of the Mount Washington/Glassell Park Specific Plan (1993). The Mount Washington and Glassell Park community is characterized by distinctive hills and canyons, mature and native vegetation and wildlife habitats, natural open space and panoramic vistas, and pedestrian walking trails. The Specific Plan focuses on preserving, maintaining, and improving single-family residential neighborhoods. The Proposed Project shall be in compliance with all applicable goals and actions as designated within the Specific Plant to preserve plant and wildlife resources.

3.0 METHODS

3.1 Database Search and Literature Review

Prior to the initiation of field work, a review of pertinent literature was performed to determine which species/habitats identified as special-status by state, federal, and local resources agencies have the potential to occur within the Proposed Project area or immediate vicinity (within 3 miles). This included a review of the following pertinent databases and documents:

- USFWS Species Occurrence Data (USFWS 2018),
- Federal Register listing package and critical habitat determination for each federally listed Endangered or Threatened species potentially occurring within the Project vicinity (USFWS 2018),
- California Natural Diversity Database (CNDDB) RareFind application (CDFW 2018),
- Electronic Inventory of the California Native Plant Society (CNPS 2018) and Consortium of California Herbaria (CCH 2018),
- County of Los Angeles General Plan (2001)
- Mount Washington/Glassell Park Specific Plan (1993)

Special-status species with the potential to occur within the Proposed Project site were evaluated based on (1) age of recorded observations, (2) the species' range, (3) habitat requirements of the species versus the major plant community/habitat within the site's vicinity, and (4) previous records or observations during field surveys. These species were classified as one of the following:

- **Occurs**: the species and/or positive sign was observed on-site during the habitat assessment.
- **High potential for occurrence**: all site features indicate this species is very likely present and should be expected. Criteria include (1) project site within geographic range; (2) suitable habitat present (e.g., soils, vegetation communities, elevation); and (3) age of historical record(s) within 3 miles are less than 25 years old.
- **Low potential for occurrence**: species could occur, but records of the species are not locally common. Criteria include (1) Project site within geographic range; (2) suitable/marginal habitat present (e.g., soils, vegetation communities, elevation); and (3) age of historical records(s) within 3 miles are over 25 years old.
- **Does Not Occur**: species would not occur because the Proposed Project site is outside known or current geographic/elevation range, lacks habitat or suitable conditions, and/or there is reasonable certainty to assume absent based on age or distance of historical records.

Results of the database and literature review are included as Appendix D.

3.2 Field Surveys

EI biologist Travis Tolliver conducted a habitat assessment survey on July 2, 2018 to determine the potential effects of the Proposed Project on any protected resources that may be present in and around the site. The

survey area included a 100-foot buffer around the Proposed Project site; however, adjacent private residential yards were not surveyed. Mr. Tolliver walked slowly through the survey area to document existing site conditions, map vegetation/habitat communities, identify wildlife species and avian nests present, and identify areas that provide suitable habitat (e.g., vegetation communities, potential bat roosts, raptor nests, burrow complexes, etc.) for any special-status species. Particular focus during the survey was given to trees in the area that could provide suitable habitat for nesting birds. Mr. Tolliver stopped periodically to listen and watch for potential nesting behavior. During the survey, binoculars were used to view all structures and trees, and photographs were taken to document the site conditions (Appendix A). Special-status plant and wildlife species or sign were recorded with a Global Positional System (GPS) handheld unit (Garmin recreational model) when observed. Vegetation/habitat communities were described to the alliance level in accordance with A Manual of California Vegetation 2nd Edition (Sawyer et al. 2009).

4.0 RESULTS

4.1 Physical Environment

The Proposed Project is located on a vacant hillside lot surrounded by residential development (Exhibit 2). Elevation ranges from approximately 535 to 640 feet above mean sea level. Topography within the Proposed Project area is moderate to steep hills and consists of undeveloped land with native, ornamental, and non-native vegetation.

4.2 Water Resources

No ephemeral, intermittent, or perennial water resources were identified within the Proposed Project area during the habitat assessment or during desktop review of the National Hydrography Dataset (USGS 2018). The nearest drainage is an ephemeral drainage located approximately 1,300 feet northeast in Elyria Canyon Park. No impacts to water resources would occur as a result of the Proposed Project.

4.3 Vegetation Communities / Land Cover Types

Two non-sensitive vegetation communities and two land cover types were identified during the habitat assessment. General descriptions of the communities can be found in *A Manual of California Vegetation Online Edition* (CNPS 2020). Site-specific descriptions of the vegetation communities and land cover types are provided below.

TABLE 1. VEGETATION COMMUNITY / LAND COVER TYPE AND LOCATION

Vegetation Community / Land Cover Type	Rarity Ranking[1]	Acres
Non-Sensitive Vegetation Communities		
Avena (*barbata, fatua*; Wild oats grasslands) Herbaceous Semi-Natural Alliance 44.150.00	NA (Non-native)	0.73
Malosma laurina (Laurel sumac scrub) Shrubland Alliance 45.455.00	G4 / S4	0.29
Land Cover		
Developed	NA	0.31
Ornamental / Landscaped	NA	0.50

[1]Rarity and Global/State Ranks: One purpose of the vegetation classification is to assist in determining the level of rarity and imperilment of vegetation types. Ranking of alliances according to their degree of imperilment (as measured by rarity, trends, and threats) follows NatureServe's Heritage Methodology, in which all alliances are listed with a G (global) and S (state) rank. Alliances with State ranks of S1-S3 are considered to be highly imperiled.

4.3.1 NON-SENSITIVE VEGETATION COMMUNITIES

Avena (barbata, fatua) Herbaceous Semi-Natural Alliance

Wild oats grassland is dominant in the herbaceous layer with over 75% relative cover. Other species present within the herbaceous layer include red brome (*Bromus madritensis* ssp. *rubens*) and black mustard (*Brassica nigra*). This vegetation community was recently mowed, occupies 0.73 acre of the Proposed Project site, and occurs predominately near existing residential development and paved roads.

Malosma laurina Shrubland Alliance

Laurel sumac scrub is dominant in the shrub canopy with over 50% relative cover. Other species present in the shrub canopy include southern California black walnut (*Juglans californica*), coast prickly pear (*Opuntia littoralis*), San Pedro cactus (*Echinopsis pachanoi*), tree tobacco (*Nicotiana glauca*) and California buckwheat (*Eriogonum fasciculatum*). Southern California black walnuts are present as emergent trees within the shrub canopy, have very low cover, and would not meet *A Manual of California Vegetation Online Edition* (CNPS 2020) definition for a California Walnut Groves Woodland Alliance. The laurel sumac vegetation community occupies 0.29 acre along the northern Proposed Project boundary and extends off-site.

4.3.2 LAND COVER

Developed

Developed lands include urban or built-up areas with much of the land covered by structures or roads, and roads are lined with ornamental trees. Such areas include parks, cities, transportation, power and communications facilities, mills, shopping centers, and other buildings that may, in some cases, be separate from urban areas. Urban or built-up land may contain a wide variety of native and non-native, ruderal, and ornamental plant species. This land cover type consists of paved Future Street along the south and west Proposed Project boundary.

Ornamental / Landscaped

Ornamental or landscaped areas include plants that are grown for decorative purposes and require cultivation to maintain their aesthetic value. Such areas are usually near urban, recreational, industrial, commercial or agricultural areas. This land cover type consists of predominately Chinese elm (*Ulmus parvifolia*) and occupies 0.50 acre on the western half of the Proposed Project boundary.

4.4 General Plants and Wildlife

Eighteen plant species were identified during surveys. Nine vertebrates were either directly observed or detected through presence of sign during surveys. These included eight birds and one reptile. A full list of plant and wildlife species observed is included as Appendix C.

It should be noted that short-term inventories of this nature are limited in their scope by the seasonality, timing and duration of surveys, plant blooming periods, and the nocturnal and fossorial habits of many animals. Therefore, the lists of species in Appendix C do not necessarily reflect all the plants and animals that potentially occupy the Survey Area.

4.5 Special-Status Biological Resources

Plant or animal taxa may be considered "sensitive" or “special-status” due to declining populations, vulnerability to habitat change or loss, or because of restricted distributions. Some of these species have been listed as threatened or endangered by the USFWS and/or CDFW, and are thus protected by the federal and state ESAs, respectively. Other species have been identified as sensitive or special-status by the USFWS and CDFW. Still others have been designated as special-status species by private conservation organizations. The regulatory protection provided by these various agencies is discussed in Section 2.0 of this document.

The database search and literature review described in Section 3.1 identified special-status biological resources occurring or having the potential to occur in the vicinity (within 3 miles) of the Proposed Project.

Appendix D provides a complete list of these special-status biological resources, their respective conservation status, and occurrence potential. No USFWS designated critical habitat occurs on or within the vicinity of the Proposed Project.

The following sections describe the special-status vegetation communities and special-status plant and wildlife species occurring or with potential to occur on or within the immediate vicinity of the Proposed Project. Exhibit 3 provides the locations of special-status biological resources, including special-status species, sign, and bird nests, recorded within the Survey Area.

4.5.1 SENSITIVE VEGETATION COMMUNITIES

Sensitive vegetation communities are plant associations sometimes afforded special legislative protection. Such vegetation communities are normally considered a management priority because of their rarity or imperilment, the sensitivity of the species that they support, or because these areas serve multiple functions, as is often the case with wetlands. No sensitive vegetation communities were identified within the Proposed Project Survey Area.

4.5.2 SPECIAL-STATUS PLANT SPECIES

Based upon the literature search and habitat assessment, no special-status plant species have a high potential for occurrence within the vicinity of the Proposed Project. One special-status plant species, Robinson's pepper-grass (*Lepidium virginicum* var. *robinsonii*; California Rare Plant Rank [CRPR] 4.3), has a low potential for occurrence based on the presence of marginal habitat; however, the nearest record (CNDDB 1950) is 2.9 miles from the Proposed Project and over 70 years old.

One special-status plant species, southern California black walnut (CRPR 4.2), was observed within the Proposed Project Survey Area during the habitat assessment.

4.5.3 SPECIAL-STATUS WILDLIFE SPECIES

Based upon the literature search and habitat assessment, two wildlife species have a low potential for occurrence based the presence of marginal habitat onsite and nearby, recent historic records: southern California legless lizard (*Anniella stebbinsi*; California Department of Fish and Wildlife [CFDW] Species of Special Concern [SSC]) and American peregrine falcon (*Falco peregrinus anatum*; CDFW Fully Protected).

Southern California Legless Lizard

The southern California legless lizard is a CDFW SSC found on beach dunes, chaparral, pine-oak woodlands, desert scrub, sandy washes, and stream terraces. This species prefers moist, loose soils with plant cover. CNDDB records from 2008 and 2013 were mapped to a nonspecific area in the vicinity of Elyria Canyon Park; however, potential for occurrence within this residential area is low due to the Proposed Project site being fragmented from Elyria Canyon Park and having a history of landscaping and vegetation management (mowing).

American Peregrine Falcon

The American peregrine falcon is a CDFW Fully Protected species. This species prefers cliffs for nesting with nearby, open landscapes for foraging. This species sometimes uses man-made structures such as towers or buildings for nesting. The Proposed Project vicinity does not contain cliffs suitable for nesting. There are nearby buildings, however, potential for nesting within this residential area is low and no impacts to American peregrine falcon are anticipated with implementation of a nesting bird survey (see Section 5.3 for more details).

4.5.4 MIGRATORY AND NESTING BIRDS

Migratory birds, including raptors, may nest at or within close proximity to the Proposed Project site. Nesting birds may be found in native habitats, developed areas containing structures, ornamental plantings, and ruderal areas. Trees and shrubs on-site and adjacent to the Proposed Project area provide suitable nesting habitat for many bird species. One inactive house finch nest was identified during the habitat

assessment in a laurel sumac bush on the southern Proposed Project boundary along Future Street (Exhibit 3).

5.0 CONCLUSIONS AND RECOMMENDATIONS

5.1 Special Status Plant Species

Southern California black walnuts were detected onsite during the habitat assessment. The Future Street Arborist Report (McKinley & Associates 2019) identifies seven southern California black walnuts within the Proposed Project site, and two that require removal. Removals would be mitigated through a Permit from the Urban Forestry Department, and no anticipated impacts to southern California black walnuts would occur with implementation of Mitigation Measures 1-5 as stated within the Tree Preservation Plan section of the Future Street Arborist Report.

5.2 Migratory and Nesting Birds

Trees and shrubs throughout the site provide suitable habitat for nesting birds. Project construction may include vegetation removal that could result in direct loss of nests, eggs, and/or fledglings. Indirect impacts could occur from construction noise and human presence during nesting season and cause disruption of foraging or nest abandonment. The degree of sensitivity to disturbances varies by species and is influenced by the nesting stage (e.g., nest building, incubation, feeding chicks).

The following mitigation measure would reduce impacts to nesting birds and would ensure compliance with the Migratory Bird Treaty Act (MBTA) and Section 3503 of the California Fish and Game Code. Prior to the start of tree/shrub removal and grading activities associated with the Proposed Project, implementation of the following mitigation measure is recommended:

> BIO Mitigation Measure 1 - Highrise Incorporated shall retain a qualified biologist (with at least 2 years of avian experience and knowledge of local bird species) to conduct a directed clearance survey to locate any active bird nests prior to any tree/shrub removal or grading/construction activities during the bird or raptor breeding season (general breeding and nesting bird season is February 1 through September 1; raptor nesting season is January 1 through June 30). This survey shall be conducted no more than three (3) days prior to the start of ground disturbing activities. If the qualified biologist determines there are active nests, a construction buffer will be implemented to avoid impacts to the nest. The qualified biologist shall determine the appropriate standard buffer distance for nests based on the sensitivity levels of specific avian species. The determination of the standard buffer widths shall be site- and species-specific, data-driven, and shall not be based on generalized assumptions regarding all nesting birds. If warranted, the qualified biologist will identify feasible measures to avoid any potential adverse effects on nesting birds.

No impacts to migratory or nesting birds are anticipated to occur with implementation of the above mitigation measure.

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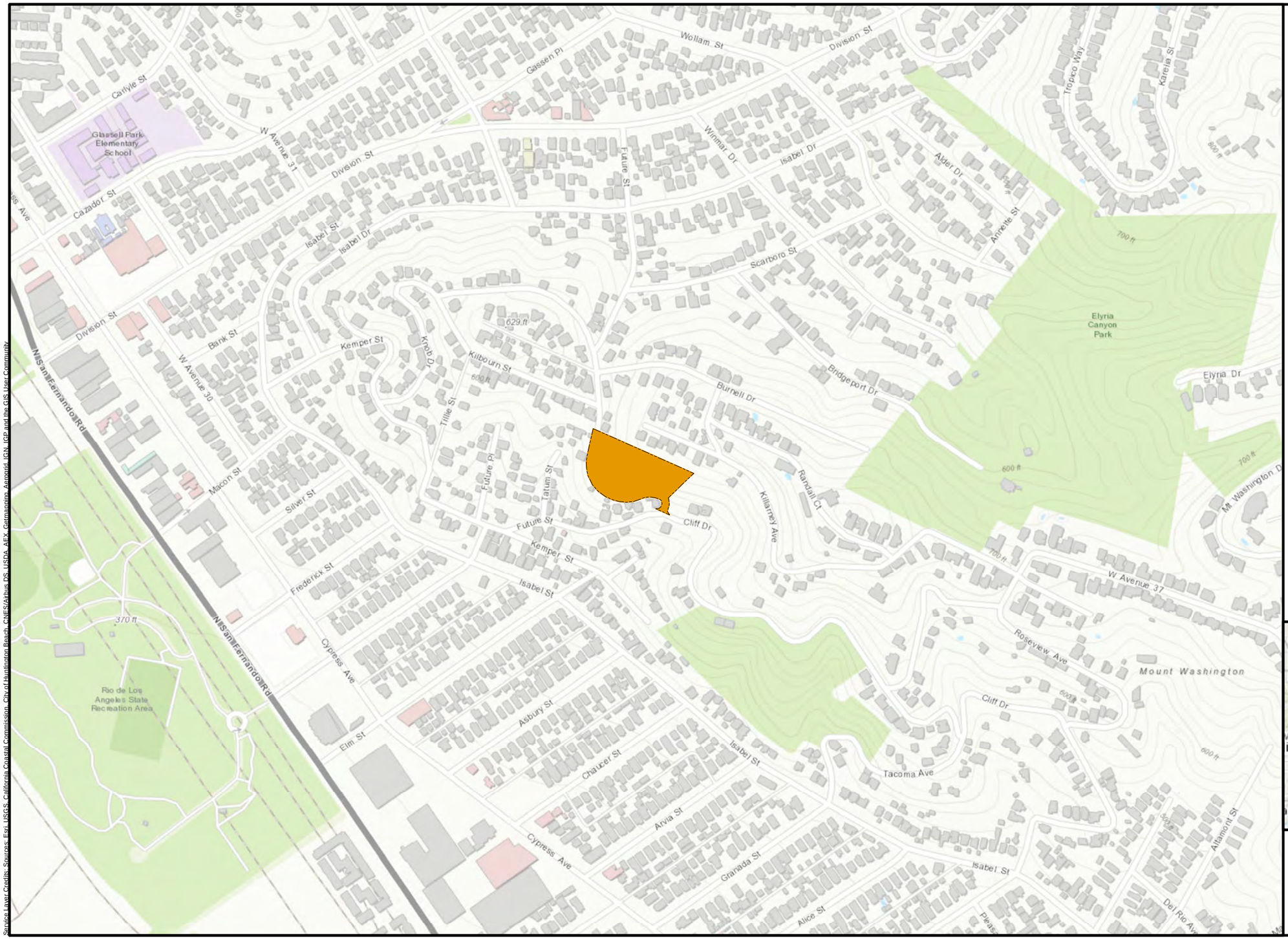
APPENDIX A:

EXHIBITS



Service Layer Credits: Sources: Esri, USGS, California Coastal Commission, City of Huntington Beach, CNES/Airbus DS, USDA, AEX, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community

Environmental Intelligence. Date: 7/9/2018. Q:\Highrise inc\3164 Future Street Bio Survey\02_GIS_Data\maps\2018\2018 HA\Exh1_FutureStreet_Vicinity_E101_20180705.mxd

Exhibit 1: Project Vicinity

Future Street Project | Los Angeles County, CA

Legend

Approximate Project Boundary

N
W
E
S

0 25 50 Feet

1:600 1 in = 50 feet

Service Layer Credits: Sources: Esri, USGS, California Coastal Commission, City of Huntington Beach, CNES/Airbus DS, USDA, AEX, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community

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Exhibit 2: Site Location

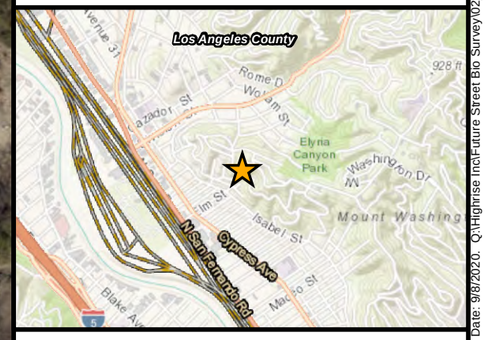
Future Street Project | Los Angeles County, CA

Legend

- Approximate Project Boundary
- 100-ft Survey Buffer
- House Finch Nest (Inactive)

Vegetation

- Developed
- Laurel Sumac Scrub
- Ornamental Trees
- Wild Oats Grassland



N
W E
S

0 37.5 75
Feet

1:900 1 in = 75 feet

Service Layer Credits: Sources: Esri, USGS, California Coastal Commission, City of Huntington Beach, GNIES/Airbus DS, USDA, AEX, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community

Environmental Intelligence; Date: 9/8/2020; Q:\Highrise Incl\Future Street Bio Survey\02_GIS_Datamaps\2018\2018 Bio Assessment Report\Exh3_FutureStreet_Results_EI02_20200831.mxd

Exhibit 3: Biological Survey Results

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APPENDIX B:

SITE PHOTOGRAPHS

Photo 1:

Overview of site from eastern Project boundary, facing west. Photo shows non-native wild oat grassland with ornamental trees in the background.

Photo 2:

Overview of site from middle of Project, facing east. Photo shows black walnut saplings on the left and ornamental trees on the eastern Project boundary.

Photo 3:

Overview of site from northeast corner, facing west. Photo shows laurel sumac on the right and sparse cactus and emergent black walnut as the community transitions to non-native grassland.

Photo 4:

View of laurel sumac on the southern Project boundary along Future Street. Photo shows an inactive house finch nest within the laurel sumac.

Appendix C:

FLORAL AND FAUNAL COMPENDIA

FLORA	
SCIENTIFIC NAME (* introduced/nonnative species)	**COMMON NAME**
AGAVACEAE – AGAVE FAMILY	
**Agave americana*	*American century plant
ANACARDIACEAE – SUMAC/CASHEW FAMILY	
Malosma laurina	Laurel sumac
**Schinus mole*	*Peruvian peppertree
APIACEAE – CARROT FAMILY	
**Foeniculum vulgare*	*Fennel
ARECACEAE – PALM FAMILY	
Washingtonia filifera	California fan palm
ASTERACEAE – SUNFLOWER FAMILY	
Malacothrix saxatilis	Cliff aster
BRASSICACEAE – MUSTARD FAMILY	
**Brassica nigra*	*Black mustard
CACTACEAE – CACTUS FAMILY	
**Echinopsis pachanoi*	*San Pedro cactus
Opuntia littoralis	Coastal prickly pear
CHENOPODIACEAE – GOOSEFOOT FAMILY	
**Salsola tragus*	*Russian thistle
CONVOLVULACEAE – MORNING GLORY FAMILY	
Calystegia sp.	Morning glory species
JUGLANDACEAE – WALNUT FAMILY	
Juglans californica	Southern California black walnut (CRPR 4.2)
POACEAE (GRAMINEAE) – GRASS FAMILY	
**Avena fatua*	*Wild oat
**Bromus madritensis* ssp. *rubens*	*Red brome
**Pennisetum setaceum*	*Fountaingrass
POLYGONACEAE – BUCKWHEAT FAMILY	
Eriogonum fasciculatum	California buckwheat
SOLANACEAE – NIGHTSHADE FAMILY	
**Nicotiana glauca*	*Tree tobacco
ULMACEAE – ELM FAMILY	
**Ulmus parvifolia*	*Chinese elm

Reptiles	
SCIENTIFIC NAME	**COMMON NAME**
PHRYNOSOMATIDAE - LIZARDS	
Uta sp.	Side blotched lizard
BIRDS	
ACCIPITRIDAE – EAGLES, HAWKS, KITS, OSPREY	
Buteo jamaicensis	red-tailed hawk
CATHARTIDAE – NEW WORLD VULTURES	
Cathartes aura	Turkey vulture
COLUMBIDAE – PIGEONS AND DOVES	
Zenaida macroura	Mourning dove
CORVIDAE – CROWS, MAGPIES, JAYS	
Aphelocoma californica	California scrub jay
Corvus corax	Common raven
FRINGILLIDAE – TRUE FINCHES	
Haemorhous mexicanus	House finch
ICTERIDAE – NEW WORLD PASSERINES	
Sturnella neglecta	Western meadowlark
TROCHILIDAE – HUMMINGBIRD FAMILY	
Calypte anna	Anna's hummingbird

LEGEND:

Federal (USFWS)	**State (CDFW)**
FE Endangered	SE Endangered
FT Threatened	ST Threatened
FC Candidate	SR Rare
	SC Candidate

California Native Plant Society (CNPS) List Categories

List 1A	Plants Presumed Extinct in California
List 1B	Plants Rare, Threatened, or Endangered in California and Elsewhere
List 2	Plants Rare, Threatened, or Endangered in California but More Common Elsewhere
List 3	Plants about Which We Need More Information — A Review List
List 4	Plants of Limited Distribution − A Watch List

California Native Plant Society (CNPS) Threat Rank Extensions

.1	Seriously threatened in California (high degree/immediacy of threat)
.2	Fairly threatened in California (moderate degree/immediacy of threat)
.3	Not very threatened in California (low degree/immediacy of threat or no current threats known

APPENDIX D:

SPECIAL-STATUS BIOLOGICAL RESOURCES OCCURRING OR POTENTIALLY OCCURRING ON OR IN THE VICINITY (WITHIN 3 MILES) OF THE FUTURE STREET PROJECT

Species Name	Status[1]			Distribution, Habitat, and Occurrence Potential[2]	Activity / Bloom Period
	USFWS	CDFW	CNPS/HCP		
SENSITIVE VEGETATION COMMUNITIES					
Juglans californica (California walnut groves) Woodland Alliance	G2	S2.1	-	*Juglans californica* is dominant or co-dominant in the tree canopy with *Alnus rhombifolia, Fraxinus dipetala, Heteromeles arbutifolia, Quercus agrifolia, Quercus lobata, Salix laevigata, Salix lasiolepis, Sambucus nigra* and *Umbellularia californica*. Trees < 15 m tall; canopy is open to continuous. Shrub layer is sparse to intermittent. Herbaceous layer is sparse or grassy. **Occurs.** This habitat type was detected onsite during the habitat assessment. Closest record (CNDDB 1985) is approximately 1.6 miles from Project.	-
PLANTS					
Atriplex serenana var. *davidsonii* Davidson's saltscale	-	-	1B.2	An annual herb found on alkaline soil in coastal bluff scrub and coastal scrub. 10 – 200 meters. **Does Not Occur.** No suitable coastal scrub habitat is present on or near the project site. The closest record (CNDDB 1902) is approximately 2.7 miles from Project and listed as "possibly extirpated".	Apr-Oct
Calystegia felix Lucky morning-glory	-	-	1B.1	An annual rhizomatous herb found in meadows and seeps (sometimes alkaline) and riparian scrub (alluvial). 30 – 215 meters. **Does Not Occur.** No suitable wetlands or marshes are present on or near the project site. The closest record (CNDDB 1899) is over 75 years old and approximately 2.5 miles from Project.	Mar-Sep

Species Name	Status[1]			Distribution, Habitat, and Occurrence Potential[2]	Activity / Bloom Period
	USFWS	CDFW	CNPS/HCP		
Centromadia parryi ssp. *australis* Southern tarplant	-	-	1B.1	An annual herb found in marshes and swamps, valley and foothill grassland (vernally mesic), and vernal pools. 0 – 480 meters. **Does Not Occur.** No suitable wetland or vernal pool habitat are present on or near the project site. The closest record (CNDDB 1930) is 1.9 miles from Project.	May-Nov
Horkelia cuneata var. *puberula* Mesa horkelia	-	-	1B.1	A perennial herb found on dry, sandy soils in coastal chaparral. 70 – 870 meters. **Does Not Occur.** The closest records (CNDDB 1902 and 1906) are over 75 years old and listed as "extirpated".	Mar-Jul
Lepidium virginicum var. *robinsonii* Robinson's pepper-grass	-	-	4.3	An annual herb found in chaparral and coastal scrub. 70 – 870 meters. **Low Potential for Occurrence.** Suitable habitat is found onsite; however, the closest record (CNDDB 1950) is over 25 years old and 2.9 miles from Project.	Jan-Jul
Navarretia prostrata Prostrate vernal pool navarretia	-	-	1B.1	An annual herb found on alkaline floodplains and vernal pools. < 700 meters. **Does Not Occur.** No suitable wetland or vernal pool habitat is present on or near the project site. The closest record (CNDDB 1907) is over 75 years old and listed as "possibly extirpated".	Apr-Jul

Species Name	Status[1]			Distribution, Habitat, and Occurrence Potential[2]	Activity / Bloom Period
	USFWS	CDFW	CNPS/HCP		
Sidalcea neomexicana Salt Spring checkerbloom	-	-	2B.2	A perennial herb found on alkaline springs and marshes. < 1,500 meters. **Does Not Occur.** No suitable alkaline spring or marsh habitat is present on or near the project site. The closest record (CNDDB 1902) is over 75 years old and listed as "possibly extirpated".	Apr-Jun
Symphyotrichum greatae Greata's aster	-	-	1B.3	A perennial herb found on damp soils in canyons. 300 – 2,000 meters. **Does Not Occur.** No suitable mesic soils are present on or near the project site. The closest records (CNDDB 1902 and 1932) are over 75 years old and listed as "possibly extirpated".	Aug-Oct
Birds					
Athene cunicularia Burrowing Owl	-	SSC	-	Inhabits relatively flat and open areas such as grasslands, coastal dunes, and agricultural areas; requires the presence of burrows for nesting and roosting activities. An uncommon to locally common resident in California. **Does Not Occur**. The habitat on the project site is sloped, no small mammal burrows were detected during the habitat assessment, and is not the species' preferred habitat. The closest record (CNDDB 1921) is over 75 years old and mapped as best guess.	Year-round Breeding: Mar-Sep

Species Name	Status[1]			Distribution, Habitat, and Occurrence Potential[2]	Activity / Bloom Period
	USFWS	CDFW	CNPS/HCP		
Empidonax traillii extimus Southwestern Willow Flycatcher (nesting)	FE	SE	-	Riparian obligates, typically nesting in relatively dense riparian vegetation where surface water is present or soil moisture is high enough to maintain the appropriate vegetation characteristics. **Does Not Occur.** No suitable riparian habitat is present on or near the project site. The closest record (CNDDB 1894) is over 75 years old and mapped as best guess.	Breeding: Apr-Aug
Falco peregrinus anatum American Peregrine Falcon (nesting)	DL	DL/FP	-	Most commonly occupied habitats contain cliffs for nesting and generally open landscapes for foraging. In addition to natural habitats, many artificial habitats now used (towers, buildings, etc.). **Low Potential for Occurrence.** The habitat on the project site is not the species' preferred habitat. Closest record is approximately 1.6 miles from the Project (CNDDB 2005).	Year-round Breeding: Feb-Aug
Vireo bellii pusillus Least Bell's Vireo (nesting)	FE	SE	-	Typically found in dense, low and shrubby vegetation in riparian areas, riparian woodlands, scrub oak, and coastal chaparral. Nests are usually located in dense shrubs, small trees, and occasionally herbaceous vegetation. **Does Not Occur.** No suitable riparian habitat is present on or near the project site. CNDDB lists the species as "possibly extirpated". The closest record (CNDDB 1914) is over 75 years old and mapped as best guess.	Breeding: Apr-Aug
REPTILES					

Species Name	Status[1]			Distribution, Habitat, and Occurrence Potential[2]	Activity / Bloom Period
	USFWS	CDFW	CNPS/HCP		
Anniella stebbinsi Southern California legless lizard	-	SSC	-	Found in moist, loose soils with plant cover. Occurs in sparsely vegetated areas of beach dunes, chaparral, pine-oak woodlands, desert scrub, sandy washes, and stream terraces with sycamores, cottonwoods, or oaks. **Low Potential for Occurrence.** The habitat on the project site is not the species' preferred habitat. Species was detected adjacent to the Project site (CNDDB 2013) within Elyria Canyon Park.	Year-round
MAMMALS					
Nyctinomops macrotis Big free-tailed bat	–	SSC	–	Found in rugged and rocky terrain. Prefers rocky cliffs in weathered rock fissures and crevices. Roosts in buildings and ponderosa pines, Douglas firs, and desert shrubs. **Does Not Occur.** The habitat on the project site is not the species' preferred habitat. Closest record (CNDDB 1985) is approximately 1.7 miles from Project.	Mar-Dec

[1]Status

USFWS

FE: Federally Endangered

FT: Federally Threatened

DL: Delisted

CDFW

SE: State Endangered

ST: State Threatened

SR: State Rare

CE: State Candidate Endangered

SSC: California Species of Special Concern

FP: Fully Protected

DL: Delisted

Vegetation Communities: Ranks are based on a one to five scale, ranging from critically imperiled (S1) to demonstrably secure (S5). S1-S3 communities considered rare.

CNPS

1A: Plants presumed extirpated in California and either rare or extinct elsewhere

1B: Plants rare, threatened, or endangered in California and elsewhere

2A: Plants presumed extirpated in California, but common elsewhere

2B: Plants rare, threatened, or endangered in California, but more common elsewhere

3: Plants about which more information is needed - a review list

4: Plants of limited distribution - a watch list

0.1: Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)

0.2: Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)

0.3: Not very threatened in California (less than 20% of occurrences threatened / low degree and immediacy of threat or no current threats known)

CBR: Considered But Rejected

[2]Occurrence Potential

Occurs: the species and/or positive sign was observed on-site during site visit or field survey.

Absent: the species and/or positive sign was not observed on-site during focused survey(s) during the appropriate blooming/activity period (and, for plants, observed at a reference population).

High Potential for Occurrence: all site features indicate this species is very likely present and should be expected.

- The habitat on the project site is the species' preferred habitat and is in good condition (has not been degraded by human disturbance).
- There is record of the species occurring on or adjacent to the project site.

Moderate Potential for Occurrence:

- The habitat on the project site is the species' preferred habitat, but it has been disturbed or disturbance encompasses the project site, reducing the quality of the habitat to below a high likelihood that the species would inhabit it.
- The habitat on the project site is not the species' preferred habitat, but it contains a similar structure to the preferred habitat and the species has been observed in this habitat type.

Low Potential for Occurrence:

- The species and/or positive sign was not observed on-site during focused survey(s) during the appropriate blooming/activity period.
- The habitat on the project site is not the species' preferred habitat.
- The habitat is highly disturbed.
- There are no records of the species occurring on or near the project site.

Does Not Occur: species would not occur because the Project site is outside known or current geographic/elevation range, lacks habitat or suitable conditions, and/or there is reasonable certainty to assume absent based on historical records.