



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
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Governor's Office of Planning & Research

February 25, 2022

Feb 28 2022

STATE CLEARINGHOUSE

Ms. Liku Abera
City of Los Angeles
200 N Spring Street Room 621
Los Angeles, CA 90012
liku.abera@lacity.org

Subject: Comments on Negative Declaration for 1830 Blue Heights Residence Project, Los Angeles, CA 90069, Los Angeles County, SCH #2018041031

Dear Ms. Abera:

The California Department of Fish and Wildlife (CDFW) has reviewed the Negative Declaration (ND) and associated Full Biological Report (FBR) for the 1830 Blue Heights Residence Project (Project) from the City of Los Angeles (City). This ND is a recirculation of a previous Mitigated Negative Declaration from 2018. Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife or be subject to Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). CDFW is also directed to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Project Description and Summary

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Objective: The Project is located at 1830 North Blue Heights Drive and is the construction, use, and maintenance of a new 7,983 square-foot, two-story, single-family dwelling with an attached four-car garage and 7,158 square feet of exempt floor area within one basement level on an approximately 44,122.8 square-foot vacant lot. The residence also includes a driveway bridge, pool and spa, five retaining walls, and a two-car carport. The Project will also include a soil nail wall located on an approximately 71,203.8 square-foot vacant lot located at 1849 North Blue Heights Drive.

This ND reflects a revised project description and acknowledges that the Project as currently proposed does not need mitigation measures as previously identified in the circulated [Mitigated Negative Declaration](#) (Los Angeles City Planning 2018). Instead, the City finds that a ND is the adequate environmental clearance for the Project. CDFW believes there is a fair argument that the current Project may significantly impact one or more biological resources unless mitigation measures are incorporated into the Project; the evidence to support this argument is provided below.

Location: The Project site is located at 1830 and 1849 North Blue Heights Drive in the Bel Air – Beverly Crest neighborhood within the Hollywood Community Plan area in the City of Los Angeles, California, 90069.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. The Project's environmental document should provide adequate and complete disclosure of the Project's potential impacts on biological resources [Pub. Resources Code, § 21061; CEQA Guidelines, §§ 15003(i), 15151]. We also recommend the measures below be included in a science-based monitoring program with adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Public Resources Code, § 21081.6 and CEQA Guidelines, § 15097).

Specific Comments

Comment #1: Mountain Lion (*Puma concolor*)

Issue: The Project may impact mountain lions because the Project site occurs within the range of mountain lion habitat.

Specific impacts: The FBR concludes the Project site is located in an area without biological significance and does not provide special protection for wildlife movement, namely large mammals, including mountain lion. There are no mitigation, minimization, or avoidance measures proposed in the ND for potential impacts to mountain lions. CDFW is concerned the Project as proposed may impact the southern California mountain lion population by temporarily and permanently increasing human presence, traffic, and noise in areas potentially utilized by mountain lions.

Why impacts would occur: The FBR states, “[t]he project site is surrounded by residential buildings, fences, walls, and roads, all of which limit wildlife movement through the site, and the project vicinity is made up of highly fragmented pockets of vacant land.” Despite these

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limitations, mountain lions may occur within the Project footprint or in the Project vicinity. The National Park Service has documented mountain lions crossing major freeways, such as the 101 and 405, in the Santa Monica Mountains National Recreation Area (NPS 2015). In addition, there has been well documented mountain lion presence across the 101 freeway in Griffith Park (NPS 2021). Moreover, the [Eastern Santa Monica Mountains Habitat Linkage Planning Map](#) has identified habitat blocks and linkages on site and in the Project area (SMMC 2021) that could provide the opportunity for mountain lion presence. The Project may temporarily and permanently increase human presence (e.g., new development), traffic, and noise as well as potential artificial lighting during Project construction and over the life of the Project. Most factors affecting the ability of the southern California mountain lion populations to survive and reproduce are caused by humans (Yap et al. 2019). As California has continued to grow and human population and communities expand into wildland areas, there has been a commensurate increase in direct and indirect interaction between mountain lions and people (CDFW 2013). As a result, the need to relocate or humanely euthanize mountain lions (depredation kills) may increase for public safety. Mountain lions are exceptionally vulnerable to human disturbance (Lucas 2020). Areas of high human activity have lower occupancy of rare carnivores. Mountain lions tend to avoid roads and trails by the mere presence of those features, regardless of how much they are used (Lucas 2020). Increased traffic could cause vehicle strikes. As human population density increases, the probability of persistence of mountain lions decreases (Woodroffe 2000).

Claiming that that there is no wildlife connectivity because the Project site is surrounded by development without conducting multiple surveys, setting up a wildlife camera, or conducting spatial analysis does not rise to substantial evidence to support the conclusion that no impact to mountain lion would occur or that impacts would be less than significant without mitigation included. In a letter received by CDFW on February 7, 2022 from the Mountains Recreation Conservation Authority (MRCA) (see Attachment B), it states, "The Full Biological Report for 1830 and 1849 Blue Heights Drive (May 26, 2021) erroneously concludes that the Habitat Block mapping in the HLPM [Eastern Santa Monica Mountains Habitat Linkage Planning Map] does not denote biological significance, and fails to include any spatial analysis with regards to wildlife movement in relation to the subject properties." The letter concludes that large mammals can make use of satellite habitat blocks as seen in the HLPM in which there may not be obvious natural land connectivity. Finally, there is photographic evidence supplied to MRCA that shows large mammals, including mule deer and mountain lions, can visit habitat blocks such as where the Project site is located.

Evidence impact would be significant: The mountain lion is a specially protected mammal in the State (Fish and G. Code, § 4800). In addition, on April 21, 2020, the California Fish and Game Commission accepted a petition to list an evolutionarily significant unit (ESU) of mountain lion in southern and central coastal California as threatened under CESA (CDFW 2020a). As a CESA candidate species, the mountain lion in southern California is granted full protection of a threatened species under CESA. The Project may have significant impacts because the site may provide habitat for mountain lion, appropriate surveying (e.g., natal dens) was not conducted and no mitigation has been proposed for any unavoidable direct and indirect, permanent or temporal losses, of habitat for mountain lion.

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation: CDFW recommends the City evaluate the mountain lion territory size and use of habitat within and surrounding the Project vicinity. The City should analyze the change

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(i.e. increase) in human presence and area of anthropogenic influence that will now be in mountain lion habitat and how it may impact mountain lion behavior, reproductive viability, and overall survival success. Based on these known anthropogenic impacts on mountain lions, CDFW also recommends the City provide compensatory mitigation for impacts to mountain lion. The CEQA document should justify how the proposed compensatory mitigation would reduce the impacts of the Project to less than significant.

Mitigation Measure #1: Due to potential habitat within the Project footprint, within one year prior to Project implementation that includes site preparation, equipment staging, and mobilization, a CDFW-approved biologist knowledgeable of mountain lion species ecology should survey areas that may provide habitat for mountain lion to determine presence/absence and potential for natal dens. Caves and other natural cavities, and thickets in brush and timber provide cover and are used for denning. Females may be in estrus at any time of the year, but in California, most births probably occur in spring. Surveys should be conducted when the species is most likely to be detected, during crepuscular periods at dawn and dusk (Pierce and Bleich 2003). Survey results including negative findings should be submitted to the City prior to initiation of Project activities. The survey report should include a map of potential denning sites. The survey report should include measures to avoid impacts mountain lions that may be in the area as well as dens and cubs, if necessary.

Mitigation Measure #2: If potential habitat for natal dens is identified, CDFW recommends fully avoiding potential impacts to mountain lions, especially during spring, to protect vulnerable cubs. Two weeks prior to Project implementation, and once a week during construction activities, a CDFW-approved biologist should conduct a survey for mountain lion natal dens. The survey area should include the construction footprint and the area within 2,000 feet (or the limits of the property line) of the Project disturbance boundaries. CDFW should be notified within 24 hours upon location of a natal den. If an active natal den is located, during construction activities, all work should cease. No work should occur within a 2,000-foot buffer from a natal den. A qualified biologist should notify CDFW to determine the appropriate course of action. CDFW should also be consulted to determine an appropriate setback from the natal den that would not adversely affect the successful rearing of the cubs. No construction activities or human intrusion should occur within the established setback until mountain lion cubs have been successfully reared; the mountain lions have left the area; or as determined in consultation with CDFW.

Mitigation Measure #3: If “take” or adverse impacts to mountain lion cannot be avoided either during Project construction and over the life of the Project, the City should consult CDFW and must acquire a CESA Incidental Take Permit (pursuant to Fish & Game Code, § 2080 *et seq.*).

Comment #2: Impacts to Species of Special Concern

Issue: According to the California Natural Diversity Database (CNDDDB) an occurrence of the southern California legless lizard (*Anniella stebbinsi*), a California Species of Special Concern (SSC), was identified less than half a mile northwest of the Project site.

Specific impact: Direct impacts to SSC could result from Project construction and activities (e.g., equipment staging, mobilization, and grading); ground disturbance; vegetation clearing; and trampling or crushing from construction equipment, vehicles, and foot traffic. Indirect impacts could result from temporary or permanent loss of suitable habitat.

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Why impacts would occur: Grading activities and the removal of vegetation for the residence may potentially result in the loss or disturbance of foraging and nesting habitat for SSC. One general preconstruction survey was conducted for the ND, and no focused surveys were conducted for special status reptile species. The general preconstruction survey may be insufficient for detecting SSC due to their unfocused nature. Without focused surveys, there is little chance for detection, leading to potential false negative results. The ND does not provide any avoidance, minimization, or mitigation measures for potential impacts to the SSC. Without measures to avoid, minimize, or mitigate for potential impacts to the SSC, individuals not detected on site may be crushed, trampled, or killed and occupied habitat will be lost by construction activities.

Evidence impacts would be significant: Project construction and activities, directly or through habitat modification, may result in direct mortality, reduced reproductive capacity, population declines, or local extirpation of SSC. CEQA provides protection not only for State and federally listed species, but for any species including but not limited to California SSC, which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15063, 15065 and 15380). Therefore, impacts to SSC could require a mandatory finding of significance by the City (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: The Project may require capture, handling, and relocation of wildlife. Pursuant to the [California Code of Regulations, title 14, section 650](#), the City/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. Please visit CDFW's [Scientific Collection Permits](#) webpage for information (CDFWa 2022).

CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650).

Mitigation Measure #2-Species surveys: The City should retain a qualified biologist with experience surveying for California legless lizard. Prior to commencing any Project-related ground-disturbing activities, the qualified biologist should conduct focused surveys for SSC and suitable habitat no more than one month from the start of any ground-disturbing activities or vegetation removal where there may be impacts to SSC. Project related activities include construction, equipment and vehicle access, parking, and staging. In addition, the qualified biologist should conduct daily biological monitoring during any activities involving vegetation clearing or modification of natural habitat. Positive detections of SSC and suitable habitat at the detection location should be mapped and photographed. The qualified biologist should provide a summary report of SSC surveys to the City prior to implementing any Project-related ground-disturbing activities and vegetation removal. Depending on the survey results, a qualified biologist should develop species-specific mitigation measures for implementation during the Project.

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Mitigation Measure #3-Protection Plan: Wildlife should be protected or allowed to move away on its own (non-invasive, passive relocation) to adjacent appropriate habitat within the open space on site or in suitable habitat adjacent to the Project area (either way, at least 200 feet from the grading limits). Special status wildlife should be captured by only by a qualified biologist with proper handling permits (see Mitigation Measure #1). The qualified biologist should prepare a species-specific list (or plan) of proper handling and passive relocation protocols. The list (or plan) of protocols should be implemented during Project construction and activities/biological construction monitoring.

Mitigation Measure #4-Injured or Dead Wildlife: If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented. A formal report should be sent to CDFW and the City within three calendar days of the incident or finding. Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

Additional Comments and Recommendations

Fuel Modification. A weed management plan should be developed for all areas adjacent to natural areas/open space that will be subject to disturbance from fuel modification. CDFW also recommends that any irrigation proposed in fuel modification zones drain back into the development and not onto natural habitat land as perennial sources of water allow for the introduction of invasive Argentine ants.

Nesting Birds. CDFW recommends avoiding any construction activity during nesting season. If not feasible, CDFW recommends if the Project occurs between January 1 through September 15, a nesting bird and raptor survey should be conducted within a 500-foot radius of the construction site, prior to any ground-disturbing activities (e.g., staging, mobilization, grading) as well as prior to any vegetation removal within the Project site. The nesting bird surveys should be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. CDFW recommends the Lead Agency require surveys be conducted by a qualified biologist no more than 7 days prior to the beginning of any Project-related activity likely to impact raptors and migratory songbirds, for the entire Project site. If Project activities are delayed or suspended for more than 7 days during the breeding season, repeat the surveys. If nesting raptors and migratory songbirds are identified, CDFW recommends the following minimum no-disturbance buffers be implemented: 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active non-listed raptor nests and 0.5 mile around active listed bird nests. These buffers should be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

It should be noted that the temporary halt of Project activities within nesting buffers during nesting season does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. Additional mitigation would be necessary to compensate for the removal of nesting habitat within the Project site based on acreage of impact and vegetation composition. CDFW shall be consulted to determine proper mitigation for impacts to occupied habitat depending on the status of the bird species. Mitigation ratios would increase with the occurrence a California Species of Special Concern and would further increase with the occurrence of a CESA-listed species.

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Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species detected by completing and submitting [CNDDB Field Survey Forms](#) (CDFWb 2022). This includes all documented occurrences of mountain lion and other special status species. The City should ensure the data has been properly submitted, with all data fields applicable filled out, prior to Project ground-disturbing activities. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The City should provide CDFW with confirmation of data submittal.

Mitigation and Monitoring Reporting Plan. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A). A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the City of Pasadena and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying Project approval to be operative, vested, and final (Cal. Code Regs., tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

Conclusion

We appreciate the opportunity to comment on the Project to assist the City in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Felicia Silva, Environmental Scientist, at Felicia.Silva@wildlife.ca.gov or (562) 292-8105.

Sincerely,

DocuSigned by:

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signing for Erinn Wilson-Olgin
Environmental Program Manager I

EC: CDFW
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Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project. A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
REC-1- Impacts to Mountain lion - surveys	The City should evaluate the mountain lion territory size and use of habitat within and surrounding the Project vicinity. The City should analyze the change (i.e. increase) in human presence and area of anthropogenic influence that will now be in mountain lion habitat and how it may impact mountain lion behavior, reproductive viability, and overall survival success. Based on these known anthropogenic impacts on mountain lions, CDFW also recommends the City provide compensatory mitigation for impacts to mountain lion. The CEQA document should justify how the proposed compensatory mitigation would reduce the impacts of the Project to less than significant.	Prior to Project construction and activities	City/Project Applicant
MM-BIO-1- Impacts to Mountain lion - surveys	Due to potential habitat within the Project footprint, within one year prior to Project implementation that includes site preparation, equipment staging, and mobilization, a CDFW-approved biologist knowledgeable of mountain lion species ecology shall survey areas that may provide habitat for mountain lion to determine presence/absence and potential for natal dens. Caves and other natural cavities, and thickets in brush and timber provide cover and are used for denning. Females may be in estrus at any time of the year, but in California, most births probably occur in spring. Surveys shall be conducted when the species is most likely to be detected, during crepuscular periods at dawn and dusk (Pierce	Prior to Project construction and activities	City/Project Applicant

	and Bleich 2003). Survey results including negative findings shall be submitted to CDFW prior to initiation of Project activities. The survey report shall include a map of potential denning sites. The survey report shall include measures to avoid impacts mountain lions that may be in the area as well as dens and cubs, if necessary		
MM-BIO-2- Impacts to Mountain lion – avoiding natal dens	If potential habitat for natal dens are identified impacts to mountain lions shall be fully avoided, especially during spring, to protect vulnerable cubs. Two weeks prior to Project implementation, and once a week during construction activities, a CDFW-approved biologist shall conduct a survey for mountain lion natal dens. The survey area shall include the construction footprint and the area within 2,000 feet (or the limits of the property line) of the Project disturbance boundaries. CDFW shall be notified within 24 hours upon location of a natal den. If an active natal den is located, during construction activities, all work shall cease. No work shall occur within a 2,000-foot buffer from a natal den. A qualified biologist shall notify CDFW to determine the appropriate course of action. CDFW shall also be consulted to determine an appropriate setback from the natal den that would not adversely affect the successful rearing of the cubs. No construction activities or human intrusion shall occur within the established setback until mountain lion cubs have been successfully reared; the mountain lions have left the area; or as determined in consultation with CDFW.	Prior to Project construction and activities	City/Project Applicant
MM-BIO-3- Impacts to Mountain lion – take permit	If “take” or adverse impacts to mountain lion cannot be avoided either during Project construction or over the life of the Project, the City will consult CDFW to determine if a CESA ITP is required.	Prior to Project construction and activities	City/Project Applicant
MM-BIO-4- Impacts to Species of Special Concern – Scientific Collecting Permit	Pursuant to the California Code of Regulations, title 14, section 650 , the City/qualified biologist shall obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities.	Prior to Project construction and activities	City/Project Applicant

<p>MM-BIO-5- Species of Special Concern – survey</p>	<p>The City shall retain a qualified biologist with experience surveying for California legless lizard. Prior to commencing any Project-related ground-disturbing activities, the qualified biologist shall conduct focused surveys for SSC and suitable habitat no more than one month from the start of any ground-disturbing activities or vegetation removal where there may be impacts to SSC. Project related activities include construction, equipment and vehicle access, parking, and staging. In addition, the qualified biologist shall conduct daily biological monitoring during any activities involving vegetation clearing or modification of natural habitat. Positive detections of SSC and suitable habitat at the detection location shall be mapped and photographed. The qualified biologist shall provide a summary report of SSC surveys to the City prior to implementing any Project-related ground-disturbing activities and vegetation removal. Depending on the survey results, a qualified biologist shall develop species-specific mitigation measures for implementation during the Project.</p>	<p>Prior to Project construction and activities</p>	<p>City/Project Applicant</p>
<p>MM-BIO-6- Impacts to Species of Special Concern – protection plan</p>	<p>Where applicable, wildlife shall be protected, allowed to move away on its own (non-invasive, passive relocation) to adjacent appropriate habitat within the open space on site or in suitable habitat adjacent to the Project area (either way, at least 200 feet from the grading limits). Special status wildlife shall be captured by only by a qualified biologist with proper handling permits. The qualified biologist shall prepare a species-specific list (or plan) of proper handling and passive relocation protocols. The list (or plan) of protocols shall be implemented during Project construction and activities/biological construction monitoring. The City/qualified biologist may consult with CDFW/USFWS to prepare species-specific protocols for proper handling and passive relocation procedures. Only a USFWS approved biologist shall be authorized to capture and relocate ESA-listed species. A passive relocation plan shall be submitted to CDFW for review and comment prior to implementing Project-related ground-disturbing activities.</p>	<p>Prior to/During Project construction and activities</p>	<p>City/Project Applicant</p>

<p>MM-BIO-7- Impacts to Species of Special Concern – dead/injured wildlife</p>	<p>If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area shall stop immediately, the qualified biologist shall be notified, and dead or injured wildlife documented immediately. The qualified biologist shall contact the USFWS, CDFW, and the City by telephone by the end of the day, or at the beginning of the next working day if the agency office is closed. In addition, a formal report shall be sent to the City, CDFW, and USFWS (as appropriate) within three calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.</p>	<p>During Project construction and activities</p>	<p>City/Project Applicant</p>
<p>REC-2-Fuel Modification</p>	<p>A weed management plan should be developed for all areas adjacent to natural areas/open space that will be subject to disturbance from fuel modification. CDFW also recommends that any irrigation proposed in fuel modification zones drain back into the development and not onto natural habitat land as perennial sources of water allow for the introduction of invasive Argentine ants.</p>	<p>Prior to Project construction and activities</p>	<p>City/Project Applicant</p>
<p>REC-3-Nesting Birds</p>	<p>CDFW recommends avoiding any construction activity during nesting season. If not feasible, CDFW recommends if the Project occurs between January 1 through September 15, a nesting bird and raptor survey should be conducted within a 500-foot radius of the construction site, prior to any ground-disturbing activities (e.g., staging, mobilization, grading) as well as prior to any vegetation removal within the Project site. The nesting bird surveys should be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. CDFW recommends the Lead Agency require surveys be conducted by a qualified biologist no more than 7 days prior to the beginning of any Project-related activity likely to impact raptors and migratory songbirds, for the entire Project site. If Project activities are delayed or suspended for more than 7 days during the breeding season, repeat the surveys.</p>	<p>Prior to Project construction and activities</p>	<p>City/Project Applicant</p>

	<p>If nesting raptors and migratory songbirds are identified, CDFW recommends the following minimum no-disturbance buffers be implemented: 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active non-listed raptor nests and 0.5 mile around active listed bird nests. These buffers should be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.</p> <p>It should be noted that the temporary halt of Project activities within nesting buffers during nesting season does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. Additional mitigation would be necessary to compensate for the removal of nesting habitat within the Project site based on acreage of impact and vegetation composition. CDFW shall be consulted to determine proper mitigation for impacts to occupied habitat depending on the status of the bird species. Mitigation ratios would increase with the occurrence a California Species of Special Concern and would further increase with the occurrence of a CESA-listed species.</p>		
<p>REC-4-Data</p>	<p>CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. The City shall ensure that all data concerning special status species within the Project site be submitted to the CNDDDB by completing and submitting CNDDDB Field Survey Forms. The City shall ensure the data has been properly submitted, with all data fields applicable filled out, prior to Project ground-disturbing activities. The data entry shall also list pending development as a threat and then update this occurrence after impacts have occurred. The City shall provide CDFW with confirmation of data submittal.</p>	<p>Prior to Project construction and activities</p>	<p>City/Project Applicant</p>

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REC-5- Mitigation and Monitoring Plan	Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A). A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.	Prior to approval of CEQA document	City/Project Applicant
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Attachment B

Mountains Recreation Conservation Authority letter to CDFW



MOUNTAINS RECREATION & CONSERVATION AUTHORITY

King Gillette Ranch
26800 Mulholland Highway
Calabasas, California 91302
Phone (818) 878-0866 Fax (818) 878-0508

February 7, 2022

Ms. Victoria Tang
Habitat Conservation Planning Program
California Department of Fish and Wildlife
4665 Lampson Avenue, Suite C
Los Alamitos, California 90720

1830-1849 Blue Heights Drive Residential Project, Los Angeles Eastern Santa Monica Mountains Habitat Linkage Planning Map

Dear Ms. Tang:

The staff of the Mountains Recreation and Conservation Authority (MRCA) seeks to clarify the purpose and intended use of the Santa Monica Mountains Conservancy's *Eastern Santa Monica Mountains Habitat Linkage Planning Map* (HLPM), and to respond to comments made regarding the HLPM by the applicant for the proposed project at 1830-1849 Blue Heights Drive, in the City of Los Angeles (environmental documentation ENV-2016-4327-ND and ENV-2021-9911-CE).

The Santa Monica Mountains Conservancy (Conservancy), is a California Environmental Quality Act (CEQA) Trustee Agency for projects potentially affecting natural resources in the precisely-mapped Santa Monica Mountains Zone, per the Conservancy Act (Public Resources Code (PRC) Section 33000, et seq). The Conservancy, a parent agency of the MRCA, is also the principal State planning agency in the Santa Monica Mountains Zone. MRCA staff work on the Conservancy's behalf to compile the data used to create the HLPM, under the supervision of Conservancy staff.

The first iteration of the HLPM was approved by the Conservancy's Governing Board in 2017. The map has since been updated and revised. The current version was approved on April 19, 2021.

The HLPM is an official resource tool for both government and public use to understand, assess, and protect habitat and wildlife corridors in the Eastern Santa Monica Mountains between the Sepulveda Pass and the Cahuenga Pass. The most recently approved version (April 19, 2021) relies on data that has been compiled using all publicly available digital aerial photography and ground truthing where access was permissible.

In 2018, MRCA Project Manager Marc Shores, in response to informal questions regarding the process of creating the HLPM, gave this informal response:

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“The numbers are purely for natural resource planning purposes only, the blocks were numbered east to west, with the Griffith Park area receiving A-X. Our goal is to discern the gaps and obstacles between the blocks that hinder wildlife movement. Once those areas are quantified, we then have a better tool for strategic acquisition/management planning. No biological datasets were created in conjunction with the habitat block dataset. It is merely a tool to map areas of undeveloped open space. The method used to identify each block was researching multiple year Google Earth imagery and Assessor parcel data.”

Unfortunately, this description of the HLPM is, and has always been incomplete. From its beginning, the HLPM was intended to be used for spatial analysis of habitat linkages in conjunction with existing and future biological data, and wildlife sightings from other sources. The HLPM has also since been revised using updated data and aerial imagery from the Los Angeles Region Imagery Acquisition Consortium (LARIAC), and ground-truthing whenever possible.

The importance of the Eastern Santa Monica Mountains Habitat Linkage Planning Map to informed biological impact analysis in the subject area cannot be overstated. The now candidate status of the local evolutionarily significant mountain lion population under the California Endangered Species Act increases this map's importance for any form of environmental review. More peripheral satellite habitat blocks have been added because of photographic evidence supplied to staff that large mammals, including mountain lions, visit such habitat blocks even if their travel path to and from the areas cannot be ascertained. Staff has also been provided limited access to wildlife telemetry data obtained by the staff of the National Park Service in the subject area for mountain lions and grey foxes.

The sum of data show that large mammals make use of satellite habitat blocks in which there is no obvious natural land connectivity. The inference must be made that wildlife species commonly use select sections of City street to travel between habitat blocks. In addition, these data show that many additional wildlife travel paths located on private land but not shown on these planning maps are commonly used by a wide variety of species. Street-facing walls and fences and thick tree canopy cover hide many potentially used wildlife travel routes that remain to be discovered on a case-by-case basis. New habitat linkages were added to the 2021 HLPM, and a few were eliminated based on new data and new development.

The Full Biological Report for 1830 and 1849 Blue Heights Drive (May 26, 2021) erroneously concludes that the Habitat Block mapping in the HLPM does not denote biological significance, and fails to include any spatial analysis with regards to wildlife

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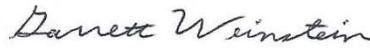
movement in relation to the subject properties. This is a conclusion jumped to out of convenience. The applicant's representatives have not consulted with MRCA or Conservancy staff in the preparation of this report regarding project-specific impacts or site-specific concerns.

The MRCA may submit additional comments regarding more specific aspects of the proposed project at 1830-1849 Blue Heights Drive.

Sincerely,



Marc Shores
Project Manager



Garrett Weinstein
Project Analyst

CC: Felicia Silva, California Department of Fish and Wildlife

Liku Abera, Department of City Planning, City of Los Angeles