RECIRCULATED PORTIONS OF THE DRAFT ENVIRONMENTAL IMPACT REPORT

STATE CLEARINGHOUSE [SCH] NO. 2017071063

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Acronyms and Abbreviations

2021 EIR	Sidewalk Repair Program Environmental Impact Report
ADA	Americans with Disabilities Act
AQMP	Air Quality Management Plan
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
City	City of Los Angeles
EIR	environmental impact report
ESA	Endangered Species Act
ESHA	Environmentally Sensitive Habitat Area
General Plan	City of Los Angeles General Plan
GHG	greenhouse gas
Ione Valley	*Ione Valley Land, Air, & Water Defense Alliance, LLC v. County of Amador*
IS	Initial Study
LAAC	Los Angeles Administrative Code
League to Save Lake Tahoe	*League to Save Lake Tahoe v. County of Placer*
LRTP	Long-Range Transportation Plan
Metro	Los Angeles County Metropolitan Transportation Authority
NAAQS	National Ambient Air Quality Standards
NOP	Notice of Preparation
PDFs	Project design features
PM2.5	particulate matter 2.5 microns or less in diameter
Project	City of Los Angeles Sidewalk Repair Program
RCP	Regional Comprehensive Plan
RTP	Regional Transportation Plan
RTP/SCS	Regional Transportation Plan/Sustainable Communities Strategy
SCAB or Basin	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCH	State Clearinghouse
SEA	Significant Ecological Area
Willits Settlement	Willits Settlement Agreement
UFD	Urban Forestry Division
United Neighborhoods	*United Neighborhoods for Los Angeles v. City of Los Angeles*

Chapter 1
Introduction

This document is the recirculated portions of the Sidewalk Repair Program Environmental Impact Report (2021 EIR or EIR) (State Clearinghouse [SCH] No. 2017071063) prepared for the City of Los Angeles Sidewalk Repair Program (Project). As described below, the EIR was certified on June 22, 2021, but subsequently challenged by United Neighborhoods for Los Angeles and Angelenos for Trees, resulting in a judgment in favor of the petitioners and decertification of the EIR.[1] These recirculated portions of the EIR address the legal defects in the 2021 EIR that were identified by the court so that the City of Los Angeles (City) may reconsider the Project for approval. The portions of the EIR are being recirculated pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15088.5.

1.1 Summary of Project

The Project is a citywide program to modify how sidewalk repair projects are undertaken pursuant to City obligations under the Willits Settlement Agreement (*Willits* Settlement), which includes various City actions that will provide improved access for persons with mobility disabilities in accordance with local, state, and federal accessibility requirements. The Project includes a proposed ordinance to establish and codify the new Sidewalk Repair Program, which, in turn, will guide future sidewalk repairs; curb ramp repairs; crosswalk paving; street tree retention, removal, and replacement; canopy pruning; root pruning; and applicable utility work for 30 years in the city under the *Willits* Settlement.

The fundamental objective of the Project is to ensure continued and efficient compliance with the requirements of the *Willits* Settlement while amending the existing program for sidewalk and curb ramp improvements within the city in accordance with the applicable accessibility requirements, including those required by the Americans with Disabilities Act. To achieve its fundamental objective, the proposed ordinance provides the vehicle through which the Sidewalk Repair Program Street Tree Policy and Sidewalk Repair Program Mandatory Project Features Policy (collectively, Policies) will be adopted by the City. The Policies were described in detail in the 2021 EIR and are attached along with the ordinance as Appendix A for reference. No changes to the ordinance or Policies are proposed or necessitated by the recirculated portions of the EIR.

As set forth in detail in Appendix A and the prior Draft EIR (Section 2.0, *Project Description*), as amended by the Final EIR (Chapter 4 and Appendix FEIR-C-1), the ordinance sets specific parameters to enable the City Engineer or designee to issue ministerial approvals for most sidewalk repairs so long as the repairs satisfy specific, enumerated conditions. For example, to qualify for ministerial approval, the repairs must fall within the specific parameters of the construction scenarios described in the 2021 EIR (Scenarios 1 and 2 in Draft EIR Section 2.5.3). Further, the sidewalk repairs or reconstruction work must incorporate the Policies, as described fully in the 2021 EIR (see Draft EIR Sections 2.4.4 and A).

[1] *United Neighborhoods for Los Angeles v. City of Los Angeles* (Los Angeles County Superior Court Case No. 21STCP02401) (*United Neighborhoods*).

Separately, the ordinance establishes a streamlined discretionary approval process for sidewalk repair projects necessitated by the *Willits* Settlement but falling outside the specific parameters allowed for ministerial approvals. However, even under the streamlined approval process, the sidewalk repairs must still incorporate the Policies, as described fully in the 2021 EIR (see Draft EIR Sections 2.4.4 and Appendix A). For these discretionary approvals, the 2021 EIR, as modified by the recirculated portions of the EIR, would serve as programmatic analysis of the impacts; further Project-level environmental review would be performed as necessary, depending on whether the Project is within the scope of the EIR, pursuant to CEQA Guidelines Section 15168.

Finally, as set forth more fully in the 2021 EIR (Draft EIR Section 2.5.4), the ordinance requires incorporation of the Sidewalk Repair Program Street Tree Policy, establishing, among other things, a 2:1 replacement-to-removal ratio for the first 10 years, a 3:1 ratio for years 11 to 21, and a 2:1 ratio for the last 9 years of the 30-year program. The ordinance also requires incorporation of the Sidewalk Repair Program Mandatory Features Policy, consisting generally of regulatory compliance measures and standard construction conditions and procedures.

1.2 Summary of CEQA Process

1.2.1 Scoping Process

In July 2017, the City issued the Notice of Preparation (NOP) and Initial Study (IS) for the Project and requested comments on the scope and content of the environmental information to be included in the Draft EIR. The NOP and IS were circulated for a 45-day review period beginning July 27, 2017, and ending September 15, 2017. Three public scoping meetings were held to obtain input on the NOP/IS and the scope and contents of the EIR.

Approximately 300 written comments were received on the NOP/IS. The comments primarily discussed alternative designs and materials for sidewalk repair; dual functions like sidewalk and stormwater capture; the street tree replacement ratio; public participation; tree canopy aesthetics; funding questions, etc. Commenters included Los Angeles Metro, the Native American Heritage Commission, the South Coast Air Quality Management District, neighborhood councils, environmental groups, and non-profit organizations.

1.2.2 Draft Environmental Impact Report

The Sidewalk Repair Program Draft EIR was completed in December 2019 and released for public review starting on December 26, 2019. The public review period was extended twice, resulting in a total public review period of 157 days. Seven public meetings were held between January 29, 2020 and February 15, 2020 to inform the public of the proposed Project and the availability of the Draft EIR, and to encourage public input and comments. During the 157-day public review period, nearly 300 comment letters were received via electronic mail, regular mail, and direct input on the Sidewalk Repair Program's website at https://sidewalks.lacity.org. Five public agencies submitted comments on the Draft EIR including LA Sanitation and Environment (LASAN), the Los Angeles Department of Transportation (LADOT), California Department of Transportation (Caltrans), Los Angeles Metro, and the California Coastal Commission. Comments were also received from individuals, neighborhood and community councils, City Council members, businesses, and other organizations.

The Sidewalk Repair Program Draft EIR is available at https://sidewalks.lacity.gov/draft-eir.

1.2.3 Final Environmental Impact Report

The City completed the Final EIR for the Project in April 2021. The Final EIR includes a summary of the comments received on the Draft EIR during the public review period, responses to comments received, corrections and additions to the Draft EIR, and Final EIR appendices. The City determined that the revisions made to the Draft EIR did not create any new or substantially more severe significant environmental impacts that would require recirculation pursuant to CEQA Guidelines Section 15088.5. The EIR was certified and the Project was approved by the Los Angeles City Council on June 22, 2021.

The Sidewalk Repair Program Final EIR is available at https://sidewalks.lacity.gov/environmental-impact-report.

1.2.4 CEQA Litigation

Following certification of the EIR and approval of the Project, United Neighborhoods for Los Angeles and Angelenos for Trees filed a lawsuit challenging the 2021 EIR (Case No. 21STCP02401). The Los Angeles County Superior Court issued its order, denying in part and granting in part the petition for writ of mandate, on January 17, 2023. A judgment was entered on March 14, 2023, and a peremptory writ of mandate was issued, directing the City to decertify the EIR, as further discussed below.

1.3 Summary of Court Ruling

The 2021 EIR was challenged in *United Neighborhoods*. The Los Angeles County Superior Court evaluated the 2021 EIR and arguments made by the petitioners and specifically upheld the following facets of the 2021 EIR:

- Analysis of recreational impacts;
- Responses to comments;
- Description of the *Willits* Settlement; and
- Consultation with the California Department of Fish and Wildlife (CDFW).

However, the court found the following to be deficient in the 2021 EIR:

- The decision to evaluate only special-status species under Impact BIO-1 was not supported by substantial evidence, and the threshold and analysis were therefore impermissibly narrow.
- The 2021 EIR's analyses of short-term impacts on the tree canopy, as well as related impacts on foraging habitat for both special-status and non-special-status species, were inadequate.
- The court disagreed with the City's interpretation of the threshold of significance from the *L.A. CEQA Thresholds Guide*, used for the analysis of Impact BIO-2. Consequently, it held that the 2021 EIR's analysis under Impact BIO-2 should not have been limited to impacts within locally designated natural habitat or plant communities. The opinion states that the 2021 EIR should consider whether native trees that were not planted would be affected by the Project and whether black walnut trees are "rare" and therefore subject to analysis, whether planted or not.

- The 2021 EIR's summary of the projections approach failed to adequately describe the cumulative context of the Project with respect to tree impacts. This includes failing to incorporate by reference or summarize some projections the City sought to use to establish the cumulative context.
- The 2021 EIR's analysis of the cumulative aesthetic and biological impacts of the Project together with other projects improperly evaluated only the Project's impacts.

All other aspects of the biological impacts and cumulative impacts not found to be deficient were upheld. In addition, all other aspects of the EIR were not challenged.

The court's complete decision is attached as Appendix B.

The court subsequently issued a peremptory writ of mandate, commanding the City to decertify the 2021 EIR, rescind the Project's CEQA findings, and rescind and set aside the ordinance, Street Tree Policy, and Mandatory Project Features Policy associated for the Project, all of which was subsequently done by the City.

The purpose of this recirculated portion of the EIR is to address the legal defects in the 2021 EIR that were identified by the court so that the City may reconsider the Project for approval.

1.4 Legal Authority and Purpose of Recirculated Portions of the EIR

This document containing recirculated portions of the EIR is an addition to the 2021 EIR. It is intended to address the legal defects identified by the court in *United Neighborhoods*. When an EIR has previously been circulated but "significant new information" is added, the EIR must be recirculated (CEQA Guidelines Section 15088.5). When an EIR has been certified and decertified pursuant to a court order prior to the revisions, recirculation is still undertaken to give the public the opportunity to review and comment on the proposed revisions (see, for example, *Ione Land, Air, & Water Defense Alliance, LLC v. County of Amador* [2019], 33 Cal. App. 5th 165, 169 [*Ione Valley*]). "If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified" (CEQA Guidelines Section 15088.5[c]). Recirculation of only portions of the EIR is consistent with the remedies provisions of CEQA, which direct that any court order of noncompliance "shall include only those mandates which are necessary to achieve compliance with [CEQA]. . . ." (Public Resources Code Section 21168.9[b]).

This document containing recirculated portions of the EIR contains the entirety of the revisions made to the 2021 EIR; consequently, only the recirculated portions of the EIR are being recirculated. The City requests that reviewers limit their comments to the revised chapters or portions of the EIR (CEQA Guidelines Section 15088.5[f][2]). The 2021 EIR together with this document shall make up the Partially Recirculated Draft EIR, which is intended to be considered for certification prior to any approval of the Project.

1.4.1 Summary of Revisions

In response to the legal defects identified by the court in *United Neighborhoods*, this document, which contains recirculated portions of the EIR, includes analysis of the following topics:

- Impacts on non-special-status species and common bird species,
- Short-term impacts on special-status species and common species,
- Impacts on naturally occurring trees and individual trees not contained within a locally designated natural habitat or plant community,
- Cumulative impacts on aesthetics, and
- Cumulative impacts on biological resources.

1.5 Statement re Res Judicata

Because this document containing recirculated portions of the EIR was prepared in response to a peremptory writ of mandate issued by the court, it is important for the public and decision-makers to understand the effect of that prior litigation on the scope of review and solicited public comments. The legal principle limiting further review is referred to as "res judicata." "Res judicata, or claim preclusion, bars relitigation of a cause of action that was previously adjudicated in another proceeding between the same parties or parties in privity with them" (*Citizens for Open Government v. City of Lodi* [2012], 205 Cal. App. 4th 296, 324.) The doctrine "bars the litigation not only of issues that were actually litigated but also issues that could have been litigated" (*Ibid*.). In the context of CEQA litigation, parties are in privity if they both seek to represent the public interest, even if they raise distinct causes of action (*Silverado Modjeska Recreation & Park Dist. v. County of Orange* [2011], 197 Cal. App. 4th 282, 298–299.)

When the legal adequacy of an EIR has been litigated and the document revised in response to issuance of a writ, as is the case here, res judicata bars legal challenges to unchanged portions of the EIR that could have been brought in the prior litigation (*Ione Valley*, *supra*, 33 Cal. App. 5th at p. 171; see also *Ballona Wetlands Land Trust v. City of Los Angeles* [2011], 201 Cal. App. 4th 455, 480.) Consequently, this document containing recirculated portions of the EIR contains only those portions of the EIR necessary to bring the EIR into compliance with CEQA, and public comments should be similarly tailored.

Chapter 2
Recirculated Portions of the Biological Resources Chapter

2.1 Application of Thresholds BIO-1 and BIO-2 to Supplemented Portions of Analysis

The 2021 EIR contained the following thresholds of significance:

- **BIO-1**: Would the proposed Project result in 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? *L.A. CEQA Thresholds Guide*.
- **BIO-2**: Would the proposed Project result in 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? *L.A. CEQA Thresholds Guide*.

In *United Neighborhoods,* the court found that limiting the focus of the analysis to potential impacts on special-status species in Impact BIO-1 was not supported by substantial evidence, particularly for non-sensitive year-round birds.[2] The court also noted that the EIR failed to discuss foraging habitat for any birds other than the American peregrine falcon. The court also concluded that the 2021 EIR failed to adequately address short-term impacts on the tree canopy before it begins to recover, starting at year 13, and potential secondary effects on both special- and non-special-status species. Sections 2.2 and 2.3 of this recirculated portion of the EIR address these issues.

With respect to Impact BIO-2, the court found that the 2021 EIR's analysis of potential impacts on native trees outside of Significant Ecological Areas (SEAs) and Environmentally Sensitive Habitat Areas (ESHAs) was not supported by substantial evidence. As relevant to this issue, the court found that the 2021 EIR failed to adequately analyze whether native street trees may be naturally occurring (i.e., "protected trees" under the City's tree protection ordinance). The court also stated that the City should evaluate whether the black walnut tree is "rare" and therefore qualified for consideration as a special-status species, whether planted or not. Section 2.4 of this recirculated portion of the EIR addresses these issues.

[2] Authors of the recirculated portions of the EIR note that the Impact BIO-1 threshold from the *L.A. CEQA Thresholds Guide* is, in some ways, more conservative than the thresholds appearing in Appendix G, subsection IV(a), of the CEQA Guidelines. To be treated as significant under the CEQA Guidelines, a project must normally have a "*substantial adverse effect*, either directly or through habitat modifications, on any *species* identified as a *candidate, sensitive, or special status species*. . . ." "Species," in turn, is often defined as a "group" of individuals that actually or potentially interbreed in nature and does not refer to each individual member of the species.

2.2 Impacts on Non-Special-Status Species and Common Bird Species

Recirculated Portion of BIO-1: Would the proposed Project result in the loss of individuals, or the reduction of existing habitat, of a non-sensitive species, including common year-round bird species?

As demonstrated in the analysis below, less-than-significant impacts on non-special-status species are expected to result from the Project. With implementation of PDF-BIO-1 and PDF-BIO-3, less-than-significant direct impacts on non-special-status species would be ensured. In addition, less-than-significant indirect impacts on non-special-status species are expected to result from loss of habitat because the Project loss would be extremely small and scattered throughout the city of Los Angeles. At Year 13 of the Project, it is projected that the loss of tree canopy resulting from the Project will be at the maximum (i.e., 0.3 percent loss of the street tree canopy or 0.1 percent loss the total tree canopy in the city of Los Angeles). The canopy is expected to increase after Year 13 and fully recover after 30 years. These small temporary losses are not expected to significantly affect the ability of urban wildlife to nest, forage, take shelter, perch, or utilize habitat in other ways. In addition, the Project is expected to increase age structure diversity and size diversity in the street trees as well as increase the canopy and associated habitat benefits for neighborhoods with few trees currently present.

Non-special-status species include species that have not been listed, proposed for listing, or designated as candidates for listing as threatened or endangered under the federal Endangered Species Act (ESA) or the California Endangered Species Act (CESA) as well as species that are not considered Species of Special Concern or Fully Protected Species by the state or listed as sensitive by local or regional jurisdictions. Non-special-status species generally include common species as well as others that are not considered at risk of extinction or substantial decline in population.

Many avian species seek shelter, forage, and nest in street trees, including native migratory birds. More than 300 avian species have been recorded within Los Angeles (eBird 2024). Examples of species that are frequently found throughout the city and use street trees include the following native passerines: American crow (*Corvus brachyrhynchos*), Anna's hummingbird (*Calypte anna*), black phoebe (*Sayornis nigricans*), bushtit (*Psaltriparus minimus*), house finch (*Haemorphus mexicanus*), lesser goldfinch (*Spinus psaltria*), mourning dove (*Zenaida macroura*), northern mockingbird (*Mimus polyglottos*), orange-crowned warbler (*Oreothlypis* celata), ruby-crowned kinglet (*Regalus* calendula), and yellow-rumped warbler (*Setophaga coronata*). Several birds of prey also use street trees in Los Angeles, including barn owl (*Tyto alba*), Cooper's hawk (*Accipiter cooperii*), great-horned owl (*Bub virginianus*), red-shouldered hawk (*Buteo lineatus*), and red-tailed hawk (*Buteo jamaicensis*).

The Project includes sidewalk repair pursuant to City obligations under the *Willits* Settlement and replacement of associated street trees. These repairs would occur in developed areas within an urban setting with limited connectivity to intact natural communities. Open spaces may be found nearby or adjacent to some components of the proposed Project; however, the Project would not have any direct impacts within these areas. Rather, potential direct impacts on individuals and habitat would be limited to impacts on street trees that may be removed and replaced as a part of the Project and the wildlife potentially occupying those trees. To ensure accessibility, trees would be removed only if dead or exhibiting specific indications of extreme stress or poor health such that they could be unable to survive the required work or unable to be retained by root pruning due to their condition (see Appendix A, Street Tree Policy, page 2).

Avian species are the most abundant forms of wildlife using street trees. Street trees have been documented to provide important components of habitat for avian species by supporting foraging, shelter, movement, and other uses (Wood 2020). Street trees buffer the impacts of urbanization on birds, offering opportunities for nesting, foraging, and resting that may otherwise be limited in some urban settings (Peña 2017). Non-avian native wildlife species that are often found in urban settings include mammals like western grey squirrels (*Sciurus griseus*) and raccoons (*Procyon lotor*), reptiles like western fence lizard (*Sceloporus occidentalis*) and side-blotched lizard (*Uta stansburiana*), and some bat species, including big brown bat (*Eptesicus fuscus*), California myotis (*Myotis californicus*), silver-haired bat (*Lasionycteris noctivagans*), and Yuma myotis (M*yotis yumanensis*).

A number of factors determine the likelihood of street trees being used by birds and how the trees may be used, including size, species, and proximity to other habitat or components of other habitats (Peña 2017). Areas with more trees, larger trees, higher tree-species diversity, and more native tree cover have the potential to support more birds than areas with fewer and smaller trees (Wood 2020; Peña 2017).

In a recent study in Los Angeles that compared differences in avian foraging in neighborhoods with varying levels of street tree prevalence and cover, the authors found two to five times greater density of foraging birds in areas with larger, denser trees (Wood 2020). This appears to align with a logical expectation that more trees would provide more foraging habitat and therefore more foraging birds. Other studies also found that more mature trees provide greater avian density than younger trees (DeGraaf 1986).

Under normal circumstances, when street trees are removed under the Project, wildlife would leave the Project area when disturbance becomes intolerable, thereby avoiding direct impacts. These individuals would be expected to use adjacent and nearby trees as well as other vegetation as a replacement for the removed tree. This includes avian species as well as grey squirrels and raccoons, which may also nest in street trees. It also includes some common bats, which may roost in trees that have crevices or substantial peeling bark.

Nesting birds would be protected from direct impacts by PDF-BIO-1. The Project would limit street tree removals during the nesting bird season (February 1 to September 1) to the extent feasible so that active nests would not be present when trees would be removed. When trees must be removed during the nesting season, PDF-BIO-3 would ensure that a survey is conducted to search for nesting birds, including raptors, and bats. If active nests are identified, they would be protected with a non-disturbance buffer and the nest would be avoided until the nest is no longer active. As a result, no direct impacts on avian species, including common species, are expected.

Indirect impacts on non-special-status species and common bird species from tree removals can result from a loss of habitat. Street trees are one part of habitat for wildlife residing in the city of Los Angeles. Birds, in particular, use street trees for foraging, either by directly gleaning insects from the leaves and branches, by eating seeds and fruits, grown by the trees, and by using the trees to perch while hunting prey in the vicinity of the trees. Individual trees represent only one part of the habitat for wildlife. Other parts of the habitat include the many other resources required to survive, such as other vegetation, food, water, soil, light, favorable temperature, and even human-made structures. A study that focused on avian street tree foraging in Los Angeles identified the following:

- Street trees are beneficial to birds.
- Generally, most birds studied were selective regarding the species of trees used for foraging.
- Most birds studied prefer to forage in just a few native and non-native trees species found in urban settings, especially oak (native and non-native), sycamores, elms, and ashes.

- The vast majority of non-native street trees were seldom used by foraging birds.
- Areas with more trees and larger trees were used by more birds.
- Low-income communities, with fewer street trees and adjacent private land vegetation had fewer foraging birds (Wood 2020).

As described in the Draft EIR, it is assumed, both conservatively and as a worst-case scenario, that each sidewalk repair of 650 linear feet would require one tree removal. The Draft EIR estimated that a maximum of 292 trees would be removed per year the first 5 years, increasing every 5 years until a maximum, of 594 trees would be removed every year in the last 5 years. Based on this estimate, a maximum of 12,860 trees would be removed over 30 years. The number of actual historic tree removals under the program in Years 1 to 7 (up to Fiscal Year 2022–2023, the last year to date) has been much less (i.e., on average, 110 trees removed annually) than the numbers presented in the EIR (i.e., 292 to 336 trees removed in Years 1 to 10) (see Appendix C).

Removing 12,860 street trees, in a worst-case scenario, would represent a loss of 1.9 percent of the baseline number of street trees (i.e., approximately 711,248 street trees, as of the count in the Draft EIR). However, the City's updated street tree count, which was completed in December 2023 (https://losangelesca.treekeepersoftware.com/index.cfm?deviceWidth=2240), currently stands at 660,034 street trees, if no trees are replaced. It should be noted, however, that actual *Willits* Settlement sidewalk repairs from 2016 to 2023 have resulted in far fewer trees being removed compared with the number in the Draft EIR (see Appendix C). Instead, on average, 110 street trees have been removed each year from sidewalk repairs arising from the *Willits* Settlement. Approximately 80 percent of the trees adjacent to the Project areas have been retained by root pruning and other methods (Dudek 2018).

Although street trees are an important component of urban wildlife habitat, they are just one part of the overall habitat within the city and adjacent areas, which is made up of a broad network of street trees as well as other trees and vegetation. Within Los Angeles alone, the street tree canopy covers 45,061 acres. Birds and other wildlife are not restricted to using individual trees. In fact, their habitats often require many trees such that the loss of an individual tree or a small number of individual trees would not substantively result in a loss of habitat. In addition, the Project would replace the street trees within 1 year at a ratio of 2:1 for years 1–10 and years 22–30 and 3:1 for years 11–21. Although it would take 13 years before the canopy recovery begins, and 30 years for the canopy to reach the baseline canopy, replacement trees would provide benefits, including foraging opportunities, even before reaching maturity (see also Section 2.3 regarding short-term impacts from canopy loss). By the time most trees have reached maturity at the end of Year 46, it is projected that the Project will add nearly 300 acres to the baseline street tree canopy, thereby increasing the availability of trees of various ages and size for foraging, nesting, and refuge.

Larger trees are more likely to require removal, as it relates to sidewalk repair, because they more frequently damage sidewalks compared with smaller trees. As noted above, larger mature trees have been found to provide better foraging opportunities than smaller and younger trees. As such, there will be a period when the replacement trees provide fewer habitat benefits compared with the benefits at full maturity. There are some additional factors, however, to consider in evaluating the effects of the tree removal. For example, among trees preferred by birds, large mature individuals that are healthy provide higher quality foraging. However, to avoid removing trees unnecessarily, the Project would remove only trees that meet certain criteria found in the City Sidewalk Repair Program Street Tree Policy, as determined under the direction of the City's Urban Forestry Division

(UFD). Trees eligible for removal would be those dead, diseased, or otherwise unlikely to survive pruning or management required to ensure accessibility and public safety. As such, most of the trees that would be removed would be dead or unhealthy, which may lose foliage and otherwise have a reduced function to benefit wildlife. Although dead and dying trees offer habitat features that can be used by wildlife, including cavities, which are used by some species, generally, dead and dying trees provide reduced habitat function for most wildlife compared to healthy trees. Healthy trees have greater canopy cover compared to dead and unhealthy trees and can host more insects and vegetation for foraging by many species. Further, dead, dying, and sick trees, although part of a healthy ecosystem, with an important role in natural settings, can cause complications in an urban setting where they create safety hazards when they become uprooted or when branches break. In addition, though dead and unhealthy trees often have reduced canopy cover and function for wildlife, they still take up substantial space, which is limited in an urban setting. Removing dead and unhealthy trees frees up space in which to plant healthy trees that can grow to replace the lost canopy. First Steps, an urban forest planning document for the city, identified dead trees as a limitation to increasing canopy cover in the city that delays the opportunity to replace trees (Dudek 2018). The document identifies the removal of all dead trees as a significant step toward improving the urban forest (Dudek 2018). Similarly, removing sick trees that are unlikely to survive root pruning has the added benefit of reducing the risk of spreading disease among other trees. Finally, replacing sick, dying, and dead trees with young trees will contribute to a diverse tree canopy, with trees at various stages of life over the 30-year Project and beyond. This can be helpful in some areas, especially where trees are uniform in age and size from being planted around the same time and any new trees are prevented from growing in because of the developed nature of the site.

Replacement trees species would be determined by UFD and would typically match the predominant tree species existing on the block at the replacement site, provided that the species are appropriate for the site. Native trees may be used when determined appropriate and feasible for the growth space and area. When choosing locations for replacement trees, the first choice would be the same location as the removed tree. However, when that is not feasible, trees would be placed in order of priority at the following locations: on either side of the same street/block as the removed tree; on the immediate street to the north, south, east, or west of the removed street tree; or in the neighborhood/community in which the street tree removal occurred (within 0.25 mile). When replacement cannot occur in the general area where a tree was removed, the tree would be placed in historically low-canopy areas with a high “heat island” index or areas of the city with poor air quality, as determined by the South Coast Air Quality Management District (SCAQMD), the California Office of Environmental Health Hazard Assessment, or the California Environmental Protection Agency. This would have a positive effect on the existing habitat in low-income communities where low-canopy, high “heat island” areas are more likely to occur. In addition, because sidewalk repairs would occur throughout the city and would not be concentrated in any particular area, tree removals would not be concentrated in any one particular area. Although, as a worst case, a maximum of 594 trees would be removed in a single year, these would be spread out over the 467-square-mile Project area, with 1.27 trees removed per square mile in the worst-case scenario. The number of actual historic tree removals under the program in Years 1 to 7 (up to Fiscal Year 2022–2023, the last year to date) has been much less (i.e., on average, 110 trees removed annually) than the numbers presented in the EIR (i.e., 292 to 336 trees removed in Years 1 to 10).

There may be some factors that cause some locations to have more tree removals than others. For example, areas with more trees and/or sidewalks would likely encounter more tree removals than areas with fewer trees and/or sidewalks. A street tree inventory identified 17,670 acres of street

trees, which means up to 3.4 trees would be removed for every 100 acres (0.034 tree per acre) of street trees per year. These removals do not affect the overall availability of foraging, nesting, or other habitat resources provided within the range of the species that use street trees in the city. In fact, when the canopy loss from the Project is at its greatest point, at Year 13, a total of 53 acres would have been removed before the canopy cover begins to recover. This represents 0.3 percent of the baseline street tree canopy, or 0.1 percent of the 45,061 acres of trees available citywide.

Street trees make up an important part of the habitat for many birds and other wildlife in Los Angeles; however, individual trees are only components of the available habitat network within the city and nearby areas. Wildlife is not restricted to using single trees; in fact, resident birds and other wildlife have home ranges that cover many trees and other surrounding vegetation, some traveling several miles while foraging or searching for other habitat resources. Migrating birds, including those that use the Pacific Flyway, an important migration route that includes Los Angeles, often travel hundreds or even thousands of miles and rely on the general habitat within the city and adjacent areas, not individual trees. Wildlife is expected to adjust to the change in tree availability by using other trees in their ranges or during migration.

As mentioned above, the city of Los Angeles falls within the Pacific Flyway, one of four identified migration routes in the western hemisphere for migrating birds moving north or south between seasonal habitats. The Pacific Flyway extends from northern Alaska to Patagonia in South America, paralleling the coastline of the Pacific Ocean and extending inland to cover most of the western United States. Millions of birds migrate at least some part of this distance, with many making regular brief stops to rest and feed during the trip. Some birds will stopover in Southern California, including the city of Los Angeles, staying for only a few days. For other species, the area may be a seasonal stopping point where they can stay for the entire winter or summer before returning north or south again. For each type of migrating bird, appropriate vegetation cover is important. Some birds, like waterfowl, have very specific requirements, such as unique habitat features, for their stops in the area. Others will use whatever resources they can find for food or a place to rest. Street trees in Los Angeles provide resources for birds migrating through the region. However, the migration corridor is large, and Los Angeles street trees make up a small part of the urban, suburban, and natural communities in the region. Migrating birds are not dependent on individual street trees; rather, they use many resources along their route and in the area. Therefore, removing individual street trees would not result in a loss of habitat for migrating birds.

Overall, the Project would result in a temporary reduction in the number of street trees; however, this represents a small part of the overall available network of trees available for use by wildlife, including birds, in Los Angeles. The loss of up to 1.27 trees per square mile of the city per year, before replacement trees are planted, would not constitute a loss of habitat because it would represent only a fraction of the overall resources available within the existing habitat. Other components of the existing habitat, such as the remaining trees, vegetation, water, climate, and other habitat components, would not be changed by the Project. At a maximum, the Project would represent 0.1 percent canopy loss in the city before replacement trees are planted, leaving the overall habitat network intact, even before the total canopy increases above the baseline level. Further, starting with the first replacement trees, the cover would begin to recover from the loss and ultimately result in an increase amounting to 17,725 trees, or a total of 30,405 trees as replacements for the 12,680 removed. As such, the proposed Project would not result in the loss of individuals, or the reduction of existing habitat, of a non-sensitive species, including common year-round bird species. Impacts would be ***less than significant.***

2.3 Short-Term Impacts on Special-Status Species and Common Species

Recirculated Portion of BIO-1: Would the proposed Project cause short-term effects that could result in the loss of individuals, or the reduction of existing habitat, of a state or federal listed endangered, threatened, rare, protected, or candidate species, or a Species of Special Concern or federally listed critical habitat, or of a non-sensitive species, including common year-round bird species?

As discussed in Section 2.2, street trees are used for refuge, foraging, and nesting by avian species as well as some mammal and reptile species. As noted in the Draft EIR and in Section 2.2, as a worst case, up to a maximum of 12,860 trees are expected to be removed over 30 years. The number of actual historic tree removals under the program in Years 1 to 7 (up to Fiscal Year 2022–2023, the last year to date) has been much less (i.e., on average, 110 trees removed annually) than the numbers presented in the EIR (i.e., 292 to 336 trees removed in Years 1 to 10). To ensure accessibility, trees would be removed only if dead or exhibiting specific indications of extreme stress or poor health such that they may not survive the required work. Note that dead and dying trees generally require removal for public safety, regardless of sidewalk repair. PDF-BIO-2 requires street trees removed during years 1 through 10 and 22 through 30 to be replaced at a 2:1 ratio; trees removed during years 11 through 21 will be replaced at a 3:1 ratio. All trees would be replaced within 1 year of removal.

Although trees would be replaced, and an estimated 30,405 trees would be planted by the end of the Project, it is anticipated that many removed trees would be replaced with smaller, younger trees that would require time to grow and mature to reach the status of the trees being replaced. It could take up to 1 year to replace a removed street tree. In addition, even after replacement trees are planted, it would take up to 15 years, on average, for replacement trees to mature. During that time, trees may provide only limited resources for wildlife compared to the original tree. These impacts may be considered short-term impacts due to the temporary reduction in resource value.

At the end of the Project, after 30 years, a maximum worst-case total of 1.9 percent of the street trees in the city would have been removed, before accounting for replacement trees. This is a small percentage of the overall available street tree resources throughout the city. Furthermore, the trees would be removed incrementally such that, in the first 5 years, a maximum 1,460 trees (292 trees per year) would be removed, representing 0.2 percent of the city street trees before replacement trees are planted. The number of trees removed would increase every 5 years until the last 5 years when a maximum of 2,970 trees (594 trees per year) would be removed, representing 0.4 percent of the city street trees before replacement trees are planted. The greatest worst-case number of trees removed in a single year would be approximately 0.09 percent of the total number of city street trees before replacement trees are planted. Beyond that, trees would be removed across the city, an area of 467 square miles, so that the impacts would be spread out. The number of actual historic tree removals under the program in Years 1 to 7 (up to Fiscal Year 2022–2023, the last year to date) has been much less (i.e., on average, 110 trees removed annually) than the numbers presented in the EIR (i.e., 292 to 336 trees removed in Years 1 to 10).

For the reasons stated in Section 2.2, a short-term loss of individuals is not anticipated because of their tendency to relocate to avoid disturbance and because of the requirements of PDF-BIO-1 (nesting birds) and PDF-BIO-2 (increased tree replacement ratio). See Section 2.2 for further discussion of impacts to individuals. Therefore, the following discussion focuses on short-term impacts to habitat.

2.3.1 Common Species

As demonstrated in the analysis below, the short-term impact on common species would be less than significant. This is because the loss of habitat would be extremely small, the loss of habitat would be scattered through the city, and urban forest animals would be able to adjust to minor alternations in their habitat.

Regarding habitat, the abundance of wildlife in an area varies, based on the availability of required and preferred resources, like food, water, shelter, light, climate, soil, etc. Trees, including street trees, are a valuable resource, especially in urban settings where vegetation may be limited. Trees provide a place for wildlife to find food, shelter, and nest sites, among other things. Studies show native habitat communities are ideal for most wildlife (Wood 2020; Spotswood 2021). Animals have higher survival rates, better reproductivity, and higher diversity away from urban settings. The more native resources found within or adjacent to a community, including within street tree communities, the greater the wildlife abundance. Areas with high levels of exotic plant species, including trees, like Los Angeles, where most of the 585 street tree species are non-native, provide fewer resources for native wildlife than those dominated by native vegetation.

There are approximately 660,034 street trees in Los Angeles, making up approximately 17,670 acres of canopy. This represents approximately 39 percent of the 45,061 acres of tree canopy citywide. Although city street trees are predominantly non-native trees, they still represent a substantial part of the tree cover in the city. Therefore, street trees are an important resource for wildlife habitat, especially birds, in Los Angeles. However, the removal of relatively few trees spread throughout the city represents a small reduction in the overall availability of trees in the city, even before replacement trees mature, leaving the overall habitat intact. In addition, the loss of habitat would be scattered through the city, not focused on any one location.

Regarding urban forest animals, urban-adapted wildlife species, most of which are common species, can be found throughout Los Angeles. Birds are one of the most prevalent forms of wildlife, with more than 300 species found in the city; however, other common native wildlife species are also found using street trees in the city, including insects, gray squirrels, raccoons, western fence lizards, and several bat species.

A common feature among urban forest animals is that they have a tendency to be adaptable. In fact, a study performed before and after experiments around tree removals in Melbourne, Australia, found a significant difference in bird impacts between removing several large trees in a park and fewer smaller street trees in an urban setting. The study found that birds in particular were resilient and moved to and used nearby trees and other resources when trees were removed (Ordoñez 2023). The number of bird observations did not change significantly when tree removals were smaller and scattered across the urban setting. The authors noted a likely scale effect in which the removed trees were most likely a small part of a larger landscape that represents the birds' complete habitat. Similar to the street tree experiment above, the removal of up to 0.09 percent of the street trees per year, with a maximum projected canopy loss of 0.3 percent at Year 13, would not substantially decrease the availability of resources, including foraging resources throughout the city, and no significant change to wildlife would occur in the long term. Thus, animals in an urban setting are conditioned to adjust and adapt to regular changes in their habitat and are expected to do so if necessary with the expected tree removals.

On a small neighborhood scale, especially in low-income communities where there are, generally, fewer street trees and less adjacent habitat available, street trees are more important because the removal of individual trees represents a larger reduction in overall resources in the immediate area. However, as studies show, birds are less abundant in these areas, in part, due to the lack of habitat features under existing conditions (Wood 2020). The baseline density of all wildlife is expected to be relatively low in these areas compared to areas with more trees and adjacent vegetation simply due to the limited resources. As is the case in all areas, wildlife in these areas are expected to adapt and move to adjacent areas or other parts of the city with additional habitat features and resources.

As such, the Project would not cause short-term effects that could result in the loss of individuals, or the reduction of existing habitat, of a non-sensitive species, including common year-round bird species. Short-term impacts on these species would be ***less than significant.***

2.3.2 Special-Status Species

As demonstrated in the analysis below, the short-term impact on special-status species would be less than significant. This is because street trees are not the primary habitat of special-status species. To the extent special-status species use street trees as habitat, the loss of habitat would be extremely small and would be scattered through the city. Implementation of PDF BIO-3 would avoid direct impacts on the species.

Three avian and two bat special-status species were identified as potentially using street trees in the Project area. As discussed in the Draft EIR, the site may provide suitable foraging resources for peregrine falcon (*Falco peregrinus*) and nesting resources for purple martin (*Progne subis*) and yellow warbler (*Setophaga petechia*). In addition, some city street trees may provide roosting opportunities for pallid bat (*Antrozous pallidus*) and western red bat (*Lasiurus blossevillii*).

The home range of peregrine falcons can vary dramatically from individual to individual and change throughout the year. Generally, though, the home range of a peregrine falcon is several square miles. The home range is heavily affected by prey availability, which, for peregrine falcons, is mainly birds. Within an urban setting, peregrine falcons often take advantage of high buildings and other man-made structures to search for prey, then dive to capture them. Because the species are known to be flexible with respect to the prey they take, based on whatever tends to be in abundance, they are highly successful in urban settings where they often take pigeons, doves, and other passerines that are plentiful. Peregrine falcons may be negatively affected if the abundance of prey were to substantially decline as a result of the Project. However, as noted in Section 2.2, above, the Project is not anticipated to reduce the abundance of birds in the city. Therefore, temporary impacts on peregrine falcons will be less than significant.

Purple martins are large swallows that forage by capturing insects in flight. In urban settings, the species often uses nest boxes but also natural cavities in trees. The breeding range for purple martins has significantly declined in Southern California, with few records occurring throughout the city of Los Angeles most years, primarily in parks. Purple martins are rare in the city and often displaced from nesting sites by non-native cavity nesters like house sparrows (*Passer domesticus*) and European starlings (*Sturnus vulgaris*), which are extremely abundant in urban settings like the city of Los Angeles. PDF-BIO-3, which requires a nesting bird survey prior to street tree removal, would avoid direct impacts on the species; however, the removal of trees,

especially large mature trees, has the potential to reduce the number of nest sites available to the species. However, the loss of trees would be a small percentage of the canopy and scattered throughout the city. In addition, although this species is locally rare, it is regionally abundant. The temporary impacts would be less than significant. In addition, although this species is locally rare, it is regionally abundant. The temporary impacts would be less than significant.

Yellow warblers are small insectivores that typically breed in thickets and other similar habitats along streams and in wetlands. They are migratory and typically found in Southern California between March and April through July and August most years. The species breeds in wet habitats, especially along streams and in wetlands where deciduous thickets, or other early successional habitats, dominate. Yellow warblers are especially associated with young willow trees. Nests are typically built in shrubs and small trees. City street trees are not ideal breeding habitat because they are not found in wet environments, nor are they typically the ideal riparian species. In addition, yellow warblers use city street trees infrequently as a foraging resource because they are not part of their primary habitat. The minimal reduction in the tree canopy in the city would not substantially change the available resources and the overall habitat would remain intact. As such, impacts on yellow warbler would be less than significant.

Pallid bat and western red bat are both regionally common species, and both are unlikely to use city street trees for roosting. Pallid bats are cavity roosters. They often use cliffs, rock outcrops, buildings, bridges, and tree hollows. When they do roost in trees, those trees are typically large native trees. Western red bats are solitary roosters and nest among the leaves of trees, especially riparian trees, which are not typical street tree species. Both species are susceptible to human disturbance and generally avoid urban settings. They typically roost in or adjacent to natural settings. PDF-BIO-3 will ensure that actively roosting bats are protected. Street trees are not a substantial part of pallid bat and western red bat habitat. Impacts on both special-status bat species would be less than significant.

Overall, the removal of city street trees would cause a short-term reduction in a small number of resources that could be utilized by the abovementioned species; however, this short-term reduction would not represent a substantial part of their habitats, and no overall habitat would be lost, even at Year 13, the maximum projected loss in canopy. As such, the proposed Project would not cause short-term effects that could result in 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. Short-term impacts on these species would be ***less than significant***.

2.4 Impacts on Naturally Occurring Trees and Individual Trees Not Contained within a Locally Designated Natural Habitat or Plant Community

2.4.1 Naturally Occurring Trees

Recirculated Portion of BIO-2: Would the proposed Project result in 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?

As demonstrated in the analysis below, the Southern California black walnut is a protected tree under the City's Protected Tree Ordinance, but is not classified as a rare tree.

The following discussion addresses the above threshold in the context of Southern California black walnut.

Generally, city street trees are not protected by law or local ordinance; however, removal of street trees in the City right-of-way requires a permit approval. Los Angeles Municipal Code 62.169, City Ordinance No. 177404, does, as amended by City Ordinance 186873, require the protection of some native trees as well as two shrubs, toyon, and Mexican elderberry (Protected Tree and Shrub Regulations). The following trees require a permit approval before they can be removed under the Protected Tree and Shrub Regulations:

- All oak trees indigenous to California, except scrub oak (*Quercus dumosa*). This includes valley oak (*Quercus lobata*) and California live oak (*Quercus agriifolia*).
- Southern California black walnut (*Juglans californica* var. *Californica*).
- Western sycamore (*Platenus racemosa*).
- California bay (*Umbellularia californica*).

Note that the regulations do not extend protection to trees grown or held for sale by a licensed nursery or trees planted or grown as part of a tree planting program, such as planted street trees. In addition, only trees with a combined trunk diameter of 4 inches at 4.5 feet above the ground are protected.

Almost all street trees are planted because they occur within concrete and paved rights-of-way where the ground has been graded to allow for the development of the roads and sidewalks. It is extremely unlikely that a naturally growing protected tree would be removed as part of the Project. Prior City findings determined that almost all street trees in the city, with few exceptions, were planted and therefore not naturally occurring (City of Los Angeles 2015; Dudek 2018).[3] Accordingly, the City finds that there is a presumption that a street tree is planted and not naturally occurring, unless (1) the tree is located in a random fashion within the right-of-way, as opposed to located adjacent to sidewalks, curbs, and gutters and spaced at regular distances; (2) the tree is located in a habitat typically occupied by naturally occurring trees of that species; and (3) there is substantiated evidence that the tree was not planted.

[3] City of Los Angeles. 2015. *State of the Street Trees Report*, p. 5; Dudek. 2018. *First Step: Developing an Urban Forest Management Plan for the City of Los Angeles*, p. 10.

The City has investigated the likelihood that species of protected trees may meet the above criteria and therefore ordinarily be subject to the Protected Tree Ordinance. (Species of protected shrubs may also theoretically meet the above criteria, but there is virtually no possibility that such a shrub would be impacting the adjacent sidewalks to necessitate removal.) While there is some chance that one or more individual trees meeting these criteria exist in the City, the City's Urban Forestry Division experts have never identified any example in years of maintaining City streets trees. As such, the City finds that it would be speculative to assume that any such trees exist in a small fraction of rights-of-way within the City that require sidewalk repairs (per the Draft EIR, Chapter 2, the maximum sidewalk miles repaired under the Project would be approximately 1,600 of the estimated 9,000 miles total, or 17.78%), and even more speculative to assume that any such trees would fall within the even smaller fraction of those trees requiring removal due to the sidewalk repairs (in the worst-case scenario, 1.8% street trees removed from overall total, thereby resulting in an approximate 0.32% chance any one street tree would be removed under the Project, much less a naturally-occurring protected tree that has yet to be identified by the City). Due to the extremely low likelihood of occurrence and lack of evidence related to this impact, the City finds that it is speculative. (See CEQA Guidelines, § 15145.)

Beyond being a protected tree under the Protected Tree Ordinance, Southern California black walnut is also not classified as a rare tree. The City re-affirms the *L.A. CEQA Thresholds Guide* (2006) in its use of the term "locally designated or recognized species or habitat" (p. C-3) and does not refer to the species covered by the City's protected tree regulations (Ordinance Nos. 186,873 and 177,404). The *L.A. CEQA Thresholds Guide's* last update in 2006 pre-dated the protected tree regulations but does refer to the regulations' predecessor, the City's Oak Tree Protection Ordinance, which required a permit for removal of only certain oak trees, in the Aesthetics section on page A.1-7 as an "aesthetic-related regulation." The *L.A. CEQA Thresholds Guide* does not refer to the prior Oak Tree Protection Ordinance in the Biological Resources section where the term "locally designated or recognized species or habitat" is used. Instead, the *L.A. CEQA Thresholds Guide* refers to local designations or recognitions (as opposed to federal or state) in Exhibit C-1 (City-prepared Habitat-Oriented Biological Assessment Planning Zones), Exhibits C-2 through C-6 (City-prepared Biological Resource Areas, including Los Angeles County Sensitive Ecological Areas), and Exhibit C-7 (in addition to federal and state listings, recognition of a non-governmental entity, the California Native Plant Society [CNPS]). Furthermore, the Protected Tree Ordinance includes species that are, without reasonable dispute, not rare, threatened, or endangered, such as Mexican elderberry (*Sambucus mexicana*) and toyon (*Heteromeles arbutifolia*), but are protected for their aesthetic value to the city. The Southern California black walnut (*Juglans californica*) is considered a California Rare Plant Rank (CRPR) List 4 plant (CRPR 4.2) by CNPS. This designation refers to plants on the watch list of limited distribution (but not rare). CRPR List 4 species do not meet the definition per se under CEQA Section 15380(b) as an endangered, rare, or threatened species ("special status"); information for these species is often limited due to the difficulty in obtaining current data on the number and condition of the occurrences. Few if any of these CRPR List 4 species are eligible for state listing. CDFW does not include the Southern California black walnut in their state and federally listed endangered, threatened, and rare plants of California. Therefore, according to both CNPS and CDFW, the Southern California black walnut does not meet their criteria as List 1 or 2 species or as endangered, threatened, and rare plants of California, respectively.

Southern California black walnut woodlands are considered a Sensitive Natural Community by CDFW. Impacts on naturally occurring trees in a walnut woodland would potentially be significant. However, because of the nature of street trees, no woodlands would be affected as a part of the Project because none are street trees.

The City identifies the Southern California black walnut as a covered tree species, in accordance with the protected tree regulations. In adopting that ordinance, the City did not make a determination that the California black walnut is rare in the city or otherwise, and the City has not conducted any survey or study to make such a determination. In accordance with the protected tree regulations, the City requires Southern California black walnut trees, as with other trees covered by the protected tree regulations and measuring 4 inches or more in cumulative diameter 4.5 feet above the ground level at the base of the tree that would be removed by a project, to be replaced at a minimum ratio of 4:1 with a 15-gallon replacement tree. Based on the above, there is no evidentiary basis to find that Southern California black walnut is rare in the city, the county, or the state.

Overall, the proposed Project would not result in 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. Impacts on the Southern California black walnut would be ***less than significant***.

2.4.2 Individual Trees Not Contained within a Locally Designated Natural Habitat or Plant Community

Recirculated Portion of BIO-2: Would the proposed Project result in 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?

As demonstrated in the analysis below, the Project would not result in a loss of individuals or a reduction in the existing habitat of a locally designated species or a reduction in a locally designated natural habitat or plant community. Impacts resulting from tree removal both within and outside of SEAs and ESHAs would be ***less than significant***.

In *United Neighborhoods*, the court considered whether the 2021 EIR adequately addressed the loss of native trees that have been designated under the City's protected tree ordinance. As part of its analysis of this issue, the court determined that the City's interpretation of the BIO-2 threshold of significance had improperly omitted an analysis of impacts on native street trees potentially existing outside of SEAs or ESHAs and found the omission deprived decision-makers and the public of important information about the Project. The court also stated that it was unable to determine from the record whether there exist any street trees in the city that are naturally occurring and not planted such as to make them protected trees under the City's existing tree ordinance. The court, in its ruling, stated that the City should consider whether a black walnut tree is "rare" and therefore qualified for consideration as a special-status species, whether planted or not. This section addresses these issues.

Section 2.4.1 addresses whether California black walnut trees are "rare" such that they would inherently constitute a special-status species under CEQA. Section 2.4.2 addresses whether the Project would cause a significant environmental impact with respect to native, protected street trees in areas outside of SEAs and ESHAs.

The following discussion addresses the above threshold in the context of trees outside of SEAs and ESHAs.

There are currently approximately 660,034 street trees in the city, including trees within and outside of SEAs and ESHAs. Approximately 3 percent of those trees are native. The canopy of all street trees covers approximately 17,670 acres. The Project would result in the removal of up to

12,680 street trees (1.9 percent of the total, before accounting for replacement trees). The trees would be removed over 30 years, with up to a maximum of 292 trees removed per year in the first 5 years, increasing every 5 years until up to a worst-case maximum of 594 trees would be removed each year in the last 5 years of the Project. The number of actual historic tree removals under the program in Years 1 to 7 (up to Fiscal Year 2022–2023, the last year to date) has been much less (i.e., on average, 110 trees removed annually) than the numbers presented in the EIR (i.e., 292 to 336 trees removed in Years 1 to 10). To ensure accessibility, trees would be removed only if dead or exhibiting specific indications of extreme stress or poor health such that they may not survive the required work.

Although approximately 3 percent of the street trees are native trees, protected trees are limited to naturally occurring native oak trees, Southern California black walnut, western sycamore, and California bay trees, as discussed above. Approximately 13,708 street trees are of a protected native tree species (i.e., 7,227 native oaks, 1,069 Southern California black walnuts, and 5,412 western sycamores); however, as discussed above, no street trees are expected to be protected because street trees are generally a planted tree.

Preserving the urban forest, of which street trees are a part, is important and beneficial to wildlife, especially birds, regardless of whether trees are protected or not. The Project would preserve all trees in place to the extent feasible. Tree removals would be required to comply with the Sidewalk Repair Program Street Tree Policy, which requires evaluation under the direction of the UFD, following criteria intended to retain trees to the extent feasible. As mentioned above, to ensure accessibility, trees would be removed only if dead or exhibiting specific indications of extreme stress or poor health such that they may not survive the required work. When trees cannot be retained, they would be removed and replaced within 1 year at a 2:1 ratio for years 1 through 10, a 3:1 ratio for years 11 through 20, and 2:1 for years 21 through 30.

Street trees are expected to reach maturity, on average, fifteen years after planting. After the first year, when replacement trees have been planted at a 2:1 ratio, the number of individual trees would start to increase, however the total canopy cover would continue to decline until Year 13, when replacement tree canopy would begin to outpace the canopy reduction for every removed tree. At this lowest point in canopy cover, the total loss of canopy would be approximately 53 acres, or 0.3 percent below the baseline. Canopy loss would reach baseline conditions by Year 30, and would continue to increase until Year 46, when all trees will have reached maturity and the total canopy cover is 17,789 acres, or 0.72 percent above the baseline.

Tree removal would result in a reduction in tree cover initially; however, starting with the first replacement trees, the cover would begin to recover the loss and ultimately result in an increase of 17,725 trees, for a total of 30,405 trees in replacement for the 12,680 removed. Birds and other wildlife would temporarily lose some habitat features used for nesting, foraging, and refuge; however, the maximum worst-case loss of up to 594 street trees per year, before replacement trees would be planted, would be a small percentage (0.09 percent) and would not result in a reduction in overall habitat available in the city and surrounding area. The number of actual historic tree removals under the program in Years 1 to 7 (up to Fiscal Year 2022–2023, the last year to date) has been much less (i.e., on average, 110 trees removed annually) than the numbers presented in the EIR (i.e., 292 to 336 trees removed in Years 1 to 10). In addition, even before replacement trees have matured, they will incrementally provide more foraging, nesting, and refuge resources every year, reducing the effects of the tree removal until it becomes a net benefit when the tree canopy increases.

If native trees, in particular oaks and Southern California black walnuts, were to occur naturally in a woodland community, impacts may be considered significant. However, the nature of street trees in the city is such that the trees are planted in a distinct order and do not constitute a woodland. As such oak and walnut woodlands would not be affected as part of the Project.

Overall, the proposed Project would not result in 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. Impacts resulting from tree removal both within and outside of SEAs and ESHAs would be ***less than significant***.

Chapter 3
Recirculated Portions of the Cumulative Impacts Chapter

3.1 Legal Framework for Cumulative Impacts Analysis

"CEQA requires an EIR to discuss cumulative impacts when two conditions are present: (1) the combined impact of the project and other projects is significant, and (2) the project's incremental contribution to the combined impact is 'cumulatively considerable'" (*League to Save Lake Tahoe v. County of Placer* [2022], 75 Cal. App. 5th 63, 148 [*League to Save Lake Tahoe*]). "If the lead agency finds either that the combined impact is insignificant or the project's contribution is not cumulatively considerable, the EIR must briefly explain the basis for the agency's finding and, where the impact is found to be insignificant, identify facts and analysis supporting the agency's conclusion" (*Ibid*.). A cumulative impacts discussion in an EIR "must reflect the severity of the impacts and the likelihood of their occurrence, but need not contain the same degree of detail as the EIR's discussion of impacts attributable to the project alone" (*Preserve Wild Santee v. City of Santee* [2012], 210 Cal. App. 4th 260, 277). The cumulative impacts analysis must also be guided by the standards of practicality and reasonableness (*Environmental Protection Information Center v. California Dept. of Forestry & Fire Protection* [2008], 44 Cal. App. 4th 459, 523). Although a project's individual contribution to an existing environmental problem can be deemed significant, despite being relatively small, it is not the case that any additional effect necessarily creates a significant cumulative impact because the "one additional molecule" rule is not the law (*San Francisco Baykeeper, Inc. v. State Lands Com.* [2015], 242 Cal. App. 4th 202, 223).

An EIR's cumulative impacts analysis should address "possible environmental effects that are individually limited but cumulatively considerable. 'Cumulatively considerable' means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects" (CEQA Guidelines Section 16065[a][3]). "Where a lead agency is examining a project with an incremental effect that is not 'cumulatively considerable,' a lead agency need not consider that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable" (CEQA Guidelines Section 15130[a]).

To establish the impacts of past, current, and probable future projects, an EIR may[4] take either of two approaches. An agency may compile a list of such projects (CEQA Guidelines Section 15130[b][1][A]). Alternatively, the agency may compile a summary of projections contained in a planning document or EIR (CEQA Guidelines Section 15130[b][1][B], [d]); Public Resources Code Section 21100[e]). "Under either method, the EIR should establish the geographic scope of the area affected by the cumulative impacts" (*League to Save Lake Tahoe*, *supra*, 75 Cal. App. 5th at p. 149; see CEQA Guidelines Section 15130[b][3]). The EIR must use the chosen approach to develop a summary of the expected environmental effects to be produced by the past, current, and probable

[4] If an agency finds that the combined impact of a proposed project and other projects is insignificant, or that the project's incremental contribution is not cumulatively considerable, "the EIR may, but is not required to," use these technical requirements for the cumulative impacts analysis (*League to Save Lake Tahoe*, *supra*, 75 Cal. App. 5th at pp. 148–149).

future projects, with specific reference to additional information stating where that information is available (CEQA Guidelines Section 15030[b][4]). The EIR must then contain a reasonable analysis of the cumulative impacts of a proposed project with those other past, current, and probable future projects and examine reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects (CEQA Guidelines Section 15130[b][5]).

The 2021 EIR elected to use the summary of projections methodology to evaluate the impact of past, current, and reasonably probable future projects, relying on the following planning documents:

- City of Los Angeles General Plan
  - City of Los Angeles General Plan, Framework Element
  - City of Los Angeles General Plan, Mobility Plan 2035
- Los Angeles County General Plan
  - Los Angeles County General Plan, Mobility Element
- Southern California Association of Governments (SCAG) Regional Comprehensive Plan
- SCAG Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS)
- Metro Long-Range Transportation Plan (2009)
- SCAQMD 2016 Air Quality Management Plan

In *United Neighborhoods,* the court found that the City sought to rely on information from several of the above documents that the 2021 EIR had not contained or referenced and had not incorporated by reference or summarized. The discussions that follow address this.

3.2 Incorporation by Reference

CEQA allows incorporation of other public documents by reference. This recirculated portion of the EIR incorporates by reference information or analysis from the following adopted plans and supporting environmental documents:

- City of Los Angeles General Plan
  - City of Los Angeles General Plan, Framework Element (Los Angeles 2001)
  - City of Los Angeles General Plan, Mobility Plan 2035 (Los Angeles 2016)
- City of Los Angeles General Plan Framework Element EIR (SCH No. 94071030, certified on August 8, 2001) (Los Angeles 2001a)
  a. Draft EIR, January 1995
  b. Final EIR, June 1996
- City of Los Angeles General Plan, Mobility Plan 2035 EIR (SCH No. 2013041012, certified on June 1, 2015) (Los Angeles 2015a)
  a. Draft EIR, February 2014
  b. Recirculated Draft EIR, February 2015
  c. Final EIR, June 2015

- City of Los Angeles Bureau of Street Services 2015 State of the Street Trees Report (Bureau of Street Services 2015)
- City of Los Angeles Bureau of Street Services 5-Year Strategic Plan (StreetsLA 2021)
- Green New Deal pLAn 2019 (Los Angeles 2019)
- Los Angeles County General Plan (Los Angeles County 2015)
    - Los Angeles County General Plan, Mobility Element
- Los Angeles County General Plan Update EIR (SCH No. 2011081042, certified on October 6, 2015) (Los Angeles County 2015a)
    a. Draft EIR, June 2014
    b. Final EIR, March 2015
- Southern California Association of Governments (SCAG) Regional Comprehensive Plan (SCAG 2008)
- SCAG 2016–2040 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) (SCAG 2016)
- SCAG 2016–2040 RTP/SCS EIR (SCH No. 2015031035, certified on September 6, 2018) (SCAG 2016a)
    a. Draft EIR, December 2015
    b. Final EIR, April 2016
        1) Final Addendum #1, April 2017
        2) Final Addendum #2, July 2017
        3) Final Addendum #3, September 2018
- SCAG Connect SoCal 2020 (2020-2045 RTP/SCS) (SCAG 2020)
- SCAG Connect SoCal 2020 EIR (SCH No. 2019011061, certified on May 7, 2020) (SCAG 2020a)
    a. Draft EIR, December 2019
    b. Final EIR, May 2020
        1) Final Addendum #1, September 2020
        2) Final Addendum #2, November 2021
        3) Final Addendum #3, October 2022
- Metro Long-Range Transportation Plan (2020) (Metro 2020)
- SCAQMD 2022 Air Quality Management Plan (SCAQMD 2022)
- SCAQMD 2022 Air Quality Management Plan EIR (SCH No. 2022050287, certified on December 2, 2022) (SCAQMD 2022a)
    a. Draft EIR, September 2022
    b. Final EIR, November 2022

Incorporation by reference requires that the incorporated document or portion of the document be made available to the public for inspection at a public place or public building and be briefly summarized where possible or briefly described if the data or information cannot be summarized in the environmental document (CEQA Guidelines Section 15150). The following sections summarize the documents relied on herein. Copies of these documents are available to the public at these locations:

- Public Works Building (by appointment only, Monday–Friday 8:00 a.m.–4:00 p.m.)
  Bureau of Engineering, Environmental Management Group
  1149 S. Broadway, 6th Floor
  Los Angeles, CA 90015
  Contact: Lauren Rhodes
  lauren.rhodes@lacity.org
  (213) 485-5733

Electronic copies are available at:

- https://sidewalks.lacity.gov/environmental-impact-report

3.3 Summary of Cumulative Projects

The cumulative impacts analysis for aesthetic and biological resources considers impacts related to the policies and programs that are in place to protect, conserve, and improve environmental resources. Local and regional plans and programs for land use and mobility were consulted for planned future conditions. General plans prepared by the City and County of Los Angeles, as well as the SCAG Regional Transportation Plan (RTP), provide information on trends and forecasts relevant to the cumulative impacts analysis.

The discussion below describes the plans, programs, and projections under which the proposed Project may contribute to potential cumulative impacts for aesthetic and biological resources.

3.3.1 City of Los Angeles General Plan

The City of Los Angeles General Plan (General Plan) is a comprehensive long-range declaration of purposes, policies, and programs for development of the city. The General Plan includes a Framework Element as well as several other elements that help to guide land use and planning decisions in the city. For purposes of the cumulative impacts analysis for the Project, the Framework Element and Mobility Plan 2035 are addressed herein.

City of Los Angeles General Plan, Framework Element

The General Plan Framework Element (City of Los Angeles 2001) defines citywide policies that influence most of the City's General Plan elements. It includes policies for land use, housing, urban form and neighborhood design, open space and conservation, economic development, transportation, and infrastructure and public services. The following goal and policies in the Framework Element address street trees and street tree removal:

- Policy 5.2.1 (2): Sidewalks should be wide and lined with open-canopied street trees, pedestrian-scale tree lights provided to recognize standards commensurate with planned nighttime use, and other pedestrian amenities.

- Policy 5.3.1a (2) Sidewalks should be wide and lined with open canopied street trees, pedestrian-scale street lights provided to recognized standards commensurate with planned nighttime use, and other pedestrian amenities.
- Policy 5.3.2: Public improvement standards should address street tree form and spacing; street light type, height, and illumination level; and other streetscape elements, particularly in the vicinity of transit stops. Street tree form is dependent on species available and planting space.
- Objective 5.5: Enhance the livability of all neighborhoods by upgrading the quality of development and improving the quality of the public realm.
- Policy 5.5.1: Plant and/or facilitate the planting of street trees, which provide shade and give scale to residential and commercial streets in all neighborhoods in the city.
- Policy 5.5.4: Determine the appropriate urban design elements at the neighborhood level, such as sidewalk width and materials, street lights and trees, bus shelters and benches, and other street furniture.
- Policy 5.8.2.c: The primary commercial streets within pedestrian-oriented districts and centers should have shade trees, pruned above business signs, to provide a continuous canopy along the sidewalk and/or palm trees to provide visibility from a distance.
- Goal 9Q: A sustainable urban forest that contributes to overall quality of life.
- Objective 9.41: Ensure that the elements of urban forestry are included in planning and programming of infrastructure projects which involve modification of dedicated parkway, sidewalk and/or raised median islands.
- Policy 9.41.1: Develop a coordinated public works construction protocol to take into simultaneous consideration street tree placement, paving material selection, below or above ground utilities, etc.
- Objective 9.42: Facilitate the planting of large-canopied trees in street parkways.
- Policy 9.42.1: Streamline the permitting process for planting street trees.
- Objective 9.43: Improve city tree selection, placement, and maintenance.
- Policy 9.43.1; Adopt standardized procedures for tree selection that a) minimizes potential conflicts with City infrastructure and b) places the appropriate tree in a given site.
- Policy 9.43.3: Develop uniform care standards, with a focus on pruning that can be utilized by appropriate City departments.
- Policy 9.43.4: Revise removal standards to address horticultural problems, afforestation, and reforestation.

City of Los Angeles General Plan, Framework Element EIR

The Framework Element EIR determined that impacts on biological resources resulting from implementation of the Framework Element would be significant only in open space areas but less than significant in all other areas in the city, including developed public rights-of-way. The Framework Element EIR also determined there would be less-than-significant impacts on aesthetics, including the "destruction of a stand of trees" (City of Los Angeles 2001a). The Framework Element EIR does not include an estimate of street trees that would be removed with implementation of the Framework Element, or an evaluation of impacts specifically related to street tree removals.

City of Los Angeles General Plan, Mobility Plan 2035

Mobility Plan 2035, an element of the City General Plan (City of Los Angeles 2016), provides the policy foundation for achieving a transportation system that balances the needs of all road users. The purpose of the plan is to guide future development of a citywide transportation system that provides for the efficient movement of people and goods. In 2008, the California Legislature adopted Assembly Bill 1358, The Complete Streets Act, which requires local jurisdictions to "plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways, defined to include motorists, pedestrians, bicyclists, children, persons with disabilities, seniors, movers of commercial goods, and users of public transportation, in a manner that is suitable to the rural, suburban or urban context." Mobility Plan 2035 incorporates "complete streets" principles and lays the policy foundation for how future generations of Angelenos interact with their streets. Incorporating mature trees with shade is part of Mobility Plan 2035's vision for a more pedestrian-friendly environment. Street Trees and Sidewalk Repair are programs within Mobility Plan 2035:

- Street Trees (No. MT.9): Implement a tree trimming cycle for all street trees within the public right-of-way. Use Priority Grading System to prioritize streets.
- Sidewalk Repair (No. MT.7): Implement a sidewalk improvement program to bring up all existing degraded sidewalk sections to City standards and implement a program to ensure that future degraded sidewalk sections are promptly identified and repaired in a timely manner.

City of Los Angeles General Plan, Mobility Plan 2035 EIR

The Mobility Plan 2035 EIR (SCH No. 2013041012) (City of Los Angeles 2015a) acknowledges that areas that support the survival of wild animals and native plants include native plant environments and trees that serve as stopovers and nesting places for migratory birds. It is determined that impacts related to tree removals would be less than significant with compliance with applicable policies or ordinances protecting biological resources, including the City's Protected Tree Ordinance, the Urban Forestry Division, and the Migratory Bird Treaty Act. The removal or disturbance of any trees would be subject to the City's Protected Tree Ordinance, which requires a permit for the removal or relocation of protected trees. The Department of Urban Forestry also has a goal to resolve conflicts between street trees and infrastructure so as to preserve the net benefits conferred by that segment of the urban forest on the remaining City infrastructure. Existing trees would be preserved where possible and/or relocated to the extent possible. Furthermore, Mitigation Measure BR3 in the Mobility Plan 2035 EIR, which calls for trees to be removed outside of the nesting season and requires pre-construction nesting surveys, similar to PDF-BIO-1 for the proposed Project, would reduce impacts related to migratory birds to less than significant. The Mobility Plan 2035 EIR does not include an estimate of street trees that would be removed with implementation of Mobility Plan 2035; however, Mobility Plan 2035 includes as one of its program elements the repair of all existing degraded sidewalk sections to City standards, which specifically included the *Willits* Settlement sidewalk repairs that make up the Project. Accordingly, Mobility Plan 2035 EIR fully analyzed the impacts from Mobility Plan 2035's program elements, including the repair of all degraded sidewalks, which would far exceed the Project's scope, and found that the impact from the removal of street trees from its program elements, regardless of number, would be less than significant.

3.3.2 City of Los Angeles Bureau of Street Services 2015 State of the Street Trees Report

The Bureau of Street Services (Bureau or StreetsLA) is responsible for the maintenance and preservation of numerous elements of Public Works infrastructure, including the approximately 660,034 street trees planted in the City public right-of-way. Composed of more than 900 different tree species growing along 6,500 centerline street miles, the city's street tree network is one of the largest and most diverse in the nation (Bureau of Street Services 2015). However, due to funding limitations since 2008, the Bureau no longer plants street trees and has been limited to providing emergency response for the removal of dead, dying, or hazardous trees; pruning of foliage obstructing traffic control devices and emergency response vehicles; and supervising a small amount of contract tree trimming. Without regular maintenance, the street tree population's condition is declining and poses a threat to the city's sustainability and resiliency. Although the Bureau is limited in its resources to maintain the street tree population, there are additional efforts outside the Bureau that affect street trees. City Plants, a public-private partnership between the City and non-profits, residents, and businesses, performs the tree planting function. Utilizing six non-profit partners, City Plants planted approximately 2,000 street trees in 2014 and plans to plant approximately 4,800 street trees a year in 2015 and 2016. The Bureau manages the approximately 660,034 street trees that are part of the total urban forest tree population. It is expected that 6,000 trees will be pruned and 750 dead, dying, diseased trees removed annually. It is the Bureau's responsibility to ensure a sustainable street tree population that is safe, free and passable, and equitably distributed. Although street trees compose only 7 percent of the city's entire urban forest, they are one of the urban forest's most visible components.

The performance metric assessment results reveal that street tree age diversification, health, and maintenance are placing significant downward pressure on the street tree population's average condition and vitality. An overconcentration of diseased, aging, and senescent street trees may result in half of the street tree population reaching senescence and/or failure over a relatively short time frame. This would not only result in a significantly reduced street tree population but also a dramatic decrease in street tree canopy coverage that would take decades to rebuild. In addition, the high numbers of diseased street trees both increases the risk for tree failure and reduces the benefits typically gained from street trees such as reductions in the urban heat island and carbon sequestration. Furthermore, the deterioration of street trees due to a lack of proactive street tree maintenance also affects the surrounding environment. Without proper maintenance, street trees have the potential to cause significant damage to adjacent streets, sidewalks, utilities, and private property. Maintaining a healthy, diverse, and equitably distributed street tree population is essential to reaching our goals as a sustainable and resilient city. The 2015 State of the Street Trees Report provided background information for the Bureau's management and assessment of street trees; it is no longer applicable to the current state of street trees. The Bureau's strategic plan provides a better understanding of goals for the future.

3.3.3 City of Los Angeles Bureau of Street Services 5-Year Strategic Plan

The Bureau, also referred as StreetsLA in the strategic plan, manages the city's street and sidewalk network for the diverse selection of active transportation options. The 2021/22–2026/27 version of the 5-Year Strategic Plan is the second update to the StreetsLA Strategic Plan. StreetsLA maintains approximately 700,000 sites, consisting of street trees, stumps, and vacant planting locations, and

plants approximately 1,000 trees annually throughout the city under the mayor's Green New Deal (StreetsLA 2021). According to the inventory system, TreeKeeper, there are approximately 790,000 calculated trees in park sites and street sites (TreeKeeper 2024). The Safety, Mobility, and Accessibility program of StreetsLA repairs more than 500,000 square feet of broken sidewalk pavement annually and installs Americans with Disabilities Act– (ADA-) compliant access ramps (StreetsLA 2021).

The following goals of StreetsLA are applicable to street trees and sidewalks:

- Goal 3: Improve the health of our urban forest and enhance the urban canopy.
  - Complete the citywide street tree inventory by the end of 2022
  - In partnership with City Plants, contribute to Urban Forest Financing Study for funding best management practices for tree care and considering canopy expansion
  - In collaboration with City Forestry Officer, establish a framework to improve coordination for tree maintenance activities
  - Update tree planting selection and site considerations that increase tree establishment success rates and reduce maintenance and liability
  - Plant at least 1,000 street trees by 2028 in priority locations consistent with the mayor's Green New Deal to increase tree canopy in areas of greatest need by at least 50 percent
- Goal 9: Plan and deliver series through an equity lens
  - Plant at least 1,000 street trees by 2028 in priority locations consistent with the mayor's Green New Deal to increase tree canopy in areas of greatest need by 50 percent
- Goal 10: Enhance the pedestrian experience as well as expand sidewalk safety and accessibility
  - Develop an Ongoing Sidewalk Condition Assessment Plan and establish a strategic plan for short- and long-term sidewalk repairs

3.3.4 Green New Deal pLAn 2019

Launched in 2019, the Green New Deal sets aggressive goals for the City's sustainable future by tackling the climate emergency with accelerated targets to be carbon neutral by 2050. The Green New Deal will support eight criteria across the city: climate mitigation, access and equity, quality jobs, workforce development, health and well-being, economic innovation, increased affordability, and resiliency. In regard to street trees, the Green New Deal proposed to plant and maintain 90,000 trees citywide by 2021, which would provide 61.3 million square feet of shade at maturity. The following milestones and initiatives are proposed for the Green New Deal:

- 2021
  - Support the planting of 20,000 trees annually on residential and public properties
  - Identify and leverage state and federal funding to plant, preserve, and maintain an additional 4,000 trees annually
  - Establish an adopt-a-canopy program to expand support for city trees
- 2021/2025
  - Complete citywide tree inventory by 2021 and an Urban Forest Management Plan by 2025
  - Update the Protected Tree and Shrub Ordinance to preserve, maintain, and grow protected tree species

- Identify low-canopy corridors an prioritize planting trees in those areas
- Ensure General Plan update includes supportive policies and guidance on preserving, maintaining, and increasing tree canopy

- 2025
  - Update and align City policies and procedures to grow and protect public and private trees
  - Review and revise public right-of-way standards to ensure optimum street tree canopy
  - Pilot opportunities to expand flexibility in tree procurement, including contract-grow nurseries
  - Explore incentivization programs to encourage private tree-trimming businesses to prioritize tree health, public safety, and shade

3.3.5 Los Angeles County General Plan

The Los Angeles County General Plan (County of Los Angeles 2015) provides a policy framework and establishes a long-range vision for how and where the unincorporated areas will grow. It establishes goals, policies, and programs to foster healthy, livable, and sustainable communities. The Los Angeles County General Plan uses a regional strategy to guide growth in a way that plans for more efficient and sustainable land use patterns and addresses climate change, mobility, and community development. It plans for total growth by encouraging development in areas with infrastructure and access to transit and discouraging growth in undeveloped areas and environmentally sensitive and hazardous areas.

Los Angeles County General Plan, Mobility Element

The Mobility Element of the Los Angeles County General Plan (County of Los Angeles 2015) provides an overview of transportation infrastructure and strategies for developing an efficient and multimodal transportation network. The Mobility Element addresses the requirements of the California Complete Streets Act of 2008, which requires the Los Angeles County General Plan to demonstrate how the County of Los Angeles will provide for the routine accommodation of all users of a road or street, including pedestrians, bicyclists, users of public transit, motorists, children, seniors, and those in the disability community. The element assesses the challenges and constraints of the Los Angeles County transportation system and offers policy guidance to reach the County of Los Angeles's long-term mobility goals. The Los Angeles County General Plan also establishes a program to prepare community pedestrian plans, with guidelines and standards to promote walkability and connectivity throughout the unincorporated areas. The County of Los Angeles participates in establishing policies, promoting specific projects, and funding the strategies in the SCAG RTP and the Los Angeles County Metropolitan Transportation Authority (Metro) Long-Range Transportation Plan (LRTP). The Mobility Element includes policies and programs that consider all modes of travel, with the goal of making streets safer, more accessible, and more convenient for people walking, bicycling, or taking transit. The following goal and policy are applicable to street trees; however, the Mobility Element does not address street tree removal.

- Goal M 2: Interconnected and safe bicycle- and pedestrian-friendly streets, sidewalks, paths, and trails that promote active transportation and transit use.
  - Policy M 2.9: Encourage the planting of trees along streets and other forms of landscaping to enliven streetscapes by blending natural features with built features.

3.3.6 Los Angeles County General Plan Update EIR

The Los Angeles County General Plan Update EIR (County of Los Angeles 2015a) determined that impacts on aesthetics resulting from implementation of the General Plan Update would be less than significant. The EIR also determined that impacts on special-status species, wildlife movement corridors, and native wildlife nursery sites would be significant and unavoidable; however, this impact would be due to development within SEAs, not street tree removals. The Los Angeles County General Plan Update EIR does not include an estimate of street trees that would be removed with implementation of the General Plan Update or an evaluation of impacts specifically related to street tree removals.

3.3.7 SCAG Regional Comprehensive Plan

The 2008 SCAG Regional Comprehensive Plan (RCP) (SCAG 2008) is an action plan for implementing short-term-strategies and long-term initiatives, along with guiding principles for a sustainable and livable region. Sustainably planning for land use and housing in Southern California maximizes the efficiency of existing and planned transportation networks, provides the necessary amount and mix of housing for the growing population, enables a diverse and growing economy, and protects important natural resources. The RCP focuses on specific planning and resource management areas, including land use and housing, open space and habitat, water, energy, air quality, solid waste, transportation, security and emergency preparedness, and the economy. The RCP's Transportation chapter recognizes planning practices that link transportation with efficient land use planning, such as the twin concepts of Complete Streets and Green Streets. Complete Streets are designed and operated to enable safe, attractive, and comfortable access and travel for all users, regardless of mode. The complementary concept of Green Streets incorporates the use of trees, plantings, and other "greening" techniques to provide a sense of "public space" and encourage bicycle and pedestrian travel. The RCP did not include policies or other planning objectives specific to street tree removals.

3.3.8 SCAG 2016–2040 Regional Transportation Plan and Sustainable Communities Strategy

The SCAG 2016–2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) balances future mobility and housing needs with economic, environmental, and public health goals. It includes an Active Transportation Plan that dedicates resources to maintain and repair thousands of miles of dilapidated sidewalks. It also includes sidewalk quality as one of its short-term strategies and calls for approximately 10,500 miles of new and improved sidewalks through development projects or larger road construction and maintenance projects.

The RTP's Non-Motorized Transportation Report is a technical policy that guides, supports, and encourages the development of county and city bicycle and pedestrian networks as well as non-motorized programs for the SCAG region. Particular emphasis is placed on bicycling and walking as commute options and improving safety for all forms of non-motorized transportation (SCAG 2016).

In addition to creating a low-carbon, sustainable future, the state and region will also be facing the human and infrastructure costs of adapting to climate change impacts that already are occurring. The strategic plan is to build a region that is more resilient to these and other consequences of climate change. A more climate resilient strategy would be to design sidewalks and bike paths with native drought-tolerant shade trees, along with shade features at transit stations.

3.3.9 SCAG 2016–2040 Regional Transportation Plan and Sustainable Communities Strategy EIR

The SCAG 2016–2040 RTP/SCS EIR (SCAG 2016a) determined that impacts on aesthetics and biological resources resulting from implementation of the 2016–2040 RTP/SCS would be significant and unavoidable. However, the impacts would be due to the development of transportation projects that would result in the conversion of existing sensitive habitat. This includes transportation projects in sensitive ecological areas or major transportation projects such as grade separation or rail projects located in areas with a high density of protected trees, not street tree removals in urban environments such as existing rights-of-way. The 2016–2040 RTP/SCS EIR does not include an estimate of the number of street trees that would be removed with implementation of the 2016–2040 RTP/SCS. However, as one of the 2016–2040 RTP/SCS program elements, the 2016–2040 RTP/SCS EIR does analyze the repair of 10,500 miles of sidewalks, which would be greater than the scope of the Project, and found that impacts from such sidewalk repair, including the removal of trees, would not be significant for that aspect of the 2016–2040 RTP/SCS.

3.3.10 SCAG Connect SoCal 2020 (2020–2045 RTP/SCS)

SCAG's Connect SoCal 2020 was adopted on September 3, 2020.[5] (SCAG 2020). Connect SoCal is a long-range visioning plan that builds upon and expands land use and transportation strategies established over several planning cycles to increase mobility options and achieve a more sustainable growth pattern. It charts a path toward a more mobile, sustainable, and prosperous region by making connections between transportation networks, between planning strategies, and between the people whose collaboration can improve the quality of life for Southern Californians.

Connect SoCal outlines more than $638 billion in transportation system investments through 2045. It was prepared through a collaborative, continuous, and comprehensive process with input from local governments, county transportation commissions, tribal governments, non-profit organizations, businesses, and local stakeholders within the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura (SCAG 2020).

One of the core visions of Connect SoCal is creating "complete streets" that are safe and inviting to all roadway users to increase mobility choices, reduce traffic fatalities and serious injuries, and meet greenhouse gas reduction targets. The Complete Streets Initiative complements implementation of the state program: Active Transportation Program (ATP). ATP was created by Senate Bill 99 and Assembly Bill 101, as expanded by Senate Bill 1, to encourage increased use of active modes of transportation. The ATP is designed for cities, counties, and regional government organizations, which can apply for funding to further active transportation planning and implementation in the state. Sidewalk repair is one of the components of developing complete networks. As part of Complete Streets Initiatives, improvements such as bicycle lanes, sidewalks, lighting, landscaping, and ADA-compliant measures are shifting the focus toward multiple users while also providing a greater sense of place. Connect SoCal did not include policies or other planning objectives specific to street tree removals.

[5] The most recent RTP/SCS, SoCal 2024, was approved by SCAG's Regional Council in April 2024; however, at the time of this writing, SoCal 2024 has not been adopted nor has its EIR (SCH No. 2022100337) been certified. As such, it is not included in this analysis.

3.3.11 Connect SoCal 2020 (2020–2045 RTP/SCS) EIR

The Connect SoCal EIR (SCAG 2020a), with an analysis similar to that of the SCAG 2016–2040 RTP/SCS EIR, determined that impacts on aesthetics and biological resources resulting from implementation of Connect SoCal 2020 would be significant and unavoidable. The impacts would be due to the development of transportation projects that would result in the conversion of habitat, including transportation projects in sensitive ecological areas or major transportation projects such as grade separation or rail projects located in areas with a high density of protected trees, not street tree removals in urban environments such as existing rights-of-way. The Connect SoCal PEIR does not include an estimate of the number of street trees that would be removed with implementation of Connect SoCal 2020.

3.3.12 Metro Long-Range Transportation Plan 2020[6]

One of the goals of Metro's 2020 Long-Range Transportation Plan (LRTP) is the complete streets policy, an initiative with a goal of making streets accessible and enjoyable for all citizens through easier street crossings for pedestrians and bikes, access for cars and commercial vehicles, more greenery, fewer potholes, and transit transfers (Metro 2020). Through incremental changes in capital projects and regular maintenance and operations improvements, the street network will gradually become safer and more accessible for travelers of all ages and abilities. In partnership with state, regional and local efforts, this policy will create a more complete and integrated transportation network for all modes of travel in LA County (Metro 2020). The Metro LRTP does not include a specific estimate of street tree removals under the plan.

3.3.13 2022 Air Quality Management Plan[7]

The Air Quality Management Plan (AQMP) (South Coast Air Quality Management District [SCAQMD] 2022) is a regional blueprint for achieving air quality standards and healthful air. The SCAQMD is responsible for clean air in the South Coast Air Basin (SCAB or Basin), an area that includes Orange County and the non-desert portions of Los Angeles, Riverside, and San Bernardino Counties. Historically, the 17 million residents of the greater Los Angeles area have suffered from the worst levels of ground-level ozone (smog) and among the highest levels of fine particulate matter (PM2.5). The air pollution levels in the region exceed both National and California Ambient Air Quality Standards for both these air pollutants. The health impacts associated with the high levels of air pollution cause respiratory and cardiovascular disease, exacerbate asthma, and can lead to premature death. Environmental justice (EJ) communities experience the brunt of the health effects from air pollution, approximately 42 percent of which are SCAB residents.

The U.S. Environmental Protection Agency (U.S. EPA) requires areas that do not meet a National Ambient Air Quality Standard (NAAQS or standard) to develop and submit a State Implementation Plan (SIP) for approval. SIPs are used to show how the region will meet the standard. The South

6 The cumulative analysis in the 2021 EIR is based on the 2009 Long-Range Transportation Plan. Since preparation of the 2021 EIR for the Project, the 2020 Long-Range Transportation Plan was adopted. The cumulative analysis in this supplement to the EIR is based on the current 2020 Long-Range Transportation Plan.

7 The cumulative analysis in the 2021 EIR is based on the 2016 AQMP. Since preparation of the 2021 EIR for the Project, the 2022 AQMP was adopted. The cumulative analysis in this supplement to the EIR is based on the current 2022 AQMP.

Coast AQMD SIPs are developed within the agency's Air Quality Management Plans (AQMPs). The most recent AQMP was developed in 2016 and addressed the 1997 8-hour and 2008 8-hour ozone standards, as well as PM2.5 standards (SCAQMD 2017). The 2022 AQMP represents a comprehensive analysis of emissions, meteorology, regional air quality modeling, regional growth projections, and the impact of control measures. The 2022 AQMP is focused on attaining the 2015 8-hour ozone standard of 70 parts per billion (ppb). In August 2018, the U.S. EPA designated the Basin as "extreme" nonattainment and must attain the 8-hour ozone standard by August 2038 (SCAQMD 2022).

3.3.14 2022 Air Quality Management Plan EIR

The 2022 AQMP EIR determined that impacts to aesthetics and biological resources resulting from implementation of the 2022 AQMP would be less than significant. The 2022 AQMP EIR does not include an estimate of street trees that would be removed with implementation of the 2022 AQMP EIR, or an evaluation of impacts specifically related to street tree removals (SCAQMD 2022a).

3.4 Cumulative Impacts on Aesthetics

The Draft EIR discussed cumulative aesthetic impacts on street trees that have been designated Los Angeles Historic-Cultural Monuments. Therefore, this topic is not addressed in this document. This cumulative aesthetics analysis focuses on cumulative impacts on non-historic street trees.

The proposed Project would have the potential to result in a cumulatively considerable impact on aesthetics if, in combination with the cumulative plans and programs within the greater Los Angeles region described above, it would result in substantial damage or degradation of a designated scenic vista or state scenic highway; substantial damage or degradation of recognized or valued views—including natural views of topography, mountains, oceans, or man-made visual features—in City-adopted land use plans; substantial damage or degradation of existing features or elements that contribute to the existing visual character or image of a neighborhood, community, or localized area through removal, alteration, or demolition of street trees; substantial damage to the visual landscape, including, but not limited to, street trees, utility poles, or historic structures within public right-of-way; or a substantial loss of shading as a result of street tree retention, removal, or replacement throughout Project buildout.

During the 30-year period of the proposed Project, cities and unincorporated areas in Los Angeles County are anticipated to grow, adding approximately 300,000 new housing units and 1 million new residents (County of Los Angeles 2015); the SCAG region is expected to add another seven million residents between 2008 and 2035 (SCAG 2008). This would also result in commercial and industrial growth, leading to outward expansion of development as well as the densification of development in existing areas. Broadly, this growth could adversely affect scenic vistas and specific scenic resources, alter visual character and quality in some neighborhoods and communities, and change the overall landscape of the cities and communities.

The cumulative projects described in Section 3.3, *Summary of Cumulative Projects*, would have varying aesthetics effects on street trees and tree canopy. The City's Framework Element provides a policy for "more but smaller size (e.g., 15 gallon) trees in lieu of fewer larger size (e.g., 24-inch box) trees" (City of Los Angeles 2001). The Framework Element EIR determined there would be less-than-significant impacts on aesthetics, including the "destruction of a stand of trees," which is

deforestation on land that is converted to non-forest use (City of Los Angeles 2001a). Impacts on urban form under the Framework Element EIR would be significant and unavoidable; however, this impact would be due to increases in building height and bulk, not street tree removals. The Framework Element EIR does not include an estimate of street trees that would be removed with implementation of the Framework Element or an evaluation of impacts specifically related to street tree removals.

The City's Mobility Plan 2035, which further implements the Framework Element, provides objectives and policies to "[b]ring all sidewalks to good condition by 2035" by incorporating "complete streets" principles to ensure the safety and mobility of all users, including people with disabilities (City of Los Angeles 2016). The Mobility Plan 2035 EIR found aesthetic impacts less than significant in the initial study, finding 1) "[n]o scenic resources would be impacted because all work would occur within existing rights-of-way"; 2) no changes in existing rights-of-way would significantly impact "a scenic vista, damage any scenic resources, change the visual character or quality of a particular area or transportation corridor, or substantially change the shading and lighting levels along a transportation corridor"; and 3) "[a]ny removal of street trees would be done in accordance with City of Los Angeles policies regulating such removal" (City of Los Angeles 2015a). Furthermore, the City's Mobility Plan 2035 specifically includes a program titled "Sidewalk Repair: Implement a sidewalk improvement program to bring up all existing degraded sidewalk sections to City standards and implement a program to ensure that future degraded sidewalk sections are promptly identified and repaired in a timely manner" (City of Los Angeles 2016). This program describes and encompasses the entirety of the *Willits* Settlement and the proposed Project, as specifically acknowledged by the Mobility Plan 2035 Final EIR, and provides "programmatic" analysis of all sidewalk repairs in the city within the plan projections, which would far exceed the scope of repairs in the *Willits* Settlement and the Project (Mobility Plan 2035 Final EIR, p. 184) (City of Los Angeles 2015a). Thus, the City already analyzed the cumulative impact of *Willits* Settlement sidewalk repairs as part of its Mobility Plan 2035, and CEQA Guidelines Section 15130(e) provides that if a "cumulative impact was adequately addressed in a prior EIR for a…general plan…and the project is consistent with that plan…an EIR for such a project should not further analyze that cumulative impact." Therefore, the proposed Project's cumulative impact analysis is adequate under CEQA Guidelines Section 15130(e) for this particular plan.

In any case, the Mobility Plan 2035 EIR found that the aesthetic impacts of the plan, which included the repair of "all existing degraded sidewalk sections," not just the sidewalk repairs that make up the monetary limitations in the *Willits* Settlement, would be less than significant, even with no limitations on the number of removed trees, because all work would occur in existing rights-of-way, and any removal would be done in accordance with all existing City policies (City of Los Angeles 2015a).

The City's Bureau of Street Services 2015 State of the Trees Report and StreetsLA 5-Year Strategic Plan indicate the City has consistently managed more than 700,000 trees and tree sites the last 5 years, from 2015 through 2021. The TreeKeeper inventory shows that the City is currently managing nearly 790,000 street and park trees. It is also expected that regular maintenance and removal of trees are expected to ensure street tree population and health is balanced with maintaining a sustainable and resilient sidewalk space for equal access. Although it is expected that 6,000 trees will be pruned and 750 trees removed annually, and a CEQA document evaluating environmental impacts of this plan has not been completed, it can be inferred that any street trees removed would be considered in conjunction with impacts on adjacent streets, sidewalks, utilities, and private property for a sustainable and resilient city. Furthermore, one of the StreetsLA

programs, as coordinated with many council districts, is planting approximately 1,000 street trees annually and at least 1,000 by 2028 under the Green New Deal pLAn. The City's Green New Deal pLAn 2019 includes a number of goals related to trees and tree canopy, including, but not limited to, identifying low-canopy corridors and prioritizing planting trees in those areas and reviewing and revising public right-of-way standards to ensure optimum street tree canopy (see Section 3.3.2, *Green New Deal pLAn 2019*, for a more comprehensive list of goals related to trees and tree canopy). The plan, which is aspirational in nature, establishes broad policy directives; it did not require environmental review under CEQA. It can be reasonably inferred that the City's continued efforts to implement these goals will result in beneficial aesthetics effects, given the maintenance and removal of diseased and old trees, consistent pruning and tree planting, and promotion of a greater tree canopy. However, these effects are not relied on herein due to the aspirational nature.

The County's General Plan—specifically, the Mobility Element—includes Policy M 2.9: Encourage the planting of trees along streets and other forms of landscaping to enliven streetscapes by blending natural features with built features" and "retrofitting existing transportation corridors/networks" for the disabled persons (County of Los Angeles 2015). The County's General Plan EIR does not include an estimate of street trees that would be removed with implementation of the General Plan Update, or an evaluation of impacts specifically related to street tree removals. However, the County's General Plan EIR found that all aesthetic impacts would be less than significant (County of Los Angeles 2015a).

The 2008 SCAG RCP did not include policies or other planning objectives specific to street tree removals (SCAG 2008). The 2016 SCAG RTP/SCS plans to dedicate "resources to maintain and repair thousands of miles of dilapidated sidewalks" (SCAG 2015). It also includes sidewalk quality as one of its short-term strategies and calls for approximately 10,500 miles of new and improved sidewalks through development projects or larger road construction and maintenance projects. The SCAG RTP/SCS EIR found that the aesthetic impacts on "scenic resources, including, but not limited to, trees" were less than significant because of the "general location of transportation projects in urban areas" (SCAG 2015a). The 2016–2040 RTP/SCS EIR does not include an estimate of street trees that would be removed with implementation of the 2016–2040 RTP/SCS or an evaluation of impacts specifically related to street tree removals. However, the 2016–2040 RTP/SCS EIR did analyze, as part of its scope, the repair of 10,500 miles of new and improved sidewalks, which would be greater than the maximum scope of the Project, and found that aesthetic impacts would less than significant, even without a limitation on the number of trees to be removed (SCAG 2015a).

Similarly, Connect SoCal 2020 did not include any policies or other planning objectives specific to street tree removals (SCAG 2020). Connect SoCal strives to enhance safety through the state's Strategic Highway Safety Plan (SHSP) and the California ATP by way of complete streets, which resonates with the State's ATP to further active transportation planning. Through initiatives and improvements to bicycle lanes, sidewalks, lighting, and landscaping, as well as ADA-compliant measures, Connect SoCal's Complete Streets Initiative provides a greater sense of place and a connection to residents, thereby providing a cumulatively positive impact on aesthetics. The Connect SoCal EIR found that incorporation of transportation projects under Connect SoCal may result in the conversion of open space or vacant lands to new uses. Mitigation measures to address potential impacts include design features to complement the dominant landscaping in the area, replacing and renewing landscaping along corridors with road widenings, and providing new corridor landscaping that provides appropriate transitions to existing features (SCAG 2020a).

Similar to Connect SoCal, Metro's 2020 LRTP has a complete streets goal. The complete streets policy is an initiative with a goal of making streets accessible and enjoyable for all citizens through easier street crossings for pedestrians and bikes, access for cars and commercial vehicles, more greenery, fewer potholes, and transit transfers (Metro 2020). Although the Metro LRTP does not include a specific estimate of street tree removals under the plan and a CEQA document evaluating environmental impacts of this plan has not been completed, it can be inferred that any street trees that are removed through construction of complete streets would be replaced at the ratio required by the local agency, resulting in minor impacts on aesthetics.

The 2022 AQMP does not include any specific goals or policies related to sidewalk repair, street trees, or tree canopies. The 2022 AQMP EIR determined that impacts on aesthetics resulting from implementation of the 2022 AQMP would be less than significant. However, the 2022 AQMP EIR does not include an estimate of street trees that would be removed with implementation of the 2022 AQMP EIR or an evaluation of impacts specifically related to street tree removals. Because there are no applicable goals or policies, this plan and EIR are not applicable to the aesthetics cumulative analysis.

As discussed above, the City has reviewed all plans, programs, and programmatic CEQA documents that could evaluate cumulative aesthetic impacts with respect to trees in and around the city. No single document contains such a specific evaluation. However, the City's Mobility Plan 2035 and EIR specifically analyze the complete repair of all city sidewalks and expressly include more limited repair of city sidewalks, as contemplated by the *Willits* Settlement and the Project, and found that aesthetic impacts from such activities would be less than significant. In addition, SCAG's 2016–2040 RTP/SCS and EIR as well as SCAG's 2020 Connect SoCal 2020 RTP/SCS and EIR also specifically analyze, as part of the adopted ATP, the repair of 10,5000 miles of deficient sidewalks and all deficient sidewalks, respectively, and found that such aesthetic impacts would be less than significant, even without a limitation on the amount of trees removed. Furthermore, some projects, plans, and programs indicate that trees in the city and surrounding areas will decrease during the life of the Project, while others indicate that they will increase. As such, any estimate as to the overall net cumulative change in street trees over the life of the Project due to other projects would be speculative. In addition, development under many of these programs is subject to existing requirements that serve to address potential impacts on aesthetics. Private development in the city is generally subject to the design review process, which requires development projects to be designed in accordance with community guidelines and standards. Nonetheless, when accounting for the amount of overall development included in the cumulative projects described above, including sidewalk repairs and street tree removals, even though the overall scope of these projects, such as the conversion of open land, grade separation projects, and highway projects, would be magnitudes greater than sidewalk repairs, it is assumed that there could be significant cumulative impacts with respect to aesthetics. Although many of the cumulative projects discussed above would result in sidewalk improvements and newly planted street trees, it is assumed that there could be a temporary period between the removal of trees and the time when newly planted trees mature where visual character or quality would be degraded. Given the long implementation time period of the cumulative projects, this degradation of visual character and quality could last through the planning horizons of the much larger scope of the cumulative projects. Therefore, it is assumed that a significant cumulative impact on aesthetics could occur in the cumulative condition. Nonetheless, the Project would not meaningfully contribute to any cumulative impacts on scenic highways, a loss of scenic vistas, or focal views. Street trees along sidewalks are generally not

visible from scenic highways. The addition of new street trees per the replacement ratio of 2:1 for years 1 through 10, a 3:1 ratio for years 11 through 20, and 2:1 for years 21 through 30. In addition, even after replacement trees are planted, it could take 10 to 20 years for some trees to mature. Unlike buildings blocking the view of a scenic highway, the urban forest is planted spaced out and would not block views. Temporary construction impacts from sidewalk repairs could affect the character of the local neighborhoods where the repairs would occur. Nighttime views might also be affected when temporary construction occurs in the evening. However, these effects would be short term (generally less than 30 days) and would improve visual conditions over the long term by replacing aging and damaged sidewalks with newer ones.

In areas where street tree removal would be necessary, the effects on the character and quality of the neighborhood would be more perceptible and prominent. In addition, the proposed Project would result in the temporary loss of shading from the street tree removals. However, in most cases, implementation of a street tree replacement policy would offset any long-term aesthetic impact, with removed street trees replaced at a 2:1 ratio for the first 10 years, a 3:1 ratio for years 11 through 21, and a 2:1 ratio for the remaining 9 years of the Project. The proposed Project would result in a net neutral street tree canopy as the replacement street trees reach maturity at Year 30 of the Project. This means that, at the end of the Project, the city will have a greater net ratio of street trees to urban canopy than it did before the Project started. Over the life of the Project, or the next 30 years, the city would have an increased number of street trees and a larger urban canopy than at the start of the Project. The urban forest would be enhanced by removing potentially diseased, dead, or damaged street trees. This citywide benefit would not damage or degrade recognized or valued views in adopted City land use plans; rather, the biodiversity of the urban forest would be considered and maintained by ensuring species of street trees are diverse and compatible with the streetscape and community. Sidewalk repair and tree removal are routine maintenance services, providing Los Angeles with more pedestrian-friendly, safer, and environmentally friendly alternatives to otherwise car-centric modes of transportation. Furthermore, as already analyzed by the City's Mobility Plan 2035 and EIR as well as SCAG's 2016–2020 RTP and EIRs, such impacts from the removal of trees, regardless of number, from the developed right-of-way, following all applicable local policies, was analyzed to not result in a significant impact. Therefore, the proposed Project's contribution to the significant cumulative aesthetic impact would not be considerable, and cumulative impacts on aesthetics would be ***less than significant***.

3.5 Cumulative Impacts on Biological Resources

The proposed Project would have the potential to result in cumulatively considerable impacts on biological resources if, in combination with the plans and programs within the greater Los Angeles region described above, it would result in a loss of individuals or reduction in existing habitat for a federally or state-listed endangered, threatened, rare, protected, or candidate species or a Species of Special Concern or federally listed critical habitat; result in a loss of individuals or a reduction in existing habitat for a locally designated species or a reduction in a locally designated natural habitat or plant community; result in interference with habitat such that normal species behaviors are disturbed to a degree that may diminish the chances for long-term survival of a sensitive species; have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means; interfere substantially with the movement of any native resident or migratory fish or wildlife

species or established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites; or conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local regional, or state habitat conservation plan.

The cumulative projects described in Section 3.3, *Summary of Cumulative Projects*, would have varying biological effects on street trees and tree canopy. The City's Framework Element provides a policy for "more but smaller size (e.g., 15 gallon) trees in lieu of fewer larger size (e.g., 24-inch box) trees" (City of Los Angeles 2001). The Framework Element EIR determined that the only biological impacts from the City's continued growth and development were in "open space areas," which are not the sidewalks in the proposed Project (City of Los Angeles 2001a). The Framework Element EIR does not include an estimate of street trees that would be removed with implementation of the Framework Element or an evaluation of impacts specifically related to street tree removals.

The City's Mobility Plan 2035, which further implements the Framework Element, provides objectives and policies to "[b]ring all sidewalks to good condition by 2035" by incorporating "complete streets" principles to ensure the safety and mobility of all users, including people with disabilities (City of Los Angeles 2015). The Mobility Plan 2035 EIR found that "sidewalks and public rights-of-way do not serve as wildlife corridors, movement pathways, or linkages of note between larger habitat areas for terrestrial wildlife"; however, "street trees within or immediately adjacent to the enhanced network rights-of-way could support migratory birds," but compliance with the MBTA and existing codes would reduce any biological impacts to less than significant (City of Los Angeles 2015). Furthermore, as described above in Section 3.4, *Cumulative Impacts of Aesthetics*, the City's Mobility Plan 2035 specifically includes a program titled "Sidewalk Repair: Implement a sidewalk improvement program to bring up all existing degraded sidewalk sections to City standards and implement a program to ensure that future degraded sidewalk sections are promptly identified and repaired in a timely manner" (City of Los Angeles 2015). This program describes and encompasses the entirety of the *Willits* Settlement and the Project, as specifically acknowledged by the Mobility Plan 2035 Final EIR, and provides "programmatic" analysis of all sidewalk repairs in the city within the plan projections, which would far exceed the scope of repairs in the *Willits* Settlement and the Project (Mobility Plan 2035 Final EIR, p. 184) (City of Los Angeles 2015a). Thus, the City already analyzed the cumulative impacts of *Willits* Settlement sidewalk repair as part of its Mobility Plan 2035, and CEQA Guidelines Section 15130(e) provides that if a "cumulative impact was adequately addressed in a prior EIR for a…general plan…and the project is consistent with that plan…an EIR for such a project should not further analyze that cumulative impact." Therefore, the proposed Project's cumulative impact analysis is adequate under CEQA Guidelines Section 15130(e) for this particular plan.

In any case, the Mobility Plan 2035 EIR found that the biological resources impacts of the plan, which included the repair of "all existing degraded sidewalk sections," not just the sidewalk repairs that would make up the monetary limitations in the *Willits* Settlement, would be less than significant, even with no limitations on the number of removed trees because all work would occur in existing rights-of-way, and any removal would be done in accordance with all existing City policies (City of Los Angeles 2015a).

The City's Green New Deal pLAn 2019 includes a number of goals related to trees and tree canopy, including, but not limited to, identifying low-canopy corridors and prioritizing planting trees in those areas and reviewing and revising public right-of-way standards to ensure optimum street tree canopy (see Section 3.3.2, *Green New Deal pLAn 2019*, for a more comprehensive list of goals related to trees and tree canopy). The plan, which is aspirational in nature, establishes broad policy

directives; it did not require environmental review under CEQA. It can be reasonably inferred that the City's continued efforts to implement these goals will result in beneficial effects on biological resources, given the planting of additional trees and promotion of a greater tree canopy. However, these benefits are not relied on herein due to the aspirational nature of the plan.

The County's General Plan—specifically, the Mobility Element—includes Policy M 2.9: Encourage the planting of trees along streets and other forms of landscaping to enliven streetscapes by blending natural features with built features" and "retrofitting existing, transportation corridors/networks" for the disabled persons (County of Los Angeles 2015). The County's General Plan EIR does not include an estimate of street trees that would be removed with implementation of the General Plan Update or an evaluation of impacts specifically related to street tree removals. However, the County's General Plan EIR found biological impacts on oaks less than significant from existing county ordinances requiring replacing oak woodlands (County of Los Angeles 2015a).

The 2008 SCAG RCP did not include policies or other planning objectives specific to street tree removals (SCAG 2008). The 2016 SCAG RTP/SCS plans to dedicate "resources to maintain and repair thousands of miles of dilapidated sidewalks" (SCAG 2015). It also includes sidewalk quality as one of its short-term strategies and calls for approximately 10,500 miles of new and improved sidewalks through development projects or larger road construction and maintenance projects. The SCAG RTP/SCS EIR found that biological impacts on special-status species would occur only "through conversion of natural habitats" and not "in an urban environment" and that impacts on "sensitive plant communities and riparian habitat" would not be significant in existing rights-of-way (SCAG 2015a). It also found potential impacts on trees from "conversion" of natural areas, with much less impacts in urban areas, and impacts on "protected trees" from "land use conversion from open space to developed space" (SCAG 2015a). However, conversion impacts are not implicated in the developed areas of the proposed Project. The 2016–2040 RTP/SCS EIR does not include an estimate of street trees that would be removed with implementation of the 2016–2040 RTP/SCS or an evaluation of impacts specifically related to street tree removals. However, the 2016–2040 RTP/SCS EIR did analyze, as part of its project, the repair of 10,500 miles of new and improved sidewalks, which would be greater than the maximum scope of the Project, and found that project biological impacts would be significant as a result of potential conflicts with local policies or ordinances protecting biological resources, including open spaces that may be protected under city or county general plans (SCAG 2015a).

Similarly, Connect SoCal 2020 did not include any policies or other planning objectives specific to street tree removals (SCAG 2020). The Connect SoCal EIR found that incorporation of transportation projects under Connect SoCal may result in the conversion of open space or vacant lands to new uses. Mitigation measures to address potential impacts include design features to complement the dominant landscaping in the area, replacing and renewing landscaping along corridors with road widenings, and providing new corridor landscaping that provides appropriate transitions to existing features.

One of the goals of Metro's 2020 LRTP is the complete streets policy, an initiative with a goal of making streets accessible and enjoyable for all citizens through easier street crossings for pedestrians and bikes, access for cars and commercial vehicles, more greenery, fewer potholes, and transit transfers (Metro 2020). Although the Metro LRTP does not include a specific estimate of street tree removals under the plan, and a CEQA document evaluating environmental impacts of this plan has not been completed, it can be inferred that any street trees that are removed through construction of complete streets would be replaced at the ratio required by the local agency, resulting in minor impacts on biological resources.

The 2022 AQMP does not include any specific goals or policies related to sidewalk repair, street trees, or tree canopies. The 2022 AQMP EIR determined that impacts on biological resources resulting from implementation of the 2022 AQMP would be less than significant. However, the 2022 AQMP EIR does not include an estimate of street trees that would be removed with implementation of the 2022 AQMP EIR or an evaluation of impacts specifically related to street tree removals.

As discussed above, the City has reviewed all plans, programs, and programmatic CEQA documents that could evaluate cumulative biological resource impacts with respect to trees in and around the city. No single document contains such a specific evaluation. However, the City's Mobility Plan 2035 and EIR specifically analyze the complete repair of all city sidewalks and expressly include more limited repair of city sidewalks, as contemplated by the *Willits* Settlement and the Project, and found that biological impacts from such activities would be less than significant because the impacts would be on already-developed rights-of-way, and the City would follow all of its existing tree preservation policies, which would be enhanced by the Project, along with all applicable laws and regulations, such as the MBTA. In addition, SCAG's 2016–2040 RTP/SCS and EIR as well as SCAG's 2020 Connect SoCal 2020 RTP/SCS and EIR also specifically analyze, as part of its adopted ATP, the repair of 10,500 miles of deficient sidewalks and all deficient sidewalks, respectively, and found that such biological impacts would be less than significant in the urban areas where sidewalk repairs would occur, even without a limitation on the number of trees removed, and not in conversion of natural habitats where greater impacts would occur.

Some projects, plans, and programs indicate that trees in the city and surrounding areas will decrease during the life of the Project, while others indicate a net increase. As such, any estimate as to the overall net cumulative change in street trees over the life of the Project due to other projects would be speculative. In addition, development under many of these programs is subject to existing requirements that serve to address potential impacts on biological resources. Private development in the city is generally subject to the protected tree ordinance, which requires replacement of removed protected trees at a minimum ratio of 4:1.

When accounting for the amount of overall development included in the cumulative projects described above, including for sidewalk repairs and street tree removals, and the level of biological resources impacts that would result from the cumulative projects, as described above, a significant cumulative impact on biological resources would result. Although many of the cumulative projects would result in sidewalk improvements and newly planted street trees, there would be a temporary period between removal of trees and newly planted trees maturing where there could be a loss of habitat. Given the long implementation time period of the cumulative projects, this loss of habitat could last through the planning horizons of the cumulative projects. Therefore, a significant cumulative impact on biological resources would occur in the cumulative condition.

Although the proposed Project would ultimately result in an increase in the number of street trees and the area of street tree canopy, it would nevertheless result in a temporary reduction in both until replacement trees are planted and they begin to reach maturity. As described above, most of the evaluated cumulative projects did not evaluate impacts on street trees or even other trees within the city. They do, however, include elements that support increasing the tree canopy within the city and region.

If multiple cumulative projects were involved in removing trees within the city simultaneously, the total available resources for birds and other urban wildlife could be reduced. Nesting, refuge, and foraging resources could face a cumulative decline, which could affect avian and other wildlife populations. The proposed Project, however, would not add to a cumulative impact on biological

resources. It does not include proposed activities that would have an impact on natural habitat. As evaluated in the EIR, the Project's contributions to tree removal citywide would be relatively low, accounting for a worst-case total of 12,860 of the 660,034 street trees (1.9 percent before replacement trees are planted) and 0.2 percent, before accounting for replacement trees, of the 6.3 million trees citywide. The number of actual historic tree removals under the program in Years 1 to 7 (up to Fiscal Year 2022–2023, the last year to date) has been much less (i.e., on average, 110 trees removed annually) than the numbers presented in the EIR (i.e., 292 to 336 trees removed in Years 1 to 10). Further, the Project would result in the planting of 30,405 replacement trees, for a net increase of 17,544 trees. Thus, the Project would increase the available nesting, refuge, and foraging habitat for birds and other urban wildlife.

All cumulative projects and future development resulting from the cumulative projects within the city would be subject to all required laws, permits, ordinances, and plans to reduce impacts on biological resources. Reasonably foreseeable future programs and projects would be required to implement biological avoidance and minimization measures when obtaining relevant permits, including implementation of best management practices during construction. The City General Plan, for example, includes policies that encourage planting street trees and other trees, especially large-canopied trees, in the city. Green New Deal pLAn 2019 specifically includes the addition of 90,000 trees within the city, adding 61.3 million square feet of shade at maturity. These trees would be on private and public land. The plan includes a component to preserve, maintain, and grow more protected tree species and policies to protect existing public and private trees, which would result in fewer trees being removed. The City General Plan Mobility Element includes goals to promote bicycle and pedestrian mobility by increasing street trees in the county. The City also expressly incorporated the MBTA PDFs into the proposed Project.

Details regarding trees removed or planted as part of projects related to these plans since the baseline year are not available, but considering the net increase in trees expected in these plans, the proposed Project would not cumulatively decrease tree cover in the city. Furthermore, it is likely that trees have already been planted as a result of General Plan policies and Green New Deal pLAn 2019. This increase in the number of trees will help to offset the number of trees removed in the city under the proposed Project because the mature tree canopy will begin to rise citywide even before Project replacement trees have reached maturity.

There are an estimated 660,034 street trees in the city of Los Angeles as of the most recent 2023 street tree count, representing approximately 10.5 percent of the 6.3 million trees in the city. The EIR analyzed a worst-case scenario where the Project would remove 12,860 trees. The number of actual historic tree removals under the program in Years 1 to 7 (up to Fiscal Year 2022–2023, the last year to date) has been much less (i.e., on average, 110 trees removed annually) than the numbers presented in the EIR (i.e., 292 to 336 trees removed in Years 1 to 10). Even if no trees were replaced, the city would still see a net increase in the number of urban trees as a result of the trees proposed for planting in Green New Deal pLAn 2019 alone. Therefore, the proposed Project's contribution to the significant cumulative biological resources impact would not be considerable, and cumulative impacts on biological resources would be ***less than significant***.

Chapter 4
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Chapter 5

Preparers of the Recirculated Portions of the EIR

5.1 Lead Agency

City of Los Angeles Bureau of Engineering
1149 S. Broadway
Los Angeles, CA 90015

Name	Title, Bureau
Lauren Rhodes	Environmental Supervisor I, Bureau of Engineering
Sarah Bryson	Environmental Supervisor II, Bureau of Engineering
Maria Martin	Environmental Affairs Officer, Bureau of Engineering
Richard Liu	Senior Civil Engineer, Bureau of Engineering
Julia Sanchez de la Vega	Principal Civil Engineer, Bureau of Engineering
Hector Banuelos	Street Tree Superintendent I, Bureau of Street Services
David Miranda	Street Tree Superintendent II, Bureau of Street Services

5.2 CEQA Consultant

ICF
555 W. Fifth Street, Suite 3100
Los Angeles, CA 90013

Name	Role	Years of Experience	Education/Credentials
Heidi Mekkelson	Project Director	21	M.S.L., Water and Environmental Law (University of the Pacific, McGeorge School of Law) B.S., Environmental Studies (University of Southern California)
Jennifer Andersen, AICP	Project Manager	13	B.A., International Relations (University of Southern California)
Mabel Chan	Author	7	M.A., Environmental Studies (University of Southern California) B.S., Environmental Studies, Business Economics Minor (University of Southern California)
James Hickman	Senior Biologist	19	B.A., Geography (California State University, San Bernardino) B.A., Environmental Studies (California State University, San Bernardino)

Appendix A

Sidewalk Repair Program Street Tree Policy and Sidewalk Repair Program Mandatory Project Features Policy

ORDINANCE NO. 187106

An ordinance adding Section 62.104.1 to the Los Angeles Municipal Code to establish and codify the new Sidewalk Repair Program, a City program adopted for purposes of streamlining the approval of projects eligible for credit under the settlement agreement in the matter of *Mark Willits, et al. v. City of Los Angeles* (United States District Court Case No. CV10-05782) (*Willits* Settlement).

WHEREAS, the *Willits* Settlement provides that the City will spend approximately $1.3 billion on sidewalk repairs during the 30-year compliance period of the settlement agreement;

WHEREAS, currently, repairs of individual sidewalks eligible for credit under the *Willits* Settlement are reviewed and approved on a case-by-case basis, including project-specific review for compliance with the California Environmental Quality Act (CEQA);

WHEREAS, the City is implementing a new Sidewalk Repair Program that will revise the environmental review and approval of sidewalk repairs eligible for credit under the *Willits* Settlement, with a primary goal of streamlining the implementation of *Willits* Settlement repairs and eliminating, where appropriate, the need for lengthy and duplicative CEQA review; and

WHEREAS, the City prepared an Environmental Impact Report (EIR) pursuant to CEQA for this new Sidewalk Repair Program which disclosed and analyzed, at both a programmatic and project specific level, the reasonably foreseeable and potentially significant adverse environmental impacts that could occur as a result of the Sidewalk Repair Program, and which was considered and certified prior to consideration of this ordinance.

NOW, THEREFORE,

THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:

Section 1. A new Section 62.104.1 is added to Article 2 of Chapter VI of the Los Angeles Municipal Code to read as follows:

SEC. 62.104.1. SIDEWALK REPAIR PROGRAM PROJECTS.

(a) **Definitions.** The definitions provided in Section 62.00 of this Code, along with the definitions contained in this subsection, shall govern the construction, meaning, and application of words and phrases used in this section.

(1) **"Board"** shall mean the Board of Public Works or its designee.

(2) **"CEQA"** shall mean the California Environmental Quality Act, Public Resources Code Section 21000, et seq.

(3) **"City"** shall mean the City of Los Angeles.

(4) **"City Engineer"** shall mean the City Engineer or his or her designee.

(5) **"Qualifying Sidewalk Repair Project"** shall mean a Sidewalk Repair Program Project that meets all of the following requirements, as determined by the City Engineer:

(A) Construction work on the project can be completed in less than 31 non-consecutive construction days;

(B) Excavation for the project will not exceed a depth of 30 feet;

(C) The project will not cause a substantial adverse change to a known historic, tribal cultural, unique archaeological, or unique paleontological resource, as defined in CEQA or its implementing regulations at Title 14, Division 6, Chapter 3, Section 15000, et seq., of the California Code of Regulations; and

(D) The project will not require the removal of more than two trees.

(6) **"Sidewalk Repair Program"** shall mean a City program, administered by the City Engineer, to streamline the implementation of the sidewalk repairs eligible for credit under the *Willits* Settlement.

(7) **"Sidewalk Repair Program Project"** shall mean a project to repair or reconstruct a sidewalk that is eligible for credit under the *Willits* Settlement.

(8) **"Sidewalk Repair Program Mandatory Project Features Policy"** shall mean the set of required project features, adopted by the Board, for Sidewalk Repair Program Projects.

(9) **"Sidewalk Repair Program Street Tree Policy"** shall mean the street tree policy for Sidewalk Repair Program Projects, adopted by the Board, for Sidewalk Repair Program Projects.

(10) **"Sidewalk Repair Incentive Program"** shall mean the limited reimbursement incentive program, defined in LAMC Section 62.104(a).

(11) **"*Willits* Settlement"** shall mean the settlement agreement entered into by the City in the matter of *Mark Willits, et al. v. City of Los Angeles* (United States District Court Case No. CV10-05782 CBM (RZX)) and approved by the City Council on April 1, 2015.

(b) Notwithstanding any other provision of this Code or any other City ordinance to the contrary (except for the City of Los Angeles Cultural Heritage Ordinance, City of Los Angeles Administrative Code Section 22.171 et seq.), a Sidewalk Repair Project undertaken by the City or by a participant in the Sidewalk Repair Incentive Program may be approved consistent with the following:

(1) A Qualifying Sidewalk Repair Project may be approved by the City Engineer and the approval shall be ministerial under CEQA.

(2) A non-Qualifying Sidewalk Repair Project that requires the removal of no more than two trees may be approved by the City Engineer and the approval shall be discretionary under CEQA.

(3) A non-Qualifying Sidewalk Repair Project that requires the removal of three or more trees may be approved by the Board and the approval shall be discretionary under CEQA.

(c) For all Sidewalk Repair Program Projects undertaken by the City or by a participant in the Sidewalk Repair Incentive Program that are approved pursuant to this Section, approval shall be conditioned upon compliance with the Sidewalk Repair Program Mandatory Project Features Policy and with the Sidewalk Repair Program Street Tree Policy.

(d) The Board shall adopt a Sidewalk Repair Program Street Tree Policy that shall set forth the City policy for the retention, removal, and replacement of trees potentially impacted by Sidewalk Repair Program Projects. The proposed Sidewalk Repair Program Street Tree Policy shall be submitted to the City Council for consideration and shall become final upon approval by the Council. Amendments to the Sidewalk Repair Program Street Tree Policy shall be subject to Council approval.

(e) The Board shall adopt a Sidewalk Repair Program Mandatory Project Features Policy that shall set forth specific requirements for Sidewalk Repair Program Projects. The proposed Sidewalk Repair Program Mandatory Project Features Policy shall be submitted to the City Council for consideration and shall become final upon approval by the Council. Amendments to the Sidewalk Repair Program Mandatory Project Features Policy shall be subject to City Council approval.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By _____ for
EDWARD M. JORDAN
Assistant City Attorney

Date 3/23/2021

File No. 14-0163-S3

M:\GENERAL COUNSEL DIVISION\ORDINANCES AND REPORTS\ORDINANCES - FINAL YELLOW\LAMC 52.104.1 - Sidewalk Repair Program Ordinance.docx

The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

Ordinance Passed June 22, 2021

Approved 06/28/2021

Published Date: 07-02-21
Ordinance Effective Date: 08-02-21

LAMC 62.104.1
Sidewalk Repair Program Street Tree Policy

All sidewalk repair or construction activities undertaken pursuant to Sidewalk Repair Program, for work eligible for credit under the settlement agreement in the matter of *Mark Willits, et al. v. City of Los Angeles* (United States District Court Case No. CV10-05782), whether eligible for ministerial or discretionary approval, shall be subject to compliance with this Sidewalk Repair Program Street Tree Policy (Policy). All references in this Policy to applicable laws and guidelines shall refer to the current applicable law or guideline in place at the time of the sidewalk repair project approval.

I. Street Tree Root Pruning

One of the objectives of root pruning is to ensure that roots are pruned as a means to retain a mature street tree whose roots have already damaged a sidewalk. The City shall adhere to root-pruning standards and guidelines discussed below for street tree species being considered for root pruning or are subject to root pruning for sidewalk repair. Root pruning may be limited to the sidewalk-adjacent side of the planting area where the street tree is planted.

All street tree root pruning shall adhere to City root-pruning standards that comply with the International Society of Arboriculture (ISA) *Tree Pruning Guidelines*; the American National Standards Institute (ANSI) *Trees, Shrubs, and Other Woody Plants Maintenance Standard Practices* (ANSI A300); and tree care industry best management practices. Prior to root pruning, City arborists and engineers shall make a determination as to whether root pruning will affect the structural integrity and health that may cause a street tree to become unstable and therefore a public safety hazard. If a determination is made that street tree mortality and instability such that a public safety hazard would occur, then the City shall proceed to street tree removal (see Section III).

II. Street Tree Canopy Pruning

Canopy pruning may be necessary to comply with accessibility requirements if the street tree canopy obstructs the pedestrian access route. A minimum clearance of 80" is currently, and shall remain, required above all sidewalks per applicable codes, including the Building Code.

All street tree canopy pruning shall be performed in accordance with the following:

1. Certified UFD Street Tree Supervisor: (a) A Certified UFD Street Tree Supervisor shall hold the credential of Certified Arborist by ISA; (b) Street tree canopy pruning shall be performed or as directed by a Certified UFD Street Tree Supervisor; (c) The arborist responsible for the street tree canopy pruning shall hold a valid C61/D49 state contractor's license or the credential of Certified Arborist by ISA; and (d) Local references for the arborist shall be provided upon request.

2. Proper Pruning Cuts: (a) All pruning cuts shall be made in branch tissue just outside the branch bark ridge and collar, without causing injury to the street tree; (b) No flush-cuts

shall be made; (c) No stubs shall be left in the street tree; and (d) Cuts shall have no ripping or tearing of the bark.

3. Proper Canopy Thinning: (a) not more than 25 percent of the street tree's foliage shall be removed; (b) sufficient branch structure should remain in the interior of the street tree; and (c) foliage shall be removed in a manner that leaves the street tree in symmetrical balance.

4. Proper Crown Raising: Street trees shall be maintained to conform to LAMC Section 56.08.

5. Correcting Defects: Remove dead, diseased, damaged, broken or crossing limbs, and perform crown restoration on previously topped or severely pruned street trees.

6. Topping Cuts: No topping cuts shall be made.

7. Inspection: All pre- and post-pruning street tree inspections shall be conducted as directed by a Certified UFD Street Tree Supervisor.

8. Legal Requirements: All street tree canopy pruning shall occur in compliance with applicable provisions of State and Federal law, including the *Migratory Bird Treaty Act* and California Fish and Game Code.

III. Street Tree Removal Criteria

The UFD Chief Forester is the designated officer for purposes of ensuring sidewalk repair projects comply with this Policy. Prior to approval of a sidewalk repair project requiring the removal of a street tree, each removal shall be evaluated by UFD to determine whether any of the following criteria are met, in accordance with the ANSI A300 Standards. Only those street trees which meet one or more of the following criteria may be removed:

1. The street tree is dead, diseased, or unable to be retained by root pruning due to concern of tree condition and in the interest of public safety (see also Section I above), canopy pruning, and/or the criteria below.
2. The street tree exhibits crown dieback in excess of 50 percent.
3. The street tree exhibits a defoliated crown of 50 percent or greater.
4. The street tree exhibits signs of *Xylella* or other severe pest infestations (e.g., crown dieback, cankers, exudates).

For all sidewalk repair projects requiring the removal of a street tree which meets one or more of the above criteria, repairs shall be made in accordance with the following:

Street Tree Wells: Street tree wells shall be enlarged to 4 feet by 6 feet or as needed and roots shall be pruned as necessary, while still maintaining applicable accessibility requirements.

Sidewalk Ramping: In public rights-of-way where continuous planting strips (parkways) exist with street trees, the reconstructed sidewalk may be placed on top of the root plate (ramped). Ramping requires enough linear space on each side of the highest point of the ramp to allow for a slope of no more than 5% and cross-slopes of 2%. Utilization of ramping may void the sidewalk warranty.

Sidewalk Minimizing: In public rights-of-way where continuous planting strips (parkways) exist with street trees, sidewalks may be reduced in width to allow more root growth area and root pruning, as necessary, if the remaining sidewalk width will still comply with applicable ADA accessibility requirements.

Meandering Sidewalk: In some locations, it may be possible to meander the sidewalk repair project around an existing street tree to allow additional room for root growth; however, if meandering requires an additional sidewalk dedication or easement, this would be beyond the scope of this Policy.

Private Property Trees: Private Property trees are required to be maintained by the property owner. No root pruning or removal of private property trees causing damage to the sidewalk shall occur as a part of sidewalk repair activities.

IV. Street Tree Planting Specifications

The following replacement ratios shall apply for street tree removals. For purposes of determining the applicable replacement ratio, Year 1 shall be regarded as commencing on July 1, 2017 and lasting through June 30, 2018.

Year	Replacement to Removal Ratio
1-10	2:1
11-21	3:1
22-30	2:1

Considerations for Street Tree Selection and Planting Location

Site Climate: Climate and soil types shall be considered for purposes of determining the most appropriate replacement street tree species for a specific location.

Right Tree, Right Place: Species selection shall consider size of growing space (parkway/tree well) size and uniformity along blocks and street segments. In general, street tree species selection at a given location shall be determined by the predominant street tree species on a block.

Site Selection: The specific location for the planting of a replacement street tree shall be determined by a Certified UFD Street Tree Supervisor. The following areas shall be considered for street tree planting, in order of priority:

1. The location of the removed street tree;

2. Either side of the same street/block;

3. The immediate street to the north, south, east, or west of the removed street tree location;

4. The neighborhood/community in which street tree removal(s) occurred (within 0.25 mile); and

5. Historically low-canopy areas or areas with a high index rating of "heat island" or in areas of the City with poor air quality as determined by the South Coast Air Quality Management District, the California Office of Environmental Health Hazard Assessment, or the California EPA.

Street Tree Selection Guide: The current guide lists 150 street tree species that may be considered for planting in the City.

Street Tree Planting Standards: Street trees shall be planted according to the specifications put forth in BOE Standard Plan(s) S-450-3, S-455-2, and S-456-2.

Street Tree Size: The standard street tree stock replacement size is a 24-inch box.

Street Tree Root Control Barriers (RCB): RCBs are required to be installed on street tree plantings per Standard Plan S-456-2.

V. Public Notification Criteria

For individual projects involving the proposed removal of two or fewer street trees, a 7-day notice shall be posted on the street tree to be removed. An informational notice shall be given to the respective City Council Office where the street tree to be removed resides, Department of Neighborhood Empowerment (DONE), and Community Forest Advisory Committee (CFAC). The informational notice shall include the date and reason for the removal, location and species of the planted or replanted street tree(s), location and species of the replacement street tree to be planted, and a contact name with associated phone number and email.

For individual projects involving the proposed removal of three or more street trees, a 30-day notice shall be posted on the street tree to be removed. An informational notice shall also be given to the respective City Council Office where the street tree to be removed resides, DONE, and CFAC. The informational notice shall include the date and reason for the removal, location and species of the street tree(s), and a contact name with associated phone number and email. The address and project name involved in the proposed removal of street trees shall also be placed on the Bureau of Street Services Street Tree Removal Notification System.

VI. Street Tree Maintenance and Monitoring Requirements

Site Protection: Any person in charge of repair, alteration, or removal of any sidewalk or ancillary structure in any street, sidewalk, parkway, alley, or other public right-of-way shall protect any street tree, shrub, or plant in the vicinity of such repair work with sufficient guards or protectors as to prevent injury to said street tree, shrub, or plant arising out of or by reason of said repair alteration or removal.

Waste Disposal: All green waste generated by the repair of sidewalks or retention, removal, and replacement of street tree(s) as part of the Sidewalk Repair Program shall remain separated from other waste to ensure its ability to be composted, mulched or disposed of in accordance with title 14 of the California Code of Regulations governing compost quality.

Monitoring: For the first three years of planting, replacement street trees shall be maintained and monitored for growth under the direction of UFD through visual inspections at the time when street trees are manually watered 33 times per year for three years. Young street trees that do not survive in the first 3 years must be replaced at a 1:1 ratio. The young street trees must be able to withstand slight to moderate drought or other stress.

Approved by the Board of Public Works: _____

Approved by the City Council: _____

LAMC 62.104.1
Sidewalk Repair Program Mandatory Project Features Policy

All sidewalk repair or construction activities undertaken pursuant to Sidewalk Repair Program eligible for credit under the settlement agreement in the matter of *Mark Willits, et al. v. City of Los Angeles* (United States District Court Case No. CV10-05782), whether eligible for ministerial or discretionary approval, shall be subject to compliance with following requirements in this Sidewalk Repair Mandatory Project Features Policy (Policy). All references in this Policy to applicable laws and guidelines shall refer to the current applicable law or guideline in place at the time of the sidewalk repair project approval.

I. Biological Resources

1. Pursuant to the Migratory Bird Treaty Act (MTBA) and California Fish and Game Code, street tree removal activities should take place outside of the nesting bird season (February 1 to September 1), and the removal of mature street trees should therefore be scheduled to occur between September 2 and January 31 to the extent feasible. Street tree removal activities may occur during nesting bird season in accordance with Section I.3 and other applicable requirements in this Policy.

2. All replacement street trees shall be planted within 1 year of removal.

3. Pursuant to the MBTA and California Fish and Game Code, prior to being removed, all street trees shall be surveyed for the presence of nesting birds/bats/raptors by a qualified biologist (or qualified arborist) within 3 days prior to any street tree removal. If any active nests are detected, the area shall be flagged, and a minimum 250-foot non-disturbance buffer established and a minimum 500-foot buffer for raptors. A modification to this buffer requirement may be allowed with consultation by the United States Fish and Wildlife Service and/or the California Department of Fish and Wildlife, if the nesting cycle has been completed or the monitoring biologist determines that the nest has failed. Project sites shall be resurveyed if there is a lapse in construction activities for more than 7 days. A nesting bird survey shall be submitted at the conclusion of the site survey.

4. All street tree removal work shall be performed under the direction of an Urban Forestry Division (UFD) Tree Supervisor who is also an International Society of Arboriculture (ISA) Certified Arborist.

5. Replacement street trees shall be monitored and those street trees which do not survive in the first 3 years shall be replaced at a 1:1 ratio.

6. For construction activities in or near an Environmentally Sensitive Habitat Area (ESHA) pursuant to the Coastal Act, a 50-foot buffer strip for all activities in or near an ESHA, as measured from the outer limit of riparian vegetation or, if the waters are estuarian, a minimum of 100 feet from the outer limit of estuarian vegetation, shall be

required in new development to protect the habitat value of riparian areas where the opportunity exists.

II. Cultural Resources

1. Prior to approval, the construction site shall be assessed to determine whether a substantial adverse change would occur to the significance of a known historic, tribal cultural, unique archaeological, and/or unique paleontological resource.

    A. Where it is determined that the proposed sidewalk repair would cause a substantial adverse change to the significance of a known historic resource, the Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings shall be followed.

    B. Where it is determined that the proposed sidewalk repair would cause a substantial adverse change to the significance of a known unique archaeological resource, an archaeological treatment plan (ATP) that ensures the long-term protection and proper treatment of archaeological resources of significance shall be prepared. The ATP shall include a monitoring plan, research design, and data recovery plan. The ATP shall be consistent with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, California Office of Historic Preservation's (OHP) *Archaeological Resources Management Report,* Recommended Contents and Format (1989), and the *Guidelines for Archaeological Research Design* (1991); and shall also consider the Advisory Council on Historic Preservation's publication *Treatment of Archaeological Properties: A Handbook.* The ATP shall also be consistent with the Department of the Interior's Guidelines for Federal Agency Responsibility under Section 110 of the National Historic Preservation Act.

    C. Where it is determined that the sidewalk repair project would cause a substantial adverse change to the significance of a known unique paleontological resource, a qualified paleontologist shall be retained to develop a Paleontological Management Treatment Plan (PMTP). The selection of the paleontologist and the development of the PMTP shall be subject to approval by the Vertebrate Paleontology Section of the Natural History Museum of Los Angeles County to comply with paleontological requirements, as appropriate.

2. Pursuant to Section 6-3.2, "Archaeological and Paleontological Discoveries" of the Standard Specifications for Public Works Construction (Greenbook), and the City of Los Angeles Department of Public Works Additions and Amendments to the Standard Specifications for Public Works Construction (Brownbook) if, during

construction activities, an unexpected discovery is made of items of archaeological or paleontological interest, excavation in the area of discovery shall immediately cease and shall not continue until ordered by the City Engineer.

III. Geology and Soils

1. Where excavation will be greater than 5 feet to accommodate existing underground utilities, a Shoring Plan per Section 7-10.4.2.2, "Shoring Plan" of the Standard Specifications for Public Works Construction (Greenbook), and the City of Los Angeles Department of Public Works Additions and Amendments to the Standard Specifications for Public Works Construction (Brownbook) shall be prepared.

IV. Hazardous Materials

1. Prior to approval, a database search pursuant to California Government Code Section 65962.5 shall be conducted to identify applicability of any regulatory requirements or hazardous material risks associated with the project site or the adjacent sites.

2. In the event of spills, leaks, or other contamination, the protocols contained with the *Hazardous Materials Incident Contingency Plan* published by the California Office of Emergency Services shall be followed.

3. For sidewalk repair projects located within a public right-of-way and containing contaminated soil, all repair and construction work shall be in accordance with the BOE Master Specification Section No. 02310 *Earthwork* Subsection No. 3.3, *Contaminated Soils*.

4. For sidewalk repair projects located on a public right-of-way and containing contaminated ground water, all repair and construction work shall be in accordance with BOE Master Specification Section No. 02235, *Dewatering*.

V. Hydrology and Water Quality

1. Pursuant to Section 308-4.9.5, "Watering" of the Standard Specifications for Public Works Construction (Greenbook), and the City of Los Angeles Department of Public Works Additions and Amendments to the Standard Specifications for Public Works Construction (Brownbook),all planted areas shall be kept moist during the establishment period. When a permanent irrigation system is not available, a temporary system shall be used to provide adequate watering during the establishment period without erosion detrimental to planting.

VI. Noise

1. As feasible during construction, a 10-foot distance between construction equipment and a commercial use sensitive receptor should be maintained, and a

20-foot distance between construction equipment and residential sensitive receptor should be maintained.

2. As feasible during construction, the following best management practices (BMPs) for noise should be implemented:

    A. Unnecessary idling of internal combustion engines should be prohibited.

    B. All equipment should be kept in good repair with all worn, loose and unbalanced machine parts to be replaced.

    C. Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from neighboring houses.

    D. Construction should occur in the daytime hours, as allowable by LAMC Section 41.40 - Construction Noise.

    E. Notify all adjacent property owners and land users of the construction length, duration, and hours of noise and vibration producing construction activities, in writing.

    F. Provide and make available contact information for Sidewalk Repair concerns, on construction activities, prior to and on-site during construction.

3. As feasible during construction, the following BMPs for vibration should be implemented:

    A. Use lower powered equipment or techniques such as concrete saws instead of jack hammers.

    B. Minimize the time of use of vibration generating equipment.

    C. Notify all adjacent property owners and land users of the construction length, duration, and hours of noise and vibration producing construction activities, in writing.

    D. Provide and make available contact information for Sidewalk Repair concerns, on construction activities, prior to and on-site during construction.

VII. Transportation and Traffic

1. All work shall be in full compliance with the Work Area Traffic Control Handbook (WATCH) manual, including the requirement of flaggers in Section 9 (Flagger

Temporary Traffic Control) for lane closures during street tree removal or any other construction activity that disrupts the flow of vehicles, pedestrians, or bicyclists.

2. When construction occurs at an intersection, stopping sight distance shall be maintained for vehicles and bicyclists approaching the intersection, in compliance with the WATCH manual, Flagger Temporary Traffic Control.

3. All adjacent property owners shall be notified of any upcoming construction. Signage shall also be posted in advance of construction, notifying the public of any construction-related lane closures or parking restrictions, in accordance with Section 7-10, "Public Convenience and Safety" of the Standard Specifications for Public Works Construction (Greenbook), and the City of Los Angeles Department of Public Works Additions and Amendments to the Standard Specifications for Public Works Construction (Brownbook).

4. Temporary accessibility-compliant access shall be provided and signage shall be used, where needed, to direct pedestrians to alternative pedestrian routes or through the use of a temporary walkway, physically separated from vehicle traffic, to provide a more direct detour, in accordance with Section 7-10, "Public Convenience and Safety" of the Standard Specifications for Public Works Construction (Greenbook), and the City of Los Angeles Department of Public Works Additions and Amendments to the Standard Specifications for Public Works Construction (Brownbook).

5. If construction requires a temporary closure of an on-street bicycle facility, signage shall be placed to inform drivers and bicyclists of the upcoming bicycle facility closure, indicating a shared lane ahead in accordance with the WATCH manual, Bicycle Considerations.

6. If construction requires a temporary closure of an existing transit facility (e.g., bus stop), coordinating with the affected transit provider shall occur to ensure users are informed of the temporary stop relocations.

7. Per Section 7-8.4, "Storage of Equipment and Materials" of the Standard Specifications for Public Works Construction (Greenbook), and the City of Los Angeles Department of Public Works Additions and Amendments to the Standard Specifications for Public Works Construction (Brownbook), a permit from the Bureau of Street Services shall be obtained before any construction materials or equipment are stored in the public right-of way if necessary. All storage of equipment and materials shall be done under approved pollution prevention and erosion control plan as required by California Construction Permit Order No. 2009-009-DWQ.

8. Truck trips shall be coordinated to arrive and depart at off-peak commute times to the extent feasible, in accordance with Los Angeles Municipal Code (LAMC) Section 62.61.

9. Any sidewalk repair activities involving signal disruption shall be coordinated with the Los Angeles Department of Transportation and the Los Angeles Police Department to identify and implement temporary traffic control needs per Section 307-5, "Temporary Street Lighting and Traffic Signal Systems" of the Standard Specifications for Public Works Construction (Greenbook), and the City of Los Angeles Department of Public Works Additions and Amendments to the Standard Specifications for Public Works Construction (Brownbook).

VIII. Wildfire Hazards

1. Compliance with applicable LAMC Fire Code Section 57 et seq. for construction sites on, adjacent to, or in the immediate vicinity of a Very High Fire Hazard Severity Zone (VHFHSZ) as designated through LAMC Sections 57.4908.1.1 through 57.4908.1.3 and identified on City maintained databases shall be required.

2. No person shall travel or trespass upon any firebreak or fire road, as provided in Section 57.4908.8.2 of the LAMC.

3. Pursuant to LAMC Section 57.4908.5 open flame shall be prohibited upon any road, street, or fire road with the VHFHSZ.

4. No smoking shall be allowed where conditions are such as to make smoking a hazard and in spaces where flammable or combustible materials are stored or handled, as provided in Section 310.2 of the California Fire Code. Further, it shall be unlawful for any person to light, ignite or smoke any cigar, cigarette, tobacco in a pipe or other form of smoldering substance within the VHFHSZ, as provided in LAMC Section 57.4908.6. Also, open flame upon any road, street, or fire road within the VHFHSZ shall be prohibited.

5. No person, except one authorized and acting within the scope of his official duties, shall remove, deface, mar, mutilate, or change the position of any sign, installed by the Chief pursuant to this article, designating "CLOSED AREA," "NO SMOKING," "NO OPEN FIRES," "RESTRICTED ENTRY," or other sign or device installed to give warning and to regulate persons' actions within the VHFHSZ, as provided in Section 57.4908.9.1.

6. Pursuant to Ordinance No. 185789, all sidewalk repair projects shall occur in compliance will all applicable requirements for brush clearing activities in the VHFHSZ including, but not limited to:

    A. Use of metal cutting blades for grass or brush clearance shall be limited to those which are nonferrous/non-sparking.

    B. Brush clearance shall not be done on red flag days, when fire weather conditions are at their peak.

C. Individuals engaged in brush clearance operations shall not engage in any other activities during their actual clearance of grass or brush.

D. Individuals engaged in grass or brush clearance operations shall use an appropriate extinguishing agent immediately to extinguish a fire.

E. All fires, regardless of size, shall be reported immediately via the 9-1-1 system to the Fire Department.

F. An approved fire extinguisher, or a pressurized garden hose with attached nozzle shall be within 10 feet of any grass or brush clearance operation, to quickly extinguish a small fire before it burns out of control.

G. Where a gasoline container is present at the site of the grass or brush clearance operation, a minimum 4A 60 BC dry chemical fire extinguisher shall be within 10 feet of the brush clearance operation.

H. A cell phone capable of dialing 9-1-1 shall be charged and readily accessible to the grass or brush clearance operation.

I. A safety strap shall be used at all times for any tool or appliance with hot exhaust. Hot exhaust shall not come in contact with any brush, grass, flash fuels, or other flammable material

Approved by the Board of Public Works: _____

Approved by the City Council: _____

Appendix B

United Neighborhoods for Los Angeles v. City of Los Angeles Ruling

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

UNITED NEIGHBORHOODS FOR LOS ANGELES, a California non-profit corporation; ANGELENOS FOR TREES, a California non-profit corporation; Petitioners, v. CITY OF LOS ANGELES, a municipal corporation and DOES 1–10; Respondents ROES 1-10; Real Parties in Interest	Case No. 21STCP02401 Honorable Mitchell L. Beckloff – Department 86 **[~~PROPOSE~~D] JUDGMENT**

FILED
Superior Court of California
County of Los Angeles
MAR 14 2023
David W. Slayton, Executive Officer/Clerk of Court
By: F. Becerra, Deputy

RECEIVED
MAR 03 2023
DEPT. 86

The trial on this matter came before this Court for hearing on October 12 and 19, 2022, in Department 86, the Honorable Mitchell Beckloff presiding. Sabrina Venskus of Venskus & Associates, A.P.C., and Jamie T. Hall and Julian K. Quattlebaum of Channel Law Group, LLP appeared as counsel for Petitioners; and Siegmund Shyu and Steve Martin of the Los Angeles City Attorney's Office appeared as counsel for Respondent City of Los Angeles.

During the course of the trial, the Court heard arguments of counsel and took the matter under submission. Having considered all briefs, pleadings, motions, evidence, and arguments submitted by the parties, the Court issued its ORDER GRANTING PETITION FOR WRIT OF MANDATE on January 17, 2023, which is attached hereto.

IT IS HEREBY ADJUDGED, ORDERED AND DECREED THAT:

1. Judgment shall be entered in favor of Petitioners in this proceeding.

2. A peremptory writ of mandate directed to Respondent City of Los Angeles issue under seal of this Court, which shall direct Respondent to:

i. Decertify the Environmental Impact Report for the Project entitled "Sidewalk Repair Program" adopted on June 22, 2021, Case Nos 14-0163-S3 and CEQA SCH 2016071063.

ii. Rescind the Project's CEQA Findings, including the Statement of Overriding Considerations adopted for the Project.

iii. Set aside the Ordinance number 187106.

iv. Rescind the Project's Street Tree Policy and Mandatory Project Features Policy, which are codified at Los Angeles Municipal Code Section 62.104.1.

v. File and serve a return to the writ no later than 60 days after the entry of judgment in this proceeding. The return shall specify the actions taken to comply with the terms of this writ. Any objections to the Return shall be filed not later than the sixtieth day after the service of the Return.

3. Respondent and any and all of their assigns, agents, contractors, employees, or any other person on their behalf, are hereby enjoined from taking any action to implement any portion of the Project involving tree removals conducted pursuant to the Project, until such time as Respondents have conformed to all legal requirements as ordered by the Court.

4. As the prevailing parties, Petitioners shall recover costs in the amount of $_____.

5. The Court shall, upon noticed motion, separately determine any claim by Petitioners for recovery of attorneys' fees.

6. This Court retains jurisdiction to oversee the compliance with this Judgment and the Peremptory Writ of Mandate issued.

Dated: MAR 14 2023

The Honorable Mitchell Beckloff
Judge of the Superior Court

03/15/2023

[redacted] JUDGMENT

ATTACHMENT

UNITED NEIGHBORHOODS FOR LOS ANGELES v. CITY OF LOS ANGELES
Case Number: 21STCP02401
Hearing Date: October 12 and 19, 2022

ORDER GRANTING PETITION FOR WRIT OF MANDATE

This proceeding arises under the California Environmental Quality Act (CEQA), Public Resources Code section 21000 *et seq* Petitioners, United Neighborhoods for Los Angeles (UNFLA) and Angelenos for Trees (collectively, Petitioners), challenge the certification of a final environmental impact report (EIR) by Respondent, the City of Los Angeles. Petitioners seek an order compelling the City to set aside its approval of the EIR.

The City opposes the petition.

The City's request for judicial notice (City RJN) of Exhibits A through E is granted.

Petitioners' request for judicial notice submitted in support of the reply papers (Reply RJN) of Exhibit 1 is granted. (The court recognizes it may not judicially notice disputable facts in the document, only the document's existence.)

The City's objections to Petitioners' errata reply brief are overruled. The brief is not oversized and is consistent with the parties' stipulation. The court also finds the City has suffered no prejudice based on Petitioners' failure to comply (by a single day) with the court-ordered briefing schedule. The joint appendix contains the City's highlighted material.

The petition is granted.

STATEMENT OF THE CASE[1]

Willits Settlement Agreement

This project at issue in the EIR arises out of a settlement agreement reached in a federal action brought against the City by a class of disabled persons under the Americans With Disabilities Act of 1990. (42 U.S.C. § 12101, *et seq.*)

In a settlement agreement approved by the federal district court in 2016 (*Willits v. City of Los Angeles*, U.S. Dist. Court Case No. CV10-05782 CBM) (the Willits Settlement), the City committed to spending $1.36 billion over 30 years to repair the City's sidewalks for improved pedestrian access for persons with disabilities. (AR 4631-4742, 6944-6951.)

[1] AR refers to the administrative record. SAR refers to the supplemental administrative record.

A primary component of the Willits Settlement is the "[r]epair of damage caused by tree roots to sidewalk or walkway surfaces." The Willits Settlement also provides the City's removal of trees would occur pursuant to applicable law. (AR 4653, 4657-4659.) The Willits Settlement provides flexibility to avoid tree removal, including allowances for the City to delay sidewalk repairs in areas with "site constraints," to preserve trees "to the extent feasible," and to remove trees only consistent with "all applicable City and State law." (AR 4658-4659.)

The Willits Settlement did not commit the City to any specific sidewalk repairs. Instead, the Willits Settlement requires the City to identify funds it "will allocate for repairs and describes the type of projects the City should consider first." (SAR 165, 175.)

The Project

To satisfy the requirements of the Willits Settlement, the City considered a new ordinance adopting the Sidewalk Repair Program (the Project). (AR 4777-4783.) The City Council directed: (1) the Bureau of Street Services to provide recommendations on how to (a) incorporate best practices for the maintenance of the urban forest, including tree removals and replacements and (b) streamline the City's process to facilitate sidewalk repairs (AR 4780-4782); and (2) the Bureau of Engineering to prepare an EIR (AR 4780).

In the interim, to comply with the requirements of the Willits Settlement, the City determined sidewalk repairs would commence under existing codes and policies, including a tree replacement ratio of two to one, with case-by-case environmental review under CEQA. (AR 114-115, 137.) In 2018, UNFLA unsuccessfully challenged the City's interim approach. (City RJN Ex. A.)

The City's Approval of the Project

In July 2017, the City issued a notice of preparation for the Project. (AR 4891-4896.) The City also issued an initial study for the Project. (AR 3482-3579.)

The City notified state agencies about the notice of preparation and the initial study, including the California Department of Fish and Wildlife (CDFW). (SAR 816-817.) The CDFW did not submit any comments for consideration by the City. (See AR 791-880 [public comments received].)

On December 26, 2019, the City released a draft EIR (DEIR) for the Project. (AR 5199-5202.)

The DEIR described the Project's key components: (1) ministerial approval of certain sidewalk repair projects without CEQA review; (2) "streamlined discretionary approval process" for projects not eligible for ministerial review; (3) a revised Street Tree Retention, Removal and Replacement Policy establishing a two to one street tree replacement to removal ratio for years one through ten, three to one for years 11 through 21, and two to one for years 22 through 30, and; (4) mandatory project design features (PDFs). (AR 1 [notice of determination], 110 [DEIR];

see also AR 24-27 [enacted ordinance], 10-14 (the revised street tree policy], 3-9 [new mandatory project features policy].)

The City notified state agencies, including the CDFW, of the completed DEIR. (AR 5193-5198.) The CDFW did not submit any comments to the DEIR. (See AR 1823-1830 [public comments received].)

The City provided a 157-day comment period for the DEIR. (AR 1823.) The City held seven public meetings during the comment period. (*Ibid.*) The City received nearly 300 comments on the DEIR. (AR 1823-1830.)

The DEIR reported the Project created: (1) certain significant and unavoidable impacts to aesthetics, cultural resources, noise, and tribal cultural resources (AR 92); (2) biological impacts to special-status species in the project area that would be less than significant in the highly-urbanized environment, including with project features of tree inspections/buffers and the enhanced tree replacement ratio (AR 260-274, 1109-1154); (3) recreational impacts that were less than significant since sidewalk repairs do not affect recreational facilities (AR 662, 3558); and (4) cumulative impacts that were less than significant under the "summary of projections" method adopted by the City and regional plans analyzing such impacts. (AR 582-612). The DEIR also noted the Willits Settlement primarily involved the repair of sidewalks damaged by trees and included tree removals. (AR 4653, 4657-4659, 4709, 6945).

In April 2021, the City issued the EIR, including responses to the DEIR. (AR 1817-2377.)

The EIR reported there would be significant and unavoidable impacts to Aesthetics (rare projects only), Cultural Resources (rare projects only), Noise, and Tribal Cultural Resources (rare projects only). (AR 1 [notice of determination], 3663-3664 [staff report].)

In May 2021, the City held public meetings at the Board of Public Works and the City Council Public Works Committee concerning the Project. (AR 3708-3766, 3777-3826).

On June 22, 2021, the City Council held a public meeting (AR 3936-3951) during which it voted to certify the EIR (AR 3946), made required CEQA findings (AR 28-57), and approved the Project (AR 24-27) including related necessary policies, i.e., the proposed Street Tree Policy (AR 10-14), Mandatory Project Features Policy (AR 3-9), and Ordinance (AR 24-27).

This proceeding followed.

STANDARD OF REVIEW

In reviewing an agency's compliance with CEQA during the course of its legislative or quasi-legislative actions, the trial court's inquiry during a mandamus proceeding " 'shall extend only to whether there was a prejudicial abuse of discretion,' " which is established " 'if the agency has not proceeded in a manner required by law or if the determination or decision is not

supported by substantial evidence.' " (*Vineyard Area Citizens for Responsible Growth Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 426 [citing Pub. Resources Code, § 21168.5].) "In evaluating an EIR for CEQA compliance, . . . a reviewing court must adjust its scrutiny to the nature of the alleged defect, depending on whether the claim is predominantly one of improper procedure or a dispute over the facts." (*Id.* at 435.)

CEQA requires an EIR to "be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences." (Guidelines,[2] § 15151; *Sierra Club v. County of Fresno* (*Friant Ranch*) (2018) 6 Cal.5th 502, 516.) "An EIR's designation of a particular environmental effect as 'significant' does not excuse the EIR's failure to reasonably describe the nature and magnitude of the adverse effect." (*Id.* at 514.) "[T]here must be a disclosure of the 'analytic route the . . . agency traveled from evidence to action.' " (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376, 404.) "[A] conclusory discussion of an environmental impact that an EIR deems significant can be determined by a court to be inadequate as an informational document without reference to substantial evidence." (*Friant Ranch, supra,* 6 Cal.5th at 514.) If the deficiencies in an EIR preclude "informed decisionmaking and public participation, the goals of CEQA are thwarted and a prejudicial abuse of discretion has occurred." (*Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 128.)

"Where the alleged defect is that the agency has failed to proceed in the manner required by law, the court determines de novo whether the agency has employed the correct procedures, scrupulously enforcing all legislatively mandated requirements." (*Chico Advocates for a Responsible Economy v. City of Chico* (2019) 40 Cal.App.5th 839, 845.)

With respect to "all substantial evidence challenges, an appellant challenging an EIR for insufficient evidence must lay out the evidence favorable to the other side and show why it is lacking. Failure to do so is fatal. A reviewing court will not independently review the record to make up for appellant's failure to carry his burden." (*Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1266.) Moreover, "the reviewing court 'may not set aside an agency's approval of an EIR on the ground that an opposite conclusion would have been equally or more reasonable,' for, on factual questions, our task 'is not to weigh conflicting evidence and determine who has the better argument.' " (*Vineyard Area Citizens for Responsible Growth Inc. v. City of Rancho Cordova, supra,* 40 Cal.4th at 435.)

"Regardless of what is alleged, an EIR approved by a governmental agency is presumed legally adequate, and the party challenging the EIR has the burden of showing otherwise." (*Chico Advocates for a Responsible Economy v. City of Chico, supra,* 40 Cal.App.5th at 846.)

[2] The CEQA Guidelines are found at Title 14, Chapter 3 in the California Code of Regulations. For ease of reference, the guidelines are cited herein as "Guidelines."

Finally, "[t]he legal duties imposed by CEQA are to be strictly enforced. [Citation.] 'Only by requiring the [agency] to fully comply with the letter of the law can a subversion of the important purposes of CEQA be avoided . . . .' [Citation.] The requirements of CEQA also must be 'interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.' [Citation.]" (*Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1176.)

Of course, perfection is not required. Instead, courts look "for adequacy, completeness, and a good faith effort at full disclosure." (Guidelines, § 15151.)

ANALYSIS

The City's Waiver Argument

As a threshold matter, the City argues Petitioners have waived certain issues not raised in the petition. (Opposition 24:26-25:17.) More specifically, the City argues: (1) the petition does not contain any allegations concerning the (a) Willits Settlement (Opening Brief 25:4-27:10) and (b) the City's alleged failure to consult with trustee agencies (the CDFW) (Opening Brief 27:11-28:7); and (2) Petitioners are improperly are trying to expand the issue of a lost tree canopy (petition ¶ 57(b)) to include the analysis of bird impacts from replacing preferred tree species (Opening Brief 9:13-18, 10:1-12:19) and the impacts of replacing native tree species (Opening Brief 13:4-16:14).

The court disagrees. The petition, when liberally construed, gives the City fair notice of the challenges to the EIR. (Code Civ. Proc., § 452. ["In the construction of a pleading, for the purpose of determining its effect, its allegations must be liberally construed, with a view to substantial justice between the parties."]) The City does not cite persuasive authority. Authorities involving demurrers or waiver based on an issue not in the Statement of Issues are inapposite. (Opposition 25:12-17.)

Accordingly, the court reaches the merits on all issues raised by Petitioners.

The Project's Impact on Birds

Petitioners argue the EIR does not adequately address and separately identify the short-term and long-term impacts of the Project on sensitive species resulting from habitat modification and consequent reduction in foraging habitat for sensitive species and wildlife. (Opening Brief 8:19-21.) Petitioners also argue the City failed to specifically consider the loss of tree canopy and tree/habitat value (short-term impacts) and net loss to habitat value (long-term impacts) associated with the Project. (Opening Brief 8:21-23.) Petitioners assert the City failed to adequately analyze all impacts to non-sensitive species. (Opening Brief 8:24-25.) Finally, Petitioners contend the EIR does not adequately identify or mitigate these impacts. (Opening Brief 8:23-24.)

It is undisputed the Project will affect certain bird species, including sensitive species. (AR 287-288; see also AR 1143, 1148, 1150, 1152, 1154 [identifying species fully protected in California and of special concern affected by the Project].) The parties dispute whether the EIR provided a proper and legally adequate analysis of the impact. As raised by Petitioners, the issue also concerns the City's selection of the threshold of significance. Petitioners contend the City could not ignore the impacts of the Project to birds other than sensitive species.

An EIR may not set an impermissibly narrow threshold of significance for biological impacts. (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 792; see also Guidelines, § 15064, subd. (b)(2). ["Compliance with the threshold does not relieve a lead agency of the obligation to consider substantial evidence indicating that the project's environmental effects may still be significant."]) If evidence tends to show that the environmental impact might be significant despite the selected threshold in the EIR, the agency must address that evidence. (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1111.)

CEQA mandates that public agencies consider short term impacts as well as long term impacts of a project. (Guidelines, § 15126.2, subd. (a). ["Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects."])

Among others, the City adopted the following threshold of significance:

> **BIO-1.** Would the proposed Project result in 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? (AR 286.)

The City engaged in an analysis using biological experts as reviewed by expert consultants and City staff. (AR 666, 668-669, 35090-35096, 35261-35266.) The City concluded the Project's impacts to birds would be less than significant. (AR 287-288.) The City evaluated potentially impacted species and found only five special-status species (American peregrine falcon, purple martin, yellow warbler, pallid bat, and western red bat) have potential habitat within the highly urbanized areas where the Project's sidewalk repairs would occur. (AR 260-274, 287-288, 1109-1154.) The City supported its less-than-significant-impact determination by finding that: (1) these species are adapted to living in a heavily developed disturbed urban setting; (2) the PDFs would prevent impacts to migratory birds and special-status species; (3) the PDFs of standard stormwater runoff regulatory requirements would prevent impacts to special-status species; and (4) the heightened two to one and three to one street tree replacement ratio would result in more wildlife habitat at the end of the Project. (AR 260-274, 285-287.)

Petitioners argue, despite the threshold of significance chosen by the City, CEQA requires evaluation of non-sensitive status species. (Opening Brief 12:8-13:3.) Petitioners generally

contend the loss of street trees would have an impact on non-sensitive species by reducing foraging sites. (AR 2684, 3315.) Petitioners note, according to comments in the administrative record, the EIR "underestimates the importance of urban habitat by failing to recognize that it is a complex matrix of wild and urban spaces and the growing movement of native plant gardening thus underestimates project impact on birds, including sensitive species." (AR 2684.)

The City asserts Petitioners' argument is not properly before the court because of Petitioners' failure to exhaust administrative remedies. (*California Water Impact Network v. Newhall County Water Dist.* (2008) 161 Ca .App.4th 1464, 1489 [exhaustion of administrative remedies is "a jurisdictional prerequisite to judicial review"].) The court disagrees.

Petitioners cite public comment in the administrative record asserting the City cannot exclude consideration of non-sensitive status species. (AR 2683-2684 [emphasis added]. ["Cavities in mature trees provide nesting and foraging sites for species such as woodpeckers, bluebirds, flycatchers as well as the listed species referenced in the DEIR. The DEIR underestimates the importance of urban habitat by failing to recognize that it is a complex matrix of wild and urban spaces and the growing movement of native plant gardening thus underestimates project impacts on birds, including sensitive species."], 3284-3289 [Southern California Black Walnut tree not protected but significant locally and should be considered], 3315 ["Biologists on-site should be given authority to stop work to protect any species if they perceive impact on any species of wildlife if tree removal will cause loss of habitat. These species could be species protected by the Endangered Species Act, the Migratory Bird Treaty Act, or species that are locally important but not egally defined as protected."])

On the merits of Petitioners' claim, the City argues it was not required to consider the Project's impacts on non-sensitive status species. The City's argument relies on Public Resources Code section 21001, subdivision (c), Guidelines section 15065, subdivision (a)(1) and Guidelines Appendix G. The City contends the law emphasizes minimizing impacts on sensitive-status species that may be endangered only, not non-sensitive species. (See Opposition 8:5-13.)

Guidelines section 15065, subdivision (a)(1) is not limited to special-status species and does not support the City's position. The guideline provides:

> "A lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur: (1) The project has the potential to . . . substantially reduce the habitat of a fish or wildlife species; . . . threaten to eliminate a[n] . . . animal community; . . . ."

In fact, Guidelines section 15065, subdivision (a)(1) differentiates between wildlife generally and special-status species and categorizes them separately. In addition to the findings set forth above, the guideline also requires findings of significance when a project may "substantially

reduce the number or restrict the range of an endangered, rare or threatened species; . . . ." Thus, under the guideline the focus is not merely on special-status species.

Public Resources Code section 21001, subdivision (c) similarly does not limit an agency's inquiry into special-status species. The statute provides:

> "The Legislature further finds and declares that it is the policy of the state to: . . .
> (c) Prevent the elimination of fish or wildlife species due to man's activities . . . ."

While special-status species may be more prone to elimination due to man's activities, the Public Resources Code's focus is not so limited. Instead, the inquiry is on wildlife generally.

Finally, the City's position overlooks Appendix G's instruction that Appendix G does "not necessarily represent thresholds of significance" and that "[s]ubstantial evidence of potential impacts that are not listed on [the] form must also be considered." (Guidelines, Appendix G, introduction.) The questions set forth in Appendix G "are intended to encourage thoughtful assessment of impacts . . . ." (*Ibid.*)

The court finds the City's position it can limit its focus of impacts to special-status species as a general matter is legally unsupported. The City's threshold of significance must be supported by substantial evidence. As noted, Appendix G of the Guidelines specifies: "Substantial evidence of potential impacts that are not listed on this form must also be considered. The City's argument impacts are limited to special-status species contradicts the general policy goals of CEQA and its protection of the environment. (See also *Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714, 734 ["noise may have negative effects on wild animals, including stress-related illness, abandonment of favored habitats, and population declines"].)[3]

As the court understands it, the City contends it "carefully evaluated" whether the impacts to birds other than special status species should be evaluated. (Opposition 8:14-15.) The City phrases its evaluation as whether any non-listed species should be treated as special-status species for purposes of evaluation and notes its "special-status determinations" are entitled to great deference. (Opposition 8:14-18.) The City's argument demonstrates its position it need only determine environmental impacts to special-status species (or those it has decided to treat as special-status species).

The City's argument, however, does not address Petitioners' position. The issue is not whether the City should have treated more birds—other than the three identified—as special-status species. The issue is whether the City's failure to consider impacts to birds other than special-status species is consistent with CEQA's requirements.

[3] The Court notes the noise analysis set forth in Appendix G does not require consideration of impacts to wildlife. *Keep Our Mountains Quiet v. County of Santa Clara* nonetheless found such noise impacts required analysis under CEQA.

The EIR expressly recognizes:

> "[m]ature street trees . . . may provide suitable nesting habitat for a number of common predatory and migratory bird species, including, but not limited to, red-tailed hawk [], house finch [], mourning dove [], house sparrow [], American crow [], and Anna's hummingbird. The barn owl [] and the great horned owl [] are two relatively urban-adapted owl species that utilize street trees for roosting and nesting. Barn owls are commonly observed nesting in a variety of palm trees species throughout the City. . . . Mature street trees adjacent to open water in coastal areas in the West Los Angeles and Habor project zones have potential to provide nesting habitat for piscivorous species like the osprey [], black-crowned nigh heron [], snowy egret [], and great blue heron []." (AR 261.)

Public comments also noted non-special status species birds using street trees for nesting and foraging—"woodpeckers, bluebirds, flycatchers as well as the listed species referenced in the DEIR." (AR 2684.) An academic study submitted to the City concerning the importance of street trees to birds "documented 587 observations of migratory birds and 351 year-round birds" in Los Angeles. The study advised it observed the following migratory birds in the City's street trees: Yellow-rumped Warbler, Ruby-crowned Kinglet, Towsend's Warbler, Orange-crowned Warbler, and the Black-throated Gray Warbler. The year-round birds observed in the study included the Bushtit, House Finch, Lesser Goldfinch, Anna's Hummingbird, and Allen's Hummingbird. (AR 3013, 3021.)

Despite the City's recognition in the EIR of birds other than special-status species using the City's street trees as well as the other evidence in the record concerning the number and species of birds using street trees for nesting and foraging, the City elected to evaluate only special-status species in BIO-1. While CEQA permits the City to choose its threshold of significance, there must be substantial evidence to support the City's selection. Other than reliance on Appendix G of the Guidelines, the City provides no analysis of how it selected its threshold of significance. That is, how it determined it could determine environmental impacts to birds through consideration of only three special-status bird species.

Accordingly, the court finds the City's threshold of significance (AR 286 [BIO-1]) is impermissibly narrow. The threshold of significance omits consideration of non-sensitive status species when there is substantial evidence the Project may have a significant impact on those non-sensitive status species. Alternatively, the EIR does not adequately explain for decision makers and the public why the City chose not to evaluate impacts to non-sensitive status year-round birds in the EIR.

The City contends even assuming Petitioners are correct and it was required to consider how the Project affects non-sensitive status species, the City conducted a sufficient evaluation. The City reports it did not find the Project would have a significant impact on the special-status species or birds generally (See Opposition 8:14-9:1.) The City specifically found that: "Due to the heavily disturbed urban setting within the City, all other wildlife species are unlikely to

occur besides *periodic transient* occurrences; the Project site is not suitable for *permanent habitation*." (AR 268 [emphasis added and foundation unclear].)

Petitioners persuasively demonstrate, however, the City's fincing is expressly contradicted by parts of the record, includ ng the DEIR's narrative. (See Reply 7:1-6 [citing AR 261 (DEIR) and AR 3021[4] acknowledging mature street trees provide nesting habitat for non-sensitive species and 351 observations of year-round birds using the street trees with certain trees serving as a "critical resource.")[5] The trees also provide foraging habitat for many birds. (AR 287, 1148, 1150, 2684.) Thus, the City's conclusion is unexplained at best and therefore misleading given other information provided by the City in the EIR.

The City's explanation it considered non-sensitive status species in the context of canopy loss is also not persuasive. (Opposition 9:27-10:13.) The City cites evidence that street trees are a small fraction of the overall trees in the City and that the loss of overall street trees is 1.8 percent of the City's total street trees with a maximum yearly decline of 0.3 percent of street tree canopy in year 13 [i.e , the year the canopy would begin to recover after replacement]. The City argues overall there would be a mere 0.1 percent reduction of overall Citywide tree canopy cover based on the Project. (AR 288, 292-293.)

The City's general evidence concerning tree canopy overlooks more specific evidence concerning short-term impacts. The record demonstrates in low-income communities nearly all feeding birds use street trees for foraging because of a lack of private yard vegetation. (AR 3019.) Petitioners correctly note the threshold of significance as phrased is triggered by *any* reduction in existing habitat and it is undisputed that there is a reduction of street tree canopy as a short-term impact. (Reply 7:23-25.) The short-term impact analysis is lacking before the tree canopy begins to recover starting at year 13. Finally, the City cannot otherwise rely on the PDFs of standard nest monitoring/buffers and stormwater controls because those are limited measures and address nesting not foraging habitat (AR 285-286) and discharge from active construction sites. (AR 288.)

Even if the court ignored the substantial evidence of significant impact on non-sensitive status species, the effect is nonetheless identical for sensitive status species, i.e., value of habitat replacement for foraging as well as nesting. The City argues Petitioners have failed to cite any

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[4] Petitioner cites to the academic article discussing "year round birds" noted earlier. (AR 3021.) According to the evidence. "LA is home to a high diversity of birds, which utilize the metropolis throughout the annual cycle." (AR 3031.)

[5] The court notes the City failed to discuss foraging habitat for any birds other than the American peregrine falcon. (AR 287.) Despite the City acknowledging the purple martin and yellow warbler (special-status species) using street trees for foraging habitat, the EIR is silent about Project impacts, if any, on foraging habitat for the birds. (AR 287, 1148, 1150.) The City's explanation of less than significant impacts to foraging habitat for the American peregrine falcon evaluates the impacts and explains the impacts of the Project are "unlikely" to deter prey species from the bird's foraging habitat. (AR 287.)

critical evidence in the record that the same impact to non-sensitive species applies to the sensitive status species. (See Opposition 7:15-18.) Evidence before the City from the Community Forest Advisory Committee[6] (CFAC) advised the City that it underestimated the biological impacts of the Project. (AR 2683.) CFAC explained Los Angeles is "on the Pacific Flyway and trees provide nesting and foraging habitat, preserving urban forest will have a profound impact on attempts at stabilizing bird populations."[7] (AR 2684.) The City did not respond to CFAC did not address the importance of foraging habitat for all birds. (See AR 1986-1987.)

Accordingly, the court finds the City failed to proceed as required by law when it omitted sufficient analysis of the Project's impacts on non-sensitive status species as well as all short-term impacts associated with the Project.

The Project's Impact on Native Trees

The City's protected tree ordinance protects the California Live Oak, Western Sycamore, California Bay and the Southern California Black Walnut. (AR 260.) According to the City, "The protected tree ordinance applies only to non-planted trees, and therefore it is typically not applicable to street trees, which are generally planted." (AR 260.)

Petitioners argue the EIR did not adequately address the loss of native trees which have been designated under the City's protected tree ordinance. Failure to adequately address such an environmental impact undermines the EIR and does not adequately inform decision makers or the public about a potential project.

At issue is the City's threshold of significance, BIO-2. The parties dispute its meaning. BIO-2 provides:

> Would the proposed Project result in 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? (AR 286.)

The City interprets BIO-2 as focusing on location only. That is, whether the Project would result in a loss or removal of locally designated natural habitat or plant community. To that end, the EIR's analysis addresses habitat only in its discussion of BIO-2. The discussion references significant ecological areas (SEAs) and environmentally sensitive habitat areas (ESHAs). (AR 288.)

The parties interpret the BIO-2 as follows:

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[6] CFAC "is a group of representatives appointed by their councilmembers as well as the Mayor" and is "tasked with and dedicated to preserving a healthy urban forest . . . ." (AR 2667.)
[7] CFAC advises North American bird population has declined by 30 percent since 1970. (AR 2684.)

Petitioners' Formulation (Reply 8:18-21)	City's Formulation (Opposition 11:13-15)
Would the proposed Project result in **[1]** the loss of individuals or the reduction of existing habitat of a locally designated species **or [2]** a reduction in a locally designated natural habitat or plant community?	Would the proposed Project **[1]** result in the loss of individuals **[2]** or the reduction of existing habitat of a ocally designated species **[3]** or a reduction **[modifying 1-3]** in a locally designated natural habitat or plant community?

As noted, the City considered only *location* when it considered BIO-2. That is, the City determined an impact from the Project occurs only if a loss or reduction of individuals occurs within "a locally designated natural habitat or plant community." (Opposition 11:16-19.) The focus of BIO-2, according to the City, is on location; the City contends "BIO-2 applies to identified habitats." (Opposition 11:21-22.) Accordingly, the EIR considered 12 sensitive communities identified by the CDFW and 10 sensitive environmental areas (SEAs) and three environmentally sensitive habitat areas (ESHAs). (AR 288.) The EIR found the Project's impact on SEAs and ESHAs would be less than significant. (AR 288.)

The City argues its interpretation is correct because "in a locally designated natural habitat or plant community" is based on the Los Angeles CEQA Thresholds Guide (Thresholds Guide), which is in turn based on Appendix G in the Guidelines.[8] (Opposition 11:16-22.) Moreover, the City explains "the threshold of special-status species" is separately analyzed in the EIR at BIO-1. (Opposition 11:18-19.)

The court finds Petitioner's argument more persuasive. First, Petitioner's interpretation of the threshold of significance is consistent with its plain language. Second, BIO-1 does not provide any analysis of the loss of trees or tree canopy—the focus of BIO-1 as set forth in the EIR is birds and bats.[9]

First, a "sensitive biological resource" as defined in the Thresholds Guide is a "locally designated or recognized *species or habitat*." (AR 7079 [emphasis added].) The Thresholds Guide is not limited to habitat (i.e., location). "Sensitive biological resources may be specific species or a habitat area." (AR 272.) The City's interpretation incorrectly overlooks the Threshold Guide's focus on species as well as habitat. The City's view of the threshold would overlook the

[8] Petitioners contend the City's argument is without merit because the thresholds adopted in the Thresholds Guide are broader than those in Appendix G. (Reply 9:1, 18-20. ["Respondent cites to no evidence that the Thresholds Guide is based on Appendix G, Section IV.b."])

[9] The court acknowledges the City is interpreting its own EIR, and its interpretation is entitled to deference. Nonetheless, the EIR must discuss impacts to biological resources, including trees. Despite the City's claim (Opposition 7:1 [City conducted "extensive evaluation of potentially impacted species, including birds and black walnut trees"]), the court could not locate a single reference to the Southern California Black Walnut tree anywhere in the EIR's discussion of environmental impacts. (AR 254-296.)

importance of a loss of individuals of a locally designated species in a non-locally designated natural habitat or plant community, i.e., an urban setting. (See also AR 7078. ["A project may impact biological resources through the loss or destruction of individuals of a sensitive species or through degradation of sensitive habitat." (Emphasis added.)])

The City's interpretation of BIO-2 improperly excludes consideration of an environmental impact simply because the impact does not occur in a particular location. (See Reply 9:2-4. ["The City's interpretation of BIO-2 would mean that a 'sensitive biological resource' (such as an oak tree) that is not located 'in a locally designated natural habitat or plant community' could be destroyed without ever triggering the significance threshold."])

Second, the EIR's discussion of BIO-1, claimed by the City to address "special-status species," contains no discussion of the removal of trees designated as protected by the City. (AR 260.) The discussion of impacts for BIO-1 does not reference the City's protected tree ordinance or otherwise discuss any specific species of tree. (AR 287-288.) The EIR's discussion of BIO-1 is limited to birds and bats. (AR 287-288.) Thus, the City's claim impacts to the reduction of locally designated tree species is properly considered in BIO-1 is not supported by the EIR's analysis set forth in BIO-1.

Accordingly, the EIR's evaluation of the Project (AR 288-289) using the BIO-2 threshold is incomplete and therefore fundamentally flawed. The EIR provides no discussion for decision makers and the public of the Project's impact on native trees outside of SEAs and ESHAs. (AR 288.) That the City failed to properly interpret BIO-2 deprived decision makers and the public of important information about the Project.

Despite the lack of analysis and discussion, the City argues even assuming Petitioners are correct, there is no evidence to suggest "any potentially-affected street trees are 'Protected Trees' under the City's ordinance, which must be naturally occurring and not planted." (Opposition 11:28-12:1.) Thus, under the circumstances the City did not violate CEQA by failing to analyze the significance of an environmental impact.

It is impermissible for the court to substitute its findings for that of the City and engage in a post hoc cure to overlook the error with the EIR's discussion of BIO-2. (See *American Funeral Concepts v. Board of Funeral Directors & Embalmers* (1982) 136 Cal.App.3d 303, 311.) There is no question the City failed to provide an adequate analysis of environmental impacts on trees—whether through BIO-1 or BIO-2. Thus, in the context of a tree analysis, the EIR fails as an informational document because it deprived decision makers and the public of adequate and complete information on the issue.

As noted, the City has designated certain trees as protected, including the Western Sycamore and Southern California Black Walnut. (AR 260.) The Western Sycamore and Southern California Black Walnut are native tree species that exist as street trees in the City of Los Angeles. (AR 3362, 3363 [4,977 Southern California Black Walnuts, 8,878 Coast Live Oaks, and 5,572 Western Sycamores].) Under the City's tree ordinance, protected trees are those that are naturally

occurring—not planted. The City's experts opine almost all trees in a paved and graded right-of-way are planted. (AR 3735, 3748-3750, 5275.)

Petitioners claim the City's position there are no naturally occurring protected trees in paved and graded rights-of-way s not supported by the evidence. As noted by the City, the EIR did not report (as claimed by Petitioners) that 12 percent of the street trees were naturally occurring (Opening Brief 14:1-4.); instead the EIR noted 88 percent of the City's tree well sites are planted leaving 12 percent of tree well sites vacant.[10] (AR 137.)

Petitioners also claim there is evidence of a naturally occurring protected tree (a California Sycamore) at Hollywood Boulevard and Courtney Avenue. (Reply 9:19-21.) The evidence they rely upon, however, does not establish the tree as naturally occurring, i.e. protected. (See AR 3273-3274.) The evidence merely notes the native nature of the tree—not whether it was planted. (AR 3273. ["Native tree species such as California sycamore exist as street trees and the roots of those trees are causing damage to sidewalks."])

Petitioners also claim evidence of "remnants of the natural landscape" with protected trees *may* exist as street trees. (Reply 9:21-23.) While the Los Angeles Audubon Society provided the statement, the foundation for the claim is not clear. (AR 2738, 3236. ["In areas that historically were native woodlands, *native street trees may be naturally occurring*; indeed, some of the *huge oak trees* along and near Ventura Boulevard in Encino *are* remnants of the natural landscape."] [Emphasis added].)[11]

As noted, it is not the court's role to evaluate the evidence in this context. The comment by the Los Angeles Audubon Society along with the City's admission a street tree is "typically" or "generally planted" by the City (AR 149, 2280) and the difficulty of determining whether a native tree is, in fact, protected is an environmental impact to be considered by the EIR, decision makers and the public.[12] Similarly, whether the Black Walnut Tree[13] is "rare" qualifying

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[10] Petitioners heavily rely on their misreading of the information in the EIR for their argument about the EIR's tree analysis. (AR 137.) From their misreading, Petitioners assert "no reasonable person could reach the same conclusion" and "there is a reasonable possibility that the Project will impact naturally occurring native street trees that would qualify as protected trees." (Opening Brief 14:1, 8-9.)

[11] In 2021, the City reported there is no mechanism in place to determine whether a street tree that may be protected under the City's ordinance was planted. (AR 5275.)

[12] The City appears to recognize a non-planted protected street tree could be affected by a sidewalk repair project. (AR 2281.) The City reports a specific evaluation in that situation would occur. (AR 2281.) As noted by Petitioners, the mechanism for such an evaluation is unclear.

[13] The City indicates it included the Black Walnut tree in its discussion of BIO-1. The City cites AR 260-274, 287-288, 1109-1154 for support. With the exception of AR 1131, the court could find no Black Walnut tree reference. AR 1131 merely reports the Project site is not a suitable habitat for the tree.

as a special-status species (whether planted) requiring analysis under CEQA will be considered by the City. (Opening Brief 15:21-16:5.)

The court finds the City failed to comply with CEQA when it misinterpreted BIO-2. The City's misinterpretation limited the information provided and did not provide informed decision making or public participation.

Recreational Impacts

Petitioners argue the EIR did not adequately address the recreational impacts of the Project, specifically the loss of shade provided by mature street trees for pedestrians and those walking and cycling. (Opening Brief 16:15-17:1.) Petitioners appear to contend the loss of shade will mean fewer people on sidewalks as people elect to use cars, which in turn will have a significant impact on the environment. Petitioners' argument does not appear to be based on record evidence and is therefore speculative.[14]

Petitioners cite many objections and comments the City purportedly refused to evaluate. (AR 1911, 1918, 1945, 1954-55, 1962, 1992-1993, 2017, 2034, 2063, 2088, 2089-2090, 2112, 2168-2170, 2183-2184, 2201.) The comments stress how the removal of mature trees will provide less shade and more sun exposure for those on the sidewalks.

The City responded to the loss of shade comments in the EIR. The EIR reported "some loss of shade is expected if a mature street tree is removed and replaced by one or younger street trees until those street tree(s) grow, but this would result in a less than significant impact." (AR 1849.) The EIR noted there would be "an interim loss of shade from removed street trees, which could last several years or more in any one specific location." (AR 1849.) The City explained the "localized loss of shade would be temporary in nature, however, and limited to that specific sidewalk repair site." (AR 1849.)

Thus, the City evaluated the concern about the elimination of shade and there is sufficient analysis to have provided necessary information to the public and decision makers on the issue. That is, decision makers understood from the EIR's analysis there would be a lack of shade from the Project at least for some period of time because the EIR provided such information. In fact, the City provided a master response to comments it received concerning the loss of shade. (AR 1849-1850; See e.g., AR 1349. ["Due to the ongoing phased approach for implementation of the Project, including for street tree removal and replacement, the loss of shade from the time of removal and shade being provided from new tree growth will, collectively and cumulatively, would result in a less than significant impact over time, despite there being an interim loss of shade from removed street trees, which could last several years or more in any one specific

[14] For example, Petitioners argue: "The use of sidewalks for walking, running and bicycling is not a use that would likely be transferred to parks, however, because there are few parks that provide the extended, level pathways for walking and running that sidewalks provide." (Reply 11:16-18.)

location. Such localized loss of shade would be temporary in nature, however, and limited to that specific sidewalk repair site."])

Finally, the court notes the parties dispute whether the City should have been able to determine there was no significant effect on recreation through the Notice of Preparation and Initial Study. (AR 662.) The City is permitted to rule out the environmental impact through an Initial Study. (See Guidelines, § 15128. ["An EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR. Such a statement may be contained in an attached copy of an Initial Study."].)

Accordingly, the court finds Petitioners have not met their burden of demonstrating a prejudicial abuse of discretion based on the City's alleged failure to analyze recreational impacts of the Project.

Adequacy of the Response to Comments

Petitioners argue the EIR did not adequately respond to public comments.

Once a draft EIR is prepared, the lead agency must provide public notice and opportunity to comment. (Pub. Resources Code, § 21092.)

"The lead agency shall consider comments it receives on a draft environmental impact report, proposed negative declaration, or proposed mitigated negative declaration if those comments are received within the public review period." (*Id.*, § 21091, subd. (d).) The written responses must describe the disposition of any "significant environmental issue" raised by commenters. (*Id.*, subd. (d)(2)(B).)

When a significant environmental issue is raised in comments objecting to a draft EIR's analysis, the agency's response must be detailed and provide a reasoned, good faith analysis of the issue:

> The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice. The level of detail contained in the response, however, may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). A general response may be

> appropriate when a comment does not contain or specifically refer to readily available information, or does not explain the relevance of evidence submitted with the comment. (Guidelines, § 15088, subd. (c).)

It is undisputed the City provided responses to the nearly 300 comments totaling almost 479 pages (AR 1862-2340), including nine master responses in nearly 32 additional pages on the most prevalent topics and issues (AR 1831-1862). Petitioners object to certain responses as deficient.

First, Petitioners argue the City provided a deficient response to a comment concerning impacts to wildlife. The subject comment and response are as follows

Comment	Response
The DEIR completely overlooks the relative value of different tree species to wildlife. The project would result in the removal of tree species that are beneficial to wildlife and replacement with tree species that are far less beneficial to wildlife. This would result in a significant adverse impact on migratory and resident bird species if not mitigated. Tree species of particular importance to birds include native trees such as California Sycamore and Coast Live Oak in addition to Chinese Elm, Carrotwood, Southern Live Oak, and Camphor (E. Wood, California State University, Los Angeles, pers. comm.). American Sweetgum (Liquidambar) has value for resident birds such as sparrow species. These tree species are also important for insects, including native pollinators, which is one reason they are good for birds (Burghardt et al. 2009). The [Project] would allow replacement of these tree species at the discretion of the City and without consideration for habitat values. Given recent trends, and the assumptions described in the DEIR, the City intends to replace wildlife-supporting large trees with small trees that have little wildlife value, such as Crape Myrtle. This element of the program alone is a significant adverse impact to migratory and resident birds.	As stated in Section 2.5.4.2, the purpose of the revised street tree policy is to provide a diverse street tree population. See Response P136-5 for more detail. Section 3.3 of the DEIR discusses potential impacts to wildlife, including migratory birds, and finds all impacts to be less than significant.

(AR 2333.)

Petitioners claim the following response was a circular reference to the comment about the "high ecological value" of certain tree species: "Section 3.3 of the DEIR discusses potential impacts to wildlife, including migratory birds, and finds all impacts to be less than significant." Petitioners' argument incorrectly paraphrases the comment. The comment references the "relative value" not "high ecological value" of different tree species. The City's response regarding its desire for a diverse street tree population is sufficient to address the comment concerning relative value The City's references to a master response and a particular section of the DEIR sufficiently responds to the comment. (See *Los Angeles Conservancy v. City of West*

Hollywood (2017) 18 Cal.App.5th 1031, 1041. ["The City could therefore respond, as it did, by referencing the EIR's discussion of the issues concerning the 9080 Building and Alternative 3 and providing a brief, general response."])

Petitioners also argue the City provided a deficient response to a comment concerning "high biogenic emitters." The subject comment and response are as follows:

Comment	Response
At page 2-44, the City states that the two most prevalent native tree species in the Los Angeles area are considered "high biogenic emitters." Please explain further and provide documentation to support this assertion. The DEIR goes on to state the following: "Therefore, widespread use of native tree species must be thoroughly evaluated before being implemented. All efforts would be made to plant native trees; however, if the existing street tree well location or size is not suitable for a native tree. a UFD acceptable street tree species would be planted." This statement seems contradictory. Does the City plan on planting native trees species on a case-specific basis but not on a "widespread" basis? What is meant by "widespread?" How much room is necessary for a native species to be planted? Does it vary by species? Native tree species such as California sycamore exist as street trees and the roots of those trees are causing damage to sidewalks. One example can be found at Hollywood Boulevard and Courtney Ave. Does the City plan on replanting native species when native species are removed? Will the removal of three or more native species still require a public hearing before the Board of Public Works? A picture can be seen below. Picture of California sycamore located at Hollywood Blvd and Courtney Ave. Los Angeles, CA 90046	The characterization of the coast live oak (Quercus agrifolia) and western or California sycamore (Platanus racemosa) as high biogenic emitters was based on information from SelecTree, which defined biogenic emissions as the sum of the hourly emission rates of isoprene and monoterpenes, expressed as micrograms emissions per gram dry leaf wright per hour. See page 9-3 of the DEIR for a full reference for SelecTree. High emitters are street trees that generate greater than 10 micrograms total emissions. See Response P-136-5 for information on types of replacement street trees and P-133-1 for information on the location of replacement street tree plantings. See also Master Response No. 1 on streamlining for information on when a discretionary approval is required.

(AR 2286.)

Petitioners generally argue the comment asked for further explanation and the response provided a source, but the response did not explain why this constituted a reason to forgo high ecological value trees as replacement trees. The comment did not question why a high biogenic emitter is a reason to forgo high ecological value trees as replacement trees—it asked for further information and documentation. The City's response explained what it meant by high biogenic emitters and referenced other responses on issues concerning tree replacement. The City's response was a reasoned and good faith analysis of the comment.

Petitioners next argue the City provided deficient responses to comments regarding the Project's impacts on recreation, pedestrians, and bicycle and public transit users of the sidewalks.

First, Petitioners note there are comments about the Project's impact on shade caused by tree removal, i.e., a lack of shade will create more opportunities for a disabled person to become weaker from sun exposure and will affect transit riders waiting for buses. (SAR 160-161, AR 2089-2090.) Regardless of whether the City had to respond to the nature of these comments (see Opening Brief 18:21-27, Opposition 16:16-24), the City did provide a master response on the issue of shade's cooling effects, as discussed above. (AR 1849-1850.) The City sufficiently responded with a good faith and reasoned analysis.

Second, Petitioners make a series of arguments about canopy loss, temporary impacts, energy consumption, heat islands, and recreational impacts, but do not cite any specific comments. (Opening Brief 19:9-26.) The City had an obligation to provide a response to timely made comments. The City has no obligation to respond after the closing period for comments. In any event, the City provided sufficient responses to these types of concerns. (See Opposition 17:17-18:2.)

Accordingly, the court finds Petitioners have not demonstrated the City failed to comply with CEQA's mandates based on its response to comments.

Cumulative Impacts Analysis

The EIR is required to evaluate "cumulative impacts of a project when the project incremental effect is cumulatively considerable, ..." (Guidelines, § 15130, subd. (a).) EIR analysis of cumulative project impacts is necessary because the full environmental impact of a proposed action cannot be gauged in a vacuum. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 720.)

A "cumulative impact" consists of two or more individual effects which, when considered in combination, are considerable or compound/increase other environmental impacts. (Guidelines, § 15355.) Accurate assessment of environmental impacts requires consideration of cumulative impacts created by the Project together with other projects causing related impacts. (*Id.*, subd. (b).)

An understated cumulative impacts analysis "impedes meaningful public discussion and skews the decision maker's perspective concerning the environmental consequences of a project, the necessity for mitigation measures, and the appropriateness of project approval." (*Citizens to Preserve the Ojai v. County of Ventura* (1985) 176 Cal.App.3d 421, 431.) An EIR should avoid "the fallacy of division" that occurs when cumulative impacts are overlooked through separate focus on "isolated parts of the whole." (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 729-735.)

Petitioners argue the removal of 12,860 street trees, which represents nearly 2 percent of all street trees (AR 1817, 1864), will have a significant effect on the environment because the removal of a mature urban forest will lead to increased heat, decreased pedestrian traffic, and increased energy use. (AR 33348-33360.) Petitioners label the loss of such trees "potentially disastrous" given "the context of countless development projects resulting in the loss of massive numbers of street trees, as well as the significant loss of the urban forest as a result of building policies . . . ." (Opening Brief 20:20-24.)

The City used a summary of projections approach in the EIR to evaluate cumulative impacts. (AR 582-583.) The method, authorized by the Guidelines, allows an agency to use "[a] summary of projections contained in an adopted local, regional or statewide plan, or related planning document, *that describes or evaluates conditions contributing to the cumulative effect*." (Guidelines, § 15130, subd. (b)(1)(B) [emphasis added].) "[D]iscussion of cumulative impacts in an EIR should be guided by the standards of practicality and reasonableness." (*League to Save Lake Tahoe Mountain etc. v. County of Placer* (2022) 75 Cal.App.5th 63, 150 [*cleaned up*].) The EIR should "focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact." (Guidelines, § 15130, subd. (b).)

Petitioners argue the plans relied by the City for its summary of projections approach did not address the relevant impacts of the Project. Petitioners argue where the agency relies on a summary of projections, the plans used "must contain projections for the cumulative effect at issue in the instant project . . . ." (Opening Brief 21:17-18.) Petitioners claim:

> "the EIR relies wholly on irrelevant plans with respect to the project's resulting impacts to City street trees . . . but none of these plans contain projections or analysis that account for an describe impacts related to loss of street trees and the urban tree canopy that have, are and will (i.e., are probable to) arise from the activity that each respective plan contemplates. The EIR has not selected a single planning document as part of its summary of projections approach that quantifies the loss of City's street trees and the urban tree canopy, and resulting environmental effects from the projects contemplated in said plans." (Opening Brief 22:5-11.)

Petitioners use *League to Save Lake Tahoe v. County of Placer* [*Save Lake Tahoe*] (2022) 75 Cal.App.5th 63 as an example of an agency's use of a *relevant plan* for purposes of a cumulative impacts analysis. In *Save Lake Tahoe,* the agency relied upon a general plan's general projections about development of forestlands and the amount of development authorized under a community plan. "The EIR showed the project's contribution to the cumulative impact would be less than that allowed under the existing community plan did not violate CEQA where the EIR also analyzed the project's impacts on the physical environment." (*Id.* at 152.)

While Petitioners contend the City's analysis is "inadequate" as to each resource topic, Petitioners focus their argument on two topics—aesthetic and biological resources. (Opening Brief 23:21-23.) As to aesthetics, Petitioners argue the City's analysis is silent on removal of other than the limited number of Los Angeles Historic-Cultural Monuments (HCMs) street trees. (Opening Brief 23:27-28.) Petitioners assert the City provided no analysis of related projects or projections. (Opening Brief 24:1.)

The City does not dispute Petitioners' premise that its selection of a plan or plans for the summary of projections analysis must inform on the impact at issue—here, the loss of street trees and urban canopy. (Opposition 18:21-23.) The City contends "Petitioners are incorrect." The City asserts "the applicable plans found that a loss of street trees would not be a significant impact." (Opposition 18:23-24.)

The EIR generally reports it used projections from the City of Los Angeles Framework Element, the City's Mobility Plan 2035, the Los Angeles County General Plan, Southern California Association of (SCAG) Regional Transportation Plan and Sustainable Communities Strategy, the Metro Long- Range Transportation Plan, and the South Coast Air Quality Management District's Air Quality Management Plan to analyze cumulative impacts. (AR 583-588.) Using projections within the various plans, the City found the Project's incremental effect would not have a cumulatively considerable impact. (AR 588-612.) The City contends its analysis is reasonable, in good faith and supported by substantial evidence. (See generally Opposition 18:24-20:23.)

As noted by Petitioners, where an EIR "uses incorporation by reference, the incorporated part of the referenced document shall be briefly summarized where possible or briefly described if the data or information cannot be summarized." (Guidelines, § 15150, subd. (c).) "The relationship between incorporated part of the referenced document and the EIR shall be described." (*Ibid.*)

As to aesthetic impacts, the City argues the City's Framework Element "provides a policy for 'more but smaller size (e.g., 15 gallon) trees in lieu of fewer larger size (e.g., 24-inch box) trees' . . . . ." (Opposition 18:25-27.) The City cites its Mobility Plan 2035 and its objectives of bringing sidewalks into good condition by 2035. (Opposition 19:4-8.) The City's EIR for the Mobility Plan 2035 found aesthetic impacts would be less than significant because (among other reasons) any removal of street trees would be pursuant to the City's policies regulating such removal. (Opposition 19:19-21.) The City also notes an adopted regional transportation plan include plans for repair of sidewalks and the plan found aesthetic impacts less than significant because of the general location of transportation projects in urban areas. (Opposition 19:26-27.)

Petitioners accurately report the City's explanation and defense of its cumulate impacts analysis is based primarily on information and discussion not contained or referenced in the EIR. As to aesthetic impacts, the EIR's discussion does not incorporate by reference or summarize the EIR for the City's Framework Element (see Opposition 18:25), the City's Mobility Plan 2035 (see Opposition 19:4), the County's mobility element (see Opposition 20:7), Metro's long-range

transportation plan (see Opposition 20:10) or the 2016 air quality management plan. (See Opposition 20:11.)[15] Thus, the City may not rely on such plans to justify its conclusions about cumulative impacts on aesthetic resources. (*Laurel Heights Improvement Assn. v. Regents of the University of California, supra,* 47 Cal.3d at 394. ["A fundamental purpose of an EIR is to provide decision makers with information they can use in deciding *whether* to approve a proposed project, not to inform them of the environmental effects of projects that they have already approved. If postapproval environmental review were allowed, EIR's would likely become nothing more than *post hoc* rationalizations to support action already taken. We have expressly condemned this use of EIR's."])

The City's discussion of cumulative impacts on aesthetic resources relies on three adopted plans in its analysis. Referencing the County's General Plan and a 2008 SCAG transportation report, the EIR discusses population growth in Los Angeles County with the addition of 300,000 new housing units and a million new residents over the next 30 years. (AR 589.) The reference to the County's General Plan and the 2008 SCAG report provides no discussion about trees, tree canopy or sidewalk repair. The high-level documents do not provide detail concerning particular projects. Instead, the referenced plans generally refer to population growth and development of housing.

Relying on SCAG's 2015 regional transportation report,[16] the EIR notes the Southern California region "is expected to add another seven million residents between 2008 and 2035." (AR 589.) The EIR describes the anticipated expansion, development and "densification of development in existing areas." (AR 589.) The EIR acknowledges the "growth could adversely affect scenic vistas and specific scenic resources, alter visual character and quality in some neighborhoods and communities, and change the overall landscape of the cities and communities." (AR 589.) The SCAG 2015 report provides, "Regional transportation projects that require the conversion of open space to development—when taken into consideration with the other infrastructure and development projects in the SCAG region and surrounding areas—would constitute a significant cumulative impact." (AR 589.)

The City generally includes the removal of street trees and reductions in the citywide tree canopy as resulting effects of the development and growth. (AR 589.) The EIR acknowledges regional transportation projects and infrastructure improvements "have the potential to degrade the visual character or quality of the site and its surroundings which such improvements pass through areas where open space is the existing condition, which, when

[15] The City's citations in its Opposition Brief to the various plans is often to the EIR's general reference to the plans relied upon for the cumulative impacts analysis, not the discussion in the EIR about the cumulative analysis. (See AR 583-588.) Instead, the City uses various plans, not discussed or incorporated by reference in the EIR, to now justify the City's decision for purposes of this litigation.

[16] As noted in the EIR, SCAG is a planning organization for six counties within the Southern California region—Los Angeles, Orange, Riverside, San Bernardino, Ventura and Imperial. (AR 586.)

considered in combination with other infrastructure and development with the SCAG region and nearby areas, constitutes a significant cumulative impact on the visual character of the region." (AR 589.)

Contrary to the City's contention that "the *applicable plans* found that a loss of street trees would not be a significant impact" (Opposition 18:23-24 [emphasis added]), the court finds the EIR fails to do just that. The City's analysis is deficient as an informational document on the cumulative effect analysis concerning aesthetic resources because there is no substantive discussion in the EIR (or documents referenced therein) to a cumulative effect from the Project on impacts created by the SCAG regional transportation plan.

The EIR relies on a single plan, SCAG's 2015 transportation plan and related EIR, to provide general information about population growth and transportation projects. While there is a single reference to the removal of street trees attributed to SCAG's report (AR 589 [paragraph two]), the "discussion of cumulative impacts" does not "reflect the severity of the impacts and the likelihood of their occurrence, ..." (Guidelines, § 15130, subd. (b).) The EIR's reference to SCAG's report does not discuss the impact SCAG's project has or will have on street trees and tree canopy, if any, this Project, and the cumulative effects of impacts. (*Ibid.* [cumulative impacts discussion should focus on "the cumulative impact to which the identified other projects contribute"].)

Also contrary to the City's assertion, the EIR does not summarize or reference SCAG's EIR's discussion of SCAG's active transportation plan "to maintain and repair thousands of miles of 'dilapidated sidewalks . . . ." (Opposition 19:23-25.) (See Guidelines, § 15150, subd. (c) [requiring summary of referenced material].) Decision makers and the public could not know—based on the EIR and its references—SCAG's EIR "found that the aesthetic impacts to 'scenic resources, including, but not limited to trees' were less than significant because of the 'general location of transportation projects in urban areas.' (AR 26009-26011 [SCAG EIR].)" (Opposition 19:25-27.)

To be sure, the EIR reports: "Past and present development in the City and the region have resulted in localized obstruction of scenic vistas and focal views, degradation of visual quality as open space has been converted to urban uses, the removal of street trees, and reductions in the citywide tree canopy throughout the region." (AR 589.) The EIR in its cumulative impacts section, however, does not discuss any particular past, present or future projects or the City's approval and/or analysis of such projects.

The EIR also explains the Project "would not affect scenic highways, or contribute to a cumulative loss of scenic vistas or focal views." (AR 589.) The City notes:

> "where street tree removal would be necessary, the effects on the character and quality of the neighborhood would be more perceptible and prominent. Additionally, the proposed Project would result in the temporary loss of shading from the street tree removals. However, in most cases, implementation of a street

> tree replacement policy would offset any long-term aesthetic impact, with removed street trees replaced at a 2:1 ratio for the first 10 years, a 3:1 ratio for years 11 through 21, and a 2:1 ratio for the remaining 9 years of the Project. The proposed Project would result in a net neutral street tree canopy as the replacement street trees reach maturity at Year 30 of the Project. This means that at the end of the Project the City will have a greater ratio of street trees to urban canopy than it did before the Project started. Over the life of the Project, or the next 30 years, the City would have an increased number of street trees and would have a larger urban canopy size than at the start of the Project." (AR 589.)

The analysis, however, is not a cumulative impacts analysis. The analysis—in the EIR's cumulative analysis section—is merely additional discussion of the Project's impacts. It is not a cumulative impacts analysis of aesthetic resources.[17]

The City's cumulative impacts analysis for biological resources suffers from the same defects. The City again explains and defends its analysis with plans not referenced in its biological resources discussion of cumulative impacts in the EIR. (AR 582-594.) While the City argues its Mobility Plan 2035, Metro's long range transportation plan, air quality management plan and the County's Mobility Element support its analysis (Opposition 20:6-13), the EIR is silent about the plans and any analysis of impacts. (AR 593-594.)

The EIR does reference the City's Framework Element and notes development "that may be pushed out to other areas could result in the loss of habitat for plants and animals . . . ." (AR 593.) The "cumulative effect of numerous small projects in natural open space will have a significant impact . . . ." (AR 593.) The EIR reflects the County's General Plan revealed development may significantly impact wildlife movement corridors and linkages. (AR 593.) Finally, the EIR reports plans included in SCAG's regional transportation programs would result in significant impacts to biological resources related to "increased access in . . . undeveloped areas from the extension of transportation infrastructure through rural areas."[18] (AR 593.)

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[17] As to the impact analysis, Petitioners specifically take issue with the City's "net gain" projection because trees that may die *after* three years of planting will not be replaced. (Opening Brief 24:6-8.) The EIR notes, however, given that all trees that die within 3 years of planting will be replaced, and there is a static replacement rate of eight percent for trees from years four to 15. (AR 1855.) The City's "net gain" projection is based on a replacement program that is at a 2:1 and 3:1 ratio. That is, the Project is a tree-for-tree replacement—it is two or three trees for each tree that is removed. Thus, with the replacement ratio and an eight percent mortality rate, at the end of the Project, there will be "an increased number of street trees" with "a larger urban canopy size than at the start of the Project." (AR 589.)

[18] Contrary to the City's position the EIR's references to SCAG projects did not include a summary from the SCAG EIR or its data that biological impacts would only occur through the conversion of natural habitats and not in an urban environment. The EIR also did not summarize the SCAG EIR to report impacts to plant communities would not be significant in rights-of-way. (Opposition 19:27-20:5.) Accordingly, such information was not adequately

The EIR's analysis is deficient. Certainly, the EIR references three adopted planning documents. The EIR, however, does not explain how those planning documents inform on the cumulative effects of the Project. The EIR's discussion of open space deve opment in undeveloped areas does not advise decision makers or the public about cumulative impacts related to the Project; the analysis in the EIR does not consider the adopted planning documents and analyze cumulative impacts related to street trees and street canopy and sidewalk repair in an urban environment. As referenced in the EIR, the three planning documents appear to have no real relevance to the Project—the Project does not contemplate development in open space or rural areas. The EIR could not find on the sources relied upon "that a loss of street trees would not be a significant [cumulative] impact." (Opposition 18:23-24.)

To be sure, relying on the 2:1 and 3:1 street tree replacement ratios, the EIR reports the "Project would not reduce but rather increase habitat." (AR 594.) The EIR concludes:

> "The replacement ratios would result in a net gain in the total number of street trees and a net neutral street tree canopy by Year 30 of the Project, which would provide nesting habitat for species protected under the MBTA. Therefore, impacts on biological resources would not result in cumulatively considerable contributions to cumulatively significant biological impacts." (AR 594.)

As with aesthetic resource impacts, however, the EIR's analys s is not a cumulative impacts analysis. The analysis—in the EIR's cumulative analysis section—is merely additional discussion of the Project's impacts. It is not a cumulative impacts analysis of biological resources

Finally, the City argues res judicata and/or collateral estoppel applies to Petitioners' argument regarding the cumulative impacts analysis. (Opposition 20:24-21:7.) More specifically, the City argues Petitioners should be barred from making this argument here because UNFLA was unsuccessful with an argument regarding cumulative effects in a separate matter by failing to produce evidence. (City RJN Ex. A at 8, 10, 13.) The court disagrees. The prior litigation was before an EIR was certified and this litigation is challenging the sufficiency of the certified EIR.

Accordingly, the court finds the City failed to proceed in the manner required by law when it failed to conduct a cumulative impacts analysis with summaries of projects relevant to the Project. For that reason, the court finds the EIR's cumulative impacts analysis deficient.

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before decision makers or the public even though the information ultimately might have been found culling through the extensive administrative record. Petitioners again argue the City is engaging in post hoc rationalization.

Description of Willits Settlement

Petitioners argue the EIR fails as an informational document because the Willits Settlement is a fundamental project objective. Petitioners assert the EIR dismisses mitigation and alternatives based on the City's false claims about the nature and terms of the Willits Settlement.

It is undisputed the EIR reports the main project objective of the Project is to fulfill the Willits Settlement. (AR 1817, 1831.) The parties dispute the obligations created by the Willits Settlement and the manner the EIR addressed such obligations.

Based on the text of the Willits Settlement, Petitioners argue the Willits Settlement did not commit the City to any specific sidewalk repairs (SAR 165, 175) and instead provides certain flexibility. (AR 4658-4659.) Additionally, the Willits Settlement expressly permitted funding for mitigation costs. (AR 4631, 4653-4654, 4662-4663.)

Therefore, Petitioners argue the City was not obligated to overrule Project alternatives and could have proceeded with such alternatives, even if the alternatives might have otherwise seemed cost prohibitive. The City had the discretionary authority to decide and to the extent it believed it did not have that option, it did not exercise its discretionary authority and there is a prejudicial abuse of discretion. (*Valley Advocates v. City of Fresno* (2008) 160 Cal.App.4th 1039, 1062-1063.)

Petitioners specifically cite a public comment recited in the EIR stating: "The DEIR states, 'An important component of the Willits Settlement sidewalk repairs is street tree root pruning as well as the removal and replacement of street trees.' " (AR 2183.) Petitioners' argument incorrectly characterizes the City's position as the replacement of trees is the sole component of the Willits Settlement.

As noted by the City in its response to the comment, "The comment appears to conflate the elements of the *Willits* Settlement with project objectives and description. While they are interrelated, they are not the same thing." (AR 2183.) The City also references its response to other comments to explain the settlement. (See AR 2172, 2174.) The primary goal of the Willits Settlement is to improve walkway surfaces, which can be done through repair of damage to the walkway surfaces with a preservation of trees to the extent feasible. (AR 4653, 4657-4659, 4709, 6949.)

Petitioners argue the EIR inaccurately described the Willits Settlement in a way that makes it seem that certain proposed alternatives were completely infeasible. More specifically, Petitioners identify alternative numbers 1 (no project), 6 (avoiding repairs that would last longer than 30 days or require greater than 30 feet of excavation), 7 (obtaining private property to retain all street tree for alternative sidewalk designs), and sidewalk designs (use of alternative materials) as alternatives the City rejected based on the City's inaccurate description of the Willits Settlement. (AR 1841, 1843-1844, 1846.)

Petitioners' argument is somewhat misleading. Petitioners cite to the responses to comments as they relate to the alternatives. The focus on responses to comments about alternatives overlooks the City's detailed findings concerning the alternatives (AR 41-51 [findings]) and the alternative analysis in the EIR (AR 633-642, 619-620, 661). The City's discussion of project alternatives sufficiently explains why the alternatives would not be the better approach than the Project. (See Opposition 22:5-14 [explaining reasons].) This analysis explains the alternatives were considered and ruled out.

Accordingly, the court finds Petitioners have not met their burden of demonstrating the City failed to comply with CEQA in its consideration of alternatives for the Project and its description of the Willits Settlement.

Consultation with CDFW

Petitioners argue the City did not properly consult with trustee agencies, specifically the CDFW.

"Prior to completing an environmental impact report, *every local lead agency shall consult with*, and obtain comments from, each responsible agency, trustee agency, any public agency that has jurisdiction by law with respect to the project . . . ." (Pub. Resources Code, § 21153, subd. (a) [emphasis added].)

It is undisputed the CDFW is a trustee agency for the Project. (Guidelines, § 15386. ["Trustee agencies include: (a) The California Department of Fish and Game with regard to the fish and wildlife of the state, to designated rare or endangered native plants, and to game refuges, ecological reserves, and other areas administered by the department."]; see also AR 1985 [recognizing sensitive species impacted include Purple Martin and Yellow Warbler].)

The parties dispute whether the City complied with the consultation requirement in Public Resources Code section 21153, subdivision (a). As a preliminary matter, there is no dispute the City notified the CDFW of the notice of preparation, the initial study (SAR 816-817) and the DEIR (AR 5193-5198) The CDFW did not provide any comments to the City. (See AR 791-880 [public comments received for the notice of preparation and initial study]; AR 1823-1830 [public comments received for DEIR].) It is also undisputed the City did not actually consult with the CDFW. (AR 2294. ["Since the proposed Ordinance has not been adopted, no specific sidewalk repair is proposed under the Ordinance, and no impact to a sensitive species under the jurisdiction of the CDFW has been identified, therefore, no consultation with CDFW has occurred."])

Petitioners stress CEQA requires an actual consultation. The City argues CEQA requires only an opportunity for consultation. The court agrees with the City.

Citizens for East Shore Parks v. State Lands Com. (2011) 202 Cal.App.4th 549, 567-568 provides a lead agency may rely on a responsible agency's failure to provide comments after receiving notice to mean that the responsible agency had no comments to make. (See also Guidelines,

§ 15207. ["[A]ny public agency or person who is consulted with regard to an EIR . . . fails to comment within a reasonable time as specified by the lead agency, it shall be assumed, absent a request for a specific extension of time, that such agency or person has no comment to make."])

Petitioners attempt to distinguish *Citizens for East Shore Parks v. State Lands Com.* is not persuasive. The Government Code's definition of consultation is immaterial. (Gov. Code, § 65352.4. ["For purposes of Section 65351, 65352.3, and 65562.5, 'consultation' means the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement. . . . ."]) The CDFW had several opportunities to provide comments to the City and remained silent. Nothing required the City to delay the Project to attempt to elicit a response from the CDFW (over which it has no authority) concerning the specifics of the Project.

Accordingly, the court finds Petitioner's have not met their burden of demonstrating the City failed to comply with CEQA based on a failure to consult with and obtain comments from the CDFW.

CONCLUSION

Based on the foregoing, the petition is granted.

IT IS SO ORDERED.

January 17, 2023

Hon. Mitchell Beckloff
Judge of the Superior Court

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to this action. My business address is: Venskus & Associates, A.P.C., 1055 Wilshire Blvd. Suite 1996, Los Angeles, CA 90017. On February 15, 2023, I served the foregoing document, described as:

[PROPOSED] JUDGMENT

on the interested party/parties below addressed as follows:

SEE SERVICE LIST

// (BY MAIL) I placed the envelope for collection and mailing on the date shown above, at this office, in Ojai, California, following our ordinary business practices. I am readily familiar with this office's practice of collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U S. Postal Service in a sealed envelope with postage fully prepaid.

// (BY OVERNIGHT DELIVERY) I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses indicated above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

/X/ (BY ELECTRONIC TRANSMISSION) I electronically mailed a copy of said document/s to the addressees at the email address as indicated above. My email address jsanders@lawsv.com

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on February 15, 2023 in Los Angeles, California.

02/15/2023

Jason Sanders

SERVICE LIST

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PROOF OF SERVICE

Appendix C

Tree Removals and Length of Sidewalk Repaired, 2016–2023

Appendix C: Tree Removals and Length of Sidewalk Repaired, 2016–2023

Fiscal Year	Miles of Sidewalk Repaired	Number of Trees Removed	Number of Trees Planted	Linear Feet of Sidewalk Repaired per Tree Removed
2016–2017	22.46	202	345	587.07
2017–2018	24.37	276	483	466.21
2018–2019	18.39	99	344	980.80
2019–2020	27.38	82	165	1,763.00
2020–2021	19.45	66	87	1,556.00
2021–2022	17.47	17	23	5,425.98
2022–2023	20.96	28	46	3,952.46
Total 2016–2023	**150.48**	**770**	**1493**	**1,031.86**
Average 2016–2023	**21.50**	**110**	**213.29**	**1,031.86**

Source: Sidewalk Repair Program Dashboard, Tree Tracking Data, and StreetsLA.
Note: Table values current as of April 25, 2024. Values deviate from 2021 EIR reported values due to updated tracking procedures.

Appendix D

Los Angeles Sidewalk Repair Recirculated Draft EIR
Tree Removal Impacts

Memorandum

To:	City of Los Angeles, Bureau of Engineering 201 N. Figueroa Street Los Angeles, CA 90012
From:	James Hickman, ICF
Date:	June 6, 2024
Re:	**Los Angeles Sidewalk Repair Recirculated Draft EIR Tree Removal Impacts**

A. Introduction

Purpose of Document

This memorandum contains the results of a limited biological resources impact analysis for the City of Los Angeles Sidewalk Repair Program (Project). In 2021, an environmental impact report (EIR) was completed for the Project (2021 EIR). Following a legal challenge (*United Neighborhoods*), the Los Angeles County Superior Court issued an order, denying, in part, and granting, in part, a petition for writ of mandate on January 17, 2023. A judgment was entered on March 14, 2023, and a peremptory writ of mandate issued, directing the City of Los Angeles (City) to decertify the EIR.

The 2021 EIR assessed potential biological impacts that could result from the removal of street trees associated with the Sidewalk Repair Program. The analysis herein is narrowly focused on areas deemed insufficient per the court related to biological resources. Specifically, this memorandum is meant to provide an analysis for the recirculated portions of the draft EIR. It evaluates the following potential impacts that may result from street tree removal:

- Impacts to non-special-status birds,
- Short-term impacts related to loss of tree canopy, and
- Impacts to native trees.

Background on the Original EIR

The Sidewalk Repair Program Draft EIR was completed in December 2019 and released for public review starting on December 26, 2019. The public review period was extended twice, resulting in a total public review period of 157 days. Seven public meetings were held between January 29, 2020, and February 15, 2020, to inform the public of the proposed Project and the availability of the Draft EIR and encourage public input and comments. During the 157-day public review period, nearly 300 comment letters were received via electronic mail, regular mail, and direct input on the Sidewalk Repair Program's website at https://sidewalks.lacity.org. Five public agencies submitted comments on the Draft EIR, consisting of the Los Angeles Sanitation and Environment (LASAN), Los Angeles Department of Transportation (LADOT), California Department of Transportation (Caltrans), Los Angeles County Metropolitan Transportation Authority, and California Coastal Commission. Comments were also received from individuals, neighborhood and community councils, City Council members, businesses, and other organizations.

The Sidewalk Repair Program Draft EIR is available at https://sidewalks.lacity.gov/draft-eir.

The City completed the Final EIR for the Project in April 2021. The Final EIR includes a summary of the comments received on the Draft EIR during the public review period, responses to comments received, corrections and additions to the Draft EIR, and Final EIR appendices. The City determined that the revisions made to the Draft EIR did not create any new or substantially more severe significant environmental impacts that would require recirculation pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15088.5. The EIR was certified and the Project approved by the Los Angeles City Council on June 22, 2021.

The Sidewalk Repair Program Final EIR is available at https://sidewalks.lacity.gov/environmental-impact-report.

Project Objectives

The underlying purpose of the Project is to ensure compliance with the *Willits* Settlement and streamline review of sidewalk repair projects consistent with applicable accessibility standards. The following is a list of objectives for the Project that support the underlying purpose, including the fundamental Project objective, which is to:

- Ensure the continued and efficient compliance with the requirements of the *Willits* Settlement while amending the existing program for sidewalk and curb ramp improvements within the city, in accordance with the applicable accessibility requirements, including those required by the Americans with Disabilities Act.

The following additional Project objectives have also been identified:

- Retain existing street trees that are the cause of sidewalk barriers to the extent feasible, provided the sidewalk improvements would not result in street tree mortality or compromise public safety;
- If the removal of one or more street trees is required, ensure compliance with the City's replacement requirements adopted to ensure no net street tree canopy loss at the end of the Project implementation period.

- Identify the criteria and process for ministerial approval of future sidewalk improvements and street tree removals and replacements, with the goal of avoiding the need to undertake individualized environmental review of every repair of every city sidewalk or of every street tree removal and replacement and the potential legal challenge to each such approval, thereby streamlining the *Willits* Settlement implementation and providing certainty to the City and the disability community.

Project Description

The Project involves public sidewalks throughout the entire city of Los Angeles, Los Angeles County, California (Figure 1). Specifically, the Project is a citywide program to modify the process for repairing sidewalks, as mandated under local, state, and federal accessibility requirements. The Project includes a proposed ordinance that would streamline and guide the process for future sidewalk and curb ramp repairs; crosswalk paving; street tree retention, removal, and replacement; and utility work for 30 years within the city.

The City currently repairs sidewalks under a process that requires a case-by-case review and approval of each sidewalk repair. The Project would provide an ordinance that would prescribe a ministerial approval process for projects that meet certain specified parameters, thereby allowing individual repair projects to proceed upon approval of the City Engineer or designee without undergoing further environmental review under CEQA. The individual projects that would be subject to this ministerial approval process would meet certain parameters that would limit their size, duration, and scope. Those projects would also be required to comply with mandatory Project Design Features (PDFs) and the Revised Street Tree Retention, Removal, and Replacement Policy, which would limit the times when street trees could be removed and establish street tree replacement requirements. Individual projects that do not meet the parameters for ministerial approval[1] would be subject to discretionary approval and still be required to comply with the Revised Street Tree Retention, Removal, and Replacement Policy and the PDFs.

The following PDFs are related to biological resources:

PDF-BIO-1: In compliance with the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code Sections 3503 and 3503.5, street tree removal activities would take place outside of the nesting bird season (February 1 to September 1) to the extent feasible. In accordance with these regulatory requirements, efforts would be made to schedule the removal of mature street trees between September 2 and January 31 to avoid the nesting bird season.

PDF-BIO-2: The program would have a 2:1 street tree replacement ratio for years 1 through 10, 3:1 for years 11 through 21, and 2:1 for the remaining years of the program. All replacement street trees would be planted within 1 year of removal.

[1] Parameters for ministerial approval include sidewalk repairs in compliance with the disability law being implemented under the *Willits* Settlement; repairs lasting no longer than 30 non-consecutive days and not requiring an excavation depth greater than 30 feet; repairs not resulting in a substantial adverse change in significant known historic, tribal, cultural, unique archeological, or unique paleontological resources; repairs in compliance with the Revised Street Tree Retention, Removal and Replacement Policy; and repairs in compliance with PDFs included in the ordinance, as described in Chapter 3 of the EIR.

PDF-BIO-3: Prior to being removed, all street trees would be thoroughly surveyed for the presence of nesting birds/bats/raptors by a qualified biologist (or qualified arborist) within 3 days prior to any street tree removal. If any active nests are detected, the area would be flagged, and a non-disturbance buffer of 250 feet (minimum [500 feet for raptors]) would be established (a modification to this buffer would be determined by the monitoring biologist in consultation with the U.S. Fish and Wildlife Service [USFWS] and California Department of Fish and Wildlife [CDFW] as needed) and avoided until the nesting cycle has been completed or the monitoring biologist determines that the nest has failed. If nesting birds are found, an avoidance area would be established around the nest in consultation with the resource agencies, as appropriate, until a qualified avian biologist has determined that the young have fledged or nesting activities have ceased. The site would be re-surveyed if there is a lapse in construction activities of more than 7 days during the bird breeding season. A preconstruction nesting bird survey would be submitted at the conclusion of the site survey.

PDF-BIO-4: All street tree removal work would be performed under the direction of an Urban Forestry Division (UFD) tree supervisor who is also an International Society of Arboriculture (ISA) Certified Arborist, including any pre- and post-pruning street tree inspection. It should be noted that a root pruning permit would not be necessary for street tree pruning and root pruning performed work under the Project.

PDF-BIO-5: Replacement street trees would be monitored; those that do not survive in the first 3 years would be replaced at a 1:1 ratio.

PDF-BIO-6: Construction activities in or near an environmentally sensitive habitat area (ESHA) would be performed pursuant to Public Resources Code Sections 30251, 30240, 30230 and 30231 and in compliance with California Coastal Commission regulations. A 50-foot buffer strip for all activities in or near an ESHA (measured from the outer limit of riparian vegetation or, if the waters are estuarine, a minimum of 100 feet from the outer limit of estuarine vegetation) would be required in new developments to protect the habitat value of riparian areas where the opportunity exists.

As part of the Project, street tree removals would be evaluated by the City's UFD to ensure compliance with the City Sidewalk Repair Program Street Tree Policy. In an effort to prevent unnecessary tree removal, only trees that meet the criteria below would be approved for removal.

- Street trees that are dead, diseased, or unable to be retained by root pruning alone would be removed.
- Street trees exhibiting crown dieback in excess of 50 percent would be removed.
- Street trees with a 50 percent or greater foliated crown would be removed.
- Street trees exhibiting signs of *Xylella* or other severe pest infestations (e.g., crown dieback, cankers, exudates) would be removed.

For purposes of evaluation, it was estimated in the draft EIR that each sidewalk repair of 650 linear feet would require one tree removal, on average. It was estimated that up to 292 trees would be removed each year over the first 5 years; that number would increase every 5 years until up to 594 trees would be removed each year over the last 5 years. Based on that estimate, a maximum of 12,860 trees would be removed over 30 years.

As part of the Project, removed trees would be replaced. Currently, trees are required to be replaced at a 2:1 ratio. However, the Project would require the replacement of trees at a 2:1 ratio for years 1 through 10 and 22 through 30; however, trees removed in years 11 through 21 would be replaced at a 3:1 ratio. All trees would be replaced within 1 year.

Replacement tree species and sites would be determined by a UFD tree supervisor, based on the guiding principle "right tree, right place." Uniformity along streets and blocks would be considered for design continuity as well as simplified maintenance. Native trees would be used when feasible. Trees would be planted in the following locations, in order of priority:

1. If space exists for a new street tree planting at the location of a removed tree, the new street tree would be planted at that location;
2. Planting would take place on either side of the same street/block;
3. All new street trees would be planted on the immediate street to the north, south, east, or west of the removed street tree location;
4. All new street trees would be planted in the neighborhood/community where the street tree removal(s) occurred (within 0.25 mile); and
5. All street trees would be planted in historically low-canopy areas or in areas with a high Urban Heat Island Index rating or poor air quality, as determined by the South Coast Air Quality Management District, the California Office of Environmental Health Hazard Assessment, or the California Environmental Protection Agency.

Tree Canopy Analysis

The tree canopy analysis from the original EIR is summarized for informational purposes and to provide context for the analysis in this memorandum. There are no proposed changes to this analysis and the analysis contained in this memorandum does not affect this analysis from the original EIR.

The original EIR analyzed the Project's impact on tree canopy. The Impact was determined to be less than significant. When evaluating the changes in street tree canopy cover and effects on the overall citywide tree canopy, the maximum percentage reduction in street tree canopy cover would be 0.3 percent (in Year 13), which would be equal to a 0.1 percent reduction in the citywide tree canopy cover. The 0.3 percent decline in street tree canopy cover would not be a significant impact on the street tree canopy; it would be minimal compared to baseline street tree canopy cover. Furthermore, the 0.3 percent decline would be a minuscule change in citywide canopy cover (i.e., approximately 0.1 percent) because street trees make up 39.2 percent of the 45,061 acres of citywide tree canopy cover. The loss of street trees over the Project period as well as the dip in overall citywide canopy cover would be insignificant when considered in light of the following; (1) street trees account for a small fraction of the city's overall trees, (2) work would affect a small fraction of the street trees, and (3) street trees are generally not wildlife use features for special-status species. Furthermore, after Year 13, street tree canopy cover would grow toward the baseline because three new trees would be planted for every tree removed. The canopy cover would reach the baseline by Year 30 and increase even more after Project street tree removal and replacement is completed. The replacement street tree canopy would continue to expand for 15 years after the last street trees are planted. The Project would result in a slight overall gain in total street tree canopy

cover (0.72 percent) above the baseline after the termination of the Project work. Because street tree replacements are proposed to be implemented in conjunction with sidewalk repair work rather than at the end of the overall Project, the replacement canopy cover would offset losses.

Based on the modeling, the baseline street tree canopy cover of 17,670 acres would be reestablished at the end of the Project life (Year 30). The proposed street tree replacements are projected to result in a street tree canopy cover gain due to the maturation of street trees after the Project life (Year 46).

When evaluating area impacts against the overall tree canopy in the city, the maximum reduction in street tree canopy cover would be in Year 13, amounting to 0.1 percent of citywide tree canopy cover. As noted above, this is not significant. The proposed removal of 12,860 street trees would be approximately 1.9 percent of the 711,248 overall street trees. However, the City's updated street tree count, completed in December 2023 (https://losangelesca.treekeepersoftware.com/index.cfm?deviceWidth=2240), currently stands at 660,034 street trees, if no trees are replaced. Canopy cover would be reestablished through the planting of 30,405 street trees by Year 30. This includes the additional 17,544 street trees that would be planted as part of the Project. Over the life of the Project, there would be a net gain in street trees, with approximately 17,544 more street trees than the baseline number of 660,034 street trees, an increase of approximately 2.5 percent in the number of street trees or a 298.3-acre net increase in street tree canopy cover in the city. In addition, implementation of the Revised Street Tree Retention, Removal, and Replacement Policy for the Sidewalk Repair Program would increase street tree canopy cover by 0.72 percent from the baseline after the life of the Project.

Impacts on Sensitive Species

The impacts on sensitive species analysis from the original EIR is summarized for informational purposes and to provide context for the analysis in this memorandum. There are no proposed changes to this analysis and the analysis contained in this memorandum does not affect this analysis from the original EIR.

The original EIR evaluated the Project's impacts on three special-status avian species, American peregrine falcon, purple martin, and yellow warbler, and two sensitive bat species, pallid bat and western red bat. Impacts were determined to be less than significant.

Although the city does not contain suitable nesting habitat for American peregrine falcon, there is potential for the species to use individual Project sites as foraging habitat if prey species are present. Construction impacts on American peregrine falcon would be temporary and less than significant. Construction and noise disturbances are very common in urban settings and therefore would be unlikely to deter prey species from periodically using the Project site. These species are adapted to living in a heavily developed and disturbed urban setting.

Purple martin and yellow warbler, California Species of Special Concern, may use street trees for nesting habitat. In addition to sensitive avian species, a number of more common avian species that are adapted to urban environments, such as barn owl, red tailed hawk, American crow, and a host of passerine species, have the potential to nest in street trees within the city. Many avian species that do not have any state of federal special status are still protected under the MBTA and the California Fish and Game Code. Proposed street tree removal could result in direct impacts on active nests or indirect impacts through construction noise or dust, or nighttime lighting. The MBTA regulates the destruction

of an occupied nest and any destruction of active nests occupied by migratory avian species covered under the MBTA. Potential impacts on occupied nests may be considered a significant impact and a violation of the MBTA as well as Sections 1600–1616 of the California Fish and Game Code; however, pursuant to PDF-BIO-1 and PDF-BIO-3, continuing construction activities under the Project would comply with the MBTA, the California Fish and Game Code, and other applicable requirements. Street tree removal activities would take place outside of nesting bird season to the extent feasible, and nesting bird surveys and avoidance, if necessary, would be required prior to trees being removed. These PDFs would reduce the potential impacts on occupied nests to less than significant.

In addition to providing habitat for sensitive avian species, the street trees within the city also have the potential to provide suitable roosting habitat for two sensitive bat species: pallid bat and western red bat. Most Southern California bat species prefer native trees such as cottonwoods, sycamores, oaks, willows, palms, and conifers. Although these trees are not typically planted within the urban landscape, they may occur in adjacent native habitats, and some street trees may provide enough cover to provide adequate roosting habitat. The habitat for sensitive avian species with the current street tree population would be very limited. Notwithstanding, the Project would not reduce but, rather, increase habitat for the species mentioned above. With implementation of 2:1 and 3:1 street tree ratios, there would be an increase in nesting habitat, ensuring that removed street trees would be replaced within a single year. The replacement ratio would result in a net gain of 17,544 street trees and 298.3 additional acres of street tree canopy, which would provide additional nesting habitat for the protected species under the MBTA.

Judgment

The 2021 EIR was challenged in *United Neighborhoods*. The Los Angeles County Superior Court evaluated the 2021 EIR, as well as arguments made by the petitioners, and specifically upheld the following facets of the 2021 EIR:

- Analysis of recreational impacts,
- Responses to comments,
- Description of the *Willits* Settlement, and
- Consultation with the California Department of Fish and Wildlife (CDFW).

However, the court found the following to be deficient in the 2021 EIR:

- The decision to evaluate only special-status species under Impact BIO-1 was not supported by substantial evidence, and the threshold and analysis were therefore impermissibly narrow.
- The 2021 EIR's analyses of short-term impacts on the tree canopy, as well as related impacts on foraging habitat for both special-status and non-special-status species, were inadequate.
- The court disagreed with the City's interpretation of the threshold of significance from the *L.A. CEQA Thresholds Guide*, which was used for the analysis of Impact BIO-2. Consequently, it held that the 2021 EIR's analysis under Impact BIO-2 should not have been limited to impacts within locally designated natural habitat or plant communities. The opinion states that the 2021 EIR should consider whether native trees that were not planted would be affected by the Project and whether black walnut trees are "rare" and therefore subject to analysis, whether planted or not.

- The 2021 EIR's summary of the projections approach failed to adequately describe the cumulative context of the Project with respect to tree impacts. This includes failing to incorporate by reference or summarize some projections the City sought to use to establish the cumulative context.
- The 2021 EIR's analysis of the cumulative aesthetic and biological impacts of the Project together with other projects improperly evaluated only the Project's impacts.

All other aspects of the biological impacts and cumulative impacts not found to be deficient were upheld. In addition, all other aspects of the EIR were not challenged.

The court subsequently issued a peremptory writ of mandate, commanding the City to decertify the 2021 EIR, rescind the Project's CEQA findings, and rescind and set aside the ordinance, Street Tree Policy, and Mandatory Project Features Policy associated for the Project, all of which was subsequently done by the City.

Topics Addressed

Based on *United Neighborhoods* decision, the following topics identify the areas addressed in this memo:

1. Impact BIO-1
    - Effects on the foraging habitat for non-special-status species and special-status species,
    - Effects on non-special-status species (i.e., common species) and common bird species, and
    - Short-term impacts on non-special-status species and special-status species.
2. Impact BIO-2
    - Impacts on Southern California black walnut street trees, and
    - Impacts on individual trees not contained within a locally designated natural habitat or plant community.

B. Analysis

This section summarizes the tree canopy modeling methods used in the EIR. Please see Section 3.1.7, Master Response No. 7: Street Tree Canopy Modeling, in the Final EIR for complete information on this topic. The court did not identify any deficiencies in the tree canopy modeling methods used in the EIR, including those summarized below, and are set forth here as background and not new information.

Review of EIR and Canopy Modeling

As noted above, the tree canopy modeling from the original EIR is summarized for informational purposes and to provide context for the analysis in this memorandum. There are no proposed changes to this analysis and the analysis contained in this memorandum does not affect this analysis from the original EIR.

As stated in the Draft EIR (Section 3.3.3.1) and Appendix B, prepared by Merkel & Associates (pp. 4–5), the modeled canopy area of removed and replacement trees from Project activities was based on data on tree species from actual street trees removed and planted by the City from the Sidewalk Repair Program Tree Report Database, along with a calculated average for mature canopy diameter data from the Urban Forest Ecosystems Institute SelecTree database, maintained at Cal Poly and by the TreePeople in Common Trees of Los Angeles (see Draft EIR, Appendix B [pp. 2, 8]). Also, as outlined in the Draft EIR (Section 3.3.3.1) and Appendix B (see pp. 4–5), tree height was not used as a parameter in the canopy model, based on the opinions of the City's technical experts, including Merkel & Associates, and expert City staff members (see Draft EIR, Chapter 8). The analysis focused on potential canopy impacts on such resource areas as wildlife, shade, urban heat, and stormwater. Street tree height is relevant in a determination of costs but not a determination of environmental impacts because biologists agree that a permanent loss of canopy area is what might result in impacts. In addition, there is no known technical canopy modeling that reliably uses tree height as a factor. Further, a blending of canopy or tree height with canopy area would tend to dilute the canopy area.

As indicated in Sections 2.5.3.1 and 3.3.3.1 of the Draft EIR, the assumption of each sidewalk repair involving an area 650 linear feet long by 5 feet wide is based on data gathered from past sidewalk repair work. The projection for future work was increased more than 50 percent from recent sidewalk repairs per year to 37 miles per year. The increase in sidewalk repair work is conservative for the analysis of impacts and generally represents a higher-than-typical amount of repair than anticipated to occur in the first 5 years. In addition, as stated in the Draft EIR Sections 3.3.2.10 and 3.3.3.1 and Appendix B (see pp. 2, 8–9), based on the street tree inventory updated in 2014 by the City, the frequency of street tree species within the city is not evenly distributed. A limited number of species make up the majority of street trees. To estimate the baseline street tree canopy cover as well the composition of street trees by life history type (i.e., deciduous, broadleaf evergreen, or conifer), the most abundant 56 species, making up 80 percent of all street trees, were characterized by average mature canopy diameter. As with the calculation of removed and replacement trees in the model, mature canopy diameter was determined by species using data from the Urban Forest Ecosystems Institute SelecTree database, maintained at Cal Poly and by the TreePeople in Common Trees of Los Angeles. The average canopy diameter and distribution of life history type for the 80 percent of the street trees (evaluated by the most abundant 56 species) are reflective of the average characteristics of the street trees across the total list of 585 species. Again, this method was chosen by the City's technical experts and staff members because other methods for estimating baseline canopy size, such as satellite photos and Google Earth, are more appropriate for small areas but would not be accurate for estimating citywide canopy, especially because the street tree canopy is a smaller subset of the total canopy.

Please see Section 3.1.7, Master Response No. 7: Street Tree Canopy Modeling, in the Final EIR for more information on this topic.

Discussions with UFD Foresters

As noted above, the discussions with UFD foresters from the original EIR are summarized for informational purposes and to provide context for the analysis in this memorandum. There are no proposed changes to this information and the analysis contained in this memorandum does not affect this information from the original EIR.

The maturation rate used in the canopy model is discussed in Draft EIR Section 3.3.3.1 and Appendix B (see pp. 4−5). An average maturation rate of 15 years was used to model tree canopy replacement and checked for reasonableness within the Los Angeles street tree setting by conferring with City staff members, specifically UFD foresters. In general, street tree canopy expansion rates are not constant and based on a number of intrinsic physiological and extrinsic environmental factors, including tree species and environmental conditions. There are periods of rapid and slower growth between planting and maturity. However, because tree planting would occur over multiple consecutive years, considering there is a high degree of variability in growth by species and location, the average of individual tree expansion rates over time would be a dampened curve, reflective of the overall rate of planted tree expansion in the program. This curve would approach linearity (i.e., consistency over the entire range of measurements) when the cumulative canopy expansion is averaged for trees planted across consecutive years. Therefore, the City's technical experts, including Merkel & Associates, determined that a simple linear growth model, assuming equal expansion in canopy cover for each year during tree maturation and no expansion after 15 years, would most accurately take into account the canopy variability for the model's analysis. In addition, as described in Draft EIR Section 3.3.3.1 and Appendix B (see p. 5), a static mortality rate of replacement trees of 8 percent from Years 4−15 was applied to the tree canopy model. The selection of the 8 percent static mortality rate was based on the experience of UFD foresters from past sidewalk repairs, which demonstrated a mortality rate of between 2 and 8 percent for replacement trees for the first 3 years when they were monitored. Moreover, based on actual monitoring of current sidewalk repairs, replacement trees have demonstrated a static mortality of around 2 to 5 percent (with almost all due to vandalism and not natural street tree death);[2] it can be expected, based on UFD's experience, that the mortality of the replacement street trees would greatly decline after the growth and establishment period of 3 years.

Regarding the maintenance period, the 3-year maintenance period is based on UFD's historic experience with street trees (see 2015 Street Tree Policy, which sets forth the City's historical experience with a 3-year maintenance period, which was adopted as part of the policy). Under the Project, the typical maintenance period is further augmented by the 1:1 replacement component during the first 3 years, whereby the 3-year maintenance period would begin anew.

Please see Section 3.1.7, Master Response No. 7: Street Tree Canopy Modeling, in the Final EIR for more information on this topic.

Literature Search

As noted above, the literature search from the original EIR is summarized for informational purposes and to provide context for the analysis in this memorandum. There are no proposed changes to this information and the analysis contained in this memorandum does not affect this information from the original EIR.

A recent literature review of urban tree mortality by Hilbert et al. (2019) found that annual "mortality rates ranged from 0.6 to 68.5 percent" for even-aged trees (planted cohorts) and "0 to 30 percent for repeated inventories of uneven-aged trees." However, these and other case studies are very location specific and would generally not accurately represent conditions under the Project.

[2] Those trees were replaced if they were within the 3-year maintenance replacement period.

The McPherson assessment, as referenced in the Draft EIR (see p. 9-3) and Appendix B (see p. 12), and cited in several comments, represents a similar location, although a different time period and context (i.e., additional street, park, and yard trees under the 2006–2010 Million Trees LA program rather than replacement street trees after the current sidewalk repairs). The McPherson assessment is generally consistent with the 8 percent static mortality rate used in the Draft EIR's street tree canopy model. Please see Section 3.1.7, Master Response No. 7: Street Tree Canopy Modeling, in the Final EIR for more information on this topic.

Assumptions Used in Analysis

As noted above, the assumptions used in the original EIR are summarized for informational purposes and to provide context for the analysis in this memorandum. There are no proposed changes to these assumptions and the analysis contained in this memorandum does not affect the assumptions from the original EIR.

Based on the above, the following assumptions are used in the analysis:

1. **Average Street Tree Canopy Size:** Substantial evidence supports the average street tree canopy size relied on for the modeling of tree canopy-related impacts in the EIR, including actual City Project data and well-established databases.
2. **Tree Height**: Substantial evidence supports the determination to omit tree height as a parameter in the modeling of the potential impacts of the Sidewalk Repair Program; street tree heights do not result in reasonably foreseeable impacts not otherwise already addressed in the EIR's analysis.
3. **Maturation Rate**: The 15-year maturation rate of replacement trees is supported by substantial evidence.
4. **Mortality Rate**: The 8 percent static mortality rate relied on in the EIR analysis is supported by substantial evidence.
5. **Tree removal and Canopy Calculations**: The canopy model's tree removal and canopy calculations are supported by substantial evidence, including actual data from current sidewalk repair projects.
6. **Maintenance Period**: The selection of a maintenance period of 3 years for replacement trees is supported by substantial evidence.
7. **Baseline Tree Canopy Cover**: Estimates of the baseline tree canopy cover, using databases and the City's street tree inventory, are supported by substantial evidence; in any case, the baseline tree canopy cover was used in the model for comparison purposes only and not for the determination of any street tree canopy-related impacts from the Project.

C. Existing Conditions

The Project would occur entirely within developed parts of the city of Los Angeles. Proposed work would be restricted to sidewalks and streets, along with associated street trees. For purposes of this analysis, the focus is on impacts related to the removal of street trees.

A street tree inventory conducted by the City in 2014 found 711,248 street trees (2021 EIR). However, the City's updated street tree count, which was completed in December 2023 (https://losangelesca.treekeepersoftware.com/index.cfm?deviceWidth=2240), currently stands at 660,034 street trees, if no trees are replaced. The street trees comprise 585 species, though 56 species account for the majority of the street trees (80 percent), meaning that the other 529 species are infrequently encountered. The street tree canopy covers approximately 17,670 acres. Street trees in Los Angeles make up approximately 10.5 percent of the 6.3 million trees citywide and approximately 39 percent of the citywide canopy of 45,061 acres.

The vast majority of the street trees are non-native trees. Two of the most prevalent native trees are coast live oak (*Quercus agrifolia*) and western sycamore (*Platanus racemosa*), with each making up approximately 1 percent of city street trees.

In general, street trees throughout most of the city, especially areas that include sidewalks, are disconnected from intact natural communities.

D. Results and Discussion

Methods

The Project covers the entire city of Los Angeles, which encompasses approximately 467 square miles (2021 EIR) and varies substantially in the level of development and tree cover. Further, the specific repair sites and tree removal locations are unknown. As such, no site visits were conducted. Instead, this analysis relies on a review of various studies as well as expertise in local wildlife to evaluate potential impacts from the Project.

Wildlife Use in the City of Los Angeles

The city of Los Angeles is a heavily developed area that provides limited habitat value for most species that would otherwise occupy the area. Animals that avoid urban spaces, referred to as *urban avoiders*, are typically sensitive to human disturbances. They rely on natural resources rather than human subsidies and find few worthwhile resources in the city (Ikin 2012). This includes many large mammals, predator species, and animals, including birds, that prefer densely vegetated habitats or have habitat requirements not found in cities (McKinney 2002). Urban adapters generally choose natural environments over urban environments; however, they are capable of surviving in urban settings and may take advantage of some resources, including trees and cultivated plants. They are more often found in suburban developments or on the edge of a city where native environments are nearby and disturbances are limited (McKinney 2002). Urban exploiters are tolerant of disturbance and may be seen regularly in urban settings, including the city of Los Angeles (McKinney 2002). These species take advantage of human-subsidized resources, like trash and cultivated plants, as well as the lack of natural predators. Urban species are able to thrive and increase in number, which contributes to homogenization of an urban ecosystem with minimal biodiversity (McKinney 2002).

Urban environments alter the landscape, which, in turn, alters biodiversity (Faeth 2011). How these urban areas affect biodiversity is highly variable, based on the needs of each species (Spotswood 2021) and the resources available in each city. Although some species, including some found in

Los Angeles, like coyote (*Canis latrans)*, peregrine falcon (*Falco peregrinus*), and raccoon (*Procyon lotor*), most likely benefit from urban centers, in that their reproductive rates increase in cities compared to rates in rural settings (Spotswood 2021), many species that do typically use cities as part of their habitat find lower reproductive rates in urban environments compared to natural settings. Therefore, just because some species use cities does not mean that the species are well suited for the environment. Generally, urbanization reduces the functional use for most species (Spotswood 2021). The more developed a location is, the less vegetation is present; biodiversity is lower, as well (McKinney 2002).

Impacts on Street Trees and Foraging Habitat

Street trees make up part of the overall ecosystem available to wildlife within the city of Los Angeles, but they are not ideal habitat. Street trees in Los Angeles generally make up a fragmented type of vegetation that may be isolated or may add to the overall density of vegetation when adjacent development includes landscaped areas (Wood 2020).

A large portion of the wildlife species that use street trees as their habitat are non-native; however, a limited number of native wildlife species that are found in urban settings may use street trees. In Los Angeles, these include mammals like western grey squirrels (*Sciurus griseus*) and raccoons (*Procyon lotor*), reptiles like western fence lizard (*Sceloporus occidentalis*) and side-blotched lizard (*Uta stansburiana*), and bat species, such as big brown bat (*Eptesicus fuscus*), California myotis (*Myotis californicus*), silver-haired bat (*Lasionycteris noctivagans*), and Yuma myotis (M*yotis yumanensis*).

Because of their ability to fly, birds are uniquely able to penetrate urban environments and do so easier than mammals and reptiles; therefore, they are the most diverse type of wildlife found in most cities, including Los Angeles. In fact, more than 500 avian species have been recorded within the city of Los Angeles, including 325 native species (eBird 2024, City 2018). Examples of species that use street trees and are frequently found throughout the city include the following native passerines: American crow (*Corvus brachyrhynchos*), Anna's hummingbird (*Calypte anna*), black phoebe (*Sayornis nigricans*), bushtit (*Psaltriparus minimus*), house finch (*Haemorphus mexicanus*), lesser goldfinch (*Spinus psaltria*), mourning dove (*Zenaida macroura*), northern mockingbird (*Mimus polyglottos*), orange-crowned warbler (*Oreothlypis* celata), ruby-crowned kinglet (*Regalus* calendula), and yellow-rumped warbler (*Setophaga coronata*). Several birds of prey also use street trees in Los Angeles, including barn owl (*Tyto alba*), Cooper's hawk (*Accipiter cooperii*), great-horned owl (*Bub virginianus*), red-shouldered hawk (*Buteo lineatus*), and red-tailed hawk (*Buteo jamaicensis*) (eBird 2024).

Other trees and vegetation found in parks, private yards, and commercial centers provide potentially better habitat resources for wildlife, including birds. Large areas of intact vegetation, like parks and private properties, allow more wildlife use than smaller patches of vegetation because of the higher density of habitat features as well as the foraging opportunities and connectivity between each tree or other type of vegetation; there are also fewer encounters with humans and other threats (Christie 2015; Callaghan 2018; Dudek 2018). Street trees, although not as beneficial as the vegetation in parks or other intact areas of vegetation, do offer opportunities for nesting, foraging, and resting that may otherwise be limited in the urban settings (Peña 2017). A recent study in Los Angeles looked at the use of street trees by foraging birds and found a correlation between avian use and street tree density (Wood 2020).

The 2020 Wood study evaluated 36 residential neighborhoods in the city along a socioeconomic gradient that focused on avian foraging behaviors within those neighborhoods identified as either low, medium, or high income. The foraging behaviors of five common migratory bird species and each of the five common resident bird species have been evaluated to quantify avian use of street trees. The study found that high-income areas generally had more trees, larger trees, and a denser canopy than low-income areas. In addition, the study noted that high-income neighborhoods had more vegetation in adjacent private properties than the low-income neighborhoods where private residences tend to invest less time and money in landscaping.

The Wood study identified a few trends that are helpful. First, the study found that street trees do provide value to foraging birds. There was a positive correlation between foraging birds and tree density and tree size. The effect of large dense trees was greater in low-income areas, which may be a result of limited resources from adjacent private landscaping (i.e., affluent areas had more landscaping; therefore, birds were less reliant on street trees). In addition, the study found that not all trees are equally valuable for foraging for most bird species. Coast live oak (*Quercus agrifolia*), a native tree, and two non-native oak species (southern live oak [*Quercus virgniana*] and holly oak [*Quercus ilex*]) were preferred more often than any other species. California sycamore (*Platanus racemosa*), also a native species, was preferred but to a lesser extent. Chinese elm (*Ulmus parvifolia*), carrotwood (*Cupaniopsis anacardioides*), American sweetgum (*Liquidambar styraciflua*), and ash (*Fraxinus* sp.), all non-native species, were the only other species that migratory and year-round bird species showed a preference for. All other species were used less frequently.

Street trees also provide buffers from urban disturbances, like noise and pollution (Peña 2017). Birds generally prefer large trees, native trees, and areas with an overall high level of tree species richness (i.e., the number of species in an area) (Peña 2017; Bhullar 2000; Ordoñez 2023; Wood 2020; Shackleton 2016). Studies have shown that an increase in arthropod (i.e., insects, spiders) density increases insectivorous avian use (Bhullar 2000; Narango 2017; Peña 2017). This may explain the preference for large native trees; large trees and native trees generally have a greater density of arthropods (Bhullar 2000). In fact, the Wood (2020) and Shackleton (2016) studies both found that birds used native trees more frequently, even when native trees made up less than half of the overall tree canopy. Where native trees were limited, a greater variety of trees (i.e., species richness) increased overall use by birds (Peña 2017). However, urban environments are limited with respect to being able to mimic natural environments simply by the presence of developed infrastructure, which precludes large patches of intact native vegetation, as well as the natural mobility of wildlife, and other resources (Ordoñez 2023). City parks and adjacent open space can provide beneficial habitat features for wildlife, especially birds, where trees can grow large and close together (Ordoñez 2023). However, streets are often limited with respect to space, thereby limiting the size of a tree that can be grown along a street. Although native trees provide numerous benefits to wildlife and people, native trees are not necessarily feasible in all situations as street trees or even as trees in urban parks. In addition, large trees like coast live oak take up large amounts of space and have destructive roots. Smaller native trees that would be less destructive often have low branching patterns that are restrictive to pedestrian and vehicular travel. Therefore, for practical reasons, street streets cannot always be planted as native species that birds would prefer and therefore are not always ideal for bird use.

Pacific Flyway

Every year, up to 4 billion birds migrate along one of the four major migration routes that cross the United States; these are referred to as *flyways* (Dokter 2018). Every autumn, migrating birds fly south from breeding grounds in cooler northern environments in Canada and the northern United States to warmer lower latitudes in the southern United States, Mexico, and/or South America. Then, many of those birds return to their breeding grounds in the spring. The primary reason for the long journey is the search for food resources, which become sparse in the northern latitudes in the winter but are abundant in the summer (Cornell 2017).

The city of Los Angeles falls within the Pacific Flyway (Figure 2), which extends from northern Alaska to Patagonia in South America. The Pacific Flyway parallels the Pacific Ocean coastline and extends inland to cover much of the western United States. Millions of birds migrate at least some part of the overall distance, many making regular stops to rest and feed during the trip (Cornell 2017). Some birds, such as western tanager (*Piranga ludoviciana*) (Hudon 2020) and Wilson's warbler (*Cardellina pusilla*) (Ammon 2020), will stopover in Southern California, including the city of Los Angeles, and stay for only a few days. For other species, such as western wood pewee (*Contopus sordidulus*) (Bemis 2020), yellow-rumped warbler (*Setophaga coronata*), and ruby-crowned kinglet (*Corthylio calendula*) (Wood 2020), the area may be a seasonal stopping point; birds may stay for the entire winter or summer before returning north or south again. For each type of migrating bird, appropriate vegetation cover is important. Some birds, such as waterfowl, have very specific requirements and require unique aquatic habitat features for their migratory stopovers. Other species have fewer restrictions and may use whatever resources they can find for food and rest.

Although street trees in Los Angeles do not present unique habitat features like those found at the Ballona Wetlands, a stopover location near Marina Del Rey within the Pacific Flyway where migrant birds return year after year, Los Angeles street trees do provide important resources for many passerines. As the Wood study identified, migratory bird foraging increases with the presence of street trees, indicating a clear benefit to migrant birds, at least as it relates to foraging. However, if the number of trees, the tree species, and species richness are important factors for foraging birds, including migratory birds (as indicated in the study), then street trees are only one part of the much larger area of trees and vegetation available to migratory birds. Migratory birds use native communities inside and outside of the city as well as parks and landscaping on private property for the same benefits that street trees provide.

Impacts on Non-Special-Status Species and Common Bird Species

As demonstrated in the analysis below, no impacts on non-special-status species are expected to result from the Project. With implementation of PDF-BIO-1 and PDF-BIO-3, no direct impacts on non-special-status species is expected. In addition, no indirect impacts on non-special-status species is expected to result from loss of habitat because the Project loss would be extremely small and dispersed throughout the city of Los Angeles. At Year 13 of the Project, it is projected that the loss of tree canopy resulting from the Project will be, at a maximum, 0.3 percent loss of the street tree canopy, or 0.1 percent loss the total tree canopy in the city of Los Angeles. After Year 13, the canopy is expected to increase and fully recover after 30 years. Such small, temporary losses are not expected to significantly affect the ability of urban wildlife to nest, forage, take shelter, perch, or utilize habitat in other ways. In addition, the Project is expected to increase age structure diversity and size diversity in the street trees as well as increase the canopy and associated habitat benefits to neighborhoods where few trees are currently present.

Under normal circumstances, when street trees are removed under the Project, wildlife will leave the area when the disturbance becomes intolerable, thereby avoiding direct impacts. These individuals are expected to use adjacent and nearby trees and vegetation as a replacement for the removed trees. This includes avian species as well as grey squirrels and raccoons, which may also nest in street trees. It also includes some common bats, which may roost in trees that have crevices or substantial peeling bark.

Nesting birds would be protected from direct impacts by PDF-BIO-1. The Project would limit street tree removal outside the nesting bird season (February 1 to September 1) to the extent feasible so that active nests would not be present when the trees are removed. When trees must be removed during the nesting season, PDF-BIO-3 would ensure that a survey would be conducted to search for nesting birds, including raptors, and bats. If active nests are identified, they would be protected with a non-disturbance buffer, and the nest would be avoided until the nest is no longer active. As a result, no direct impacts on avian species, including common species, are expected.

Indirect impacts on non-special-status species and common bird species could result if a loss of habitat occurs. Habitat consists of the range of biotic and abiotic features that make up the area where a species lives. Habitat includes the resources that are required to live, including food, water, and shelter. Street trees provide habitat features for some species, including many avian species, including food, shelter, nesting locations, and shade. Birds, for example, use street trees for foraging by directly gleaning insects from the leaves and branches, by eating seeds and fruits grown by the trees, and by using the trees to perch while hunting prey in the vicinity of the trees. Although individual trees provide habitat resources, they do not make up complete habitat by themselves. Birds and other wildlife move around between trees, shrubs, grasses, and even man-made structures when seeking the resources that make up their habitat, including landscapes surrounding urban environments that provide high-quality and diverse habitats.

Within the city of Los Angeles alone, there are 45,061 acres of trees. Birds and other wildlife are not restricted to individual trees; therefore, the removal of a relatively few individual trees in a single area would not substantively result in a loss of habitat. Further, the Project would replace the trees as described in the Project description above. Although it would take 13 years before canopy recovery begins, and 30 years for the canopy to reach the baseline canopy, replacement trees would provide benefits, including foraging opportunities, even before reaching maturity (see also the section below regarding short-term impacts from canopy loss). By the time all trees have reached maturity, at the end of Year 46, the Project would have added 298.3 acres to the baseline street tree canopy, thereby increasing the availability of trees of various ages and sizes.

Because larger trees are more likely to cause damage and be incompatible with sidewalks, they are more likely to require removal. As discussed above, larger mature trees have been found to provide more foraging opportunities than smaller and younger trees, which is what the replacement trees will be until they mature. As such, there would be a period in which the replacement trees, although still providing some improvements to existing habitat, would not have the full potential benefits of a mature tree.

The Project would remove trees only as necessary to fulfill requirements for accessible sidewalks. Only trees that meet certain criteria found in the City Sidewalk Repair Program Street Tree Policy, as determined by the City's UFD, would be removed. Trees eligible for removal would be those dead, diseased, or otherwise unlikely to survive the pruning or management required to ensure accessibility and public safety. They may lose foliage or have a reduced function to benefit wildlife.

Although dead and dying trees offer habitat features that can be used by wildlife, including cavities used by some species, generally, dead and dying trees have reduced foliage, which can be a direct source of food for wildlife and prey. A reduction of food sources directly affects suitability for wildlife, as food source is a significant factor in tree choice (Bhullar 2000; Narango 2017; Peña 2017). Healthy trees have greater canopy cover compared to dead and unhealthy trees and can host a variety of insects and vegetation for foraging for many species. Further, dead, dying, and sick trees, although part of a healthy ecosystem with an important role in natural settings, can cause complications in an urban setting and create safety hazards when they become uprooted or when branches break. In addition, though dead and unhealthy trees often have reduced canopy cover and function for wildlife, they still take up substantial space, which is limited in an urban setting. Removing dead and unhealthy trees frees up space to plant healthy trees that can grow to replace the lost canopy. *First Step*, an urban forest planning document for the City of Los Angeles, identified dead trees as a limitation to increasing canopy cover in the city that delays the opportunity to replace trees (Dudek 2018). The document identifies the removal of all dead trees as a significant step toward improving the urban forest (Dudek 2018). Similarly, removing sick trees that are unlikely to survive root pruning has the added benefit of reducing the risk associated with spreading disease among other trees. Finally, replacing sick, dying, and dead trees with young trees will contribute to a diverse tree canopy, with trees at various stages of life over the 30-year Project and beyond. This can be helpful in some areas, especially where trees are uniform in age and size from being planted around the same time and new trees are prevented from growing in because of the developed nature of the site.

Replacement trees would be selected by the UFD. Typically, the replacement species would match the predominant tree species existing on the block at the replacement site. Native trees would be used when feasible. When choosing locations for replacement trees, the first choice would be the same location as the removed tree. However, when that is not feasible, trees would be placed in order of priority at the following locations: on either side of the same street/block as the removed tree; on the immediate street to the north, south, east, or west of the removed street tree; or in the neighborhood/community in which the street tree removal occurred (i.e., within 0.25 mile). When replacement cannot occur in the general area where a tree was removed, the tree would be placed in historically low-canopy areas with a high Urban Heat Island Index or areas of the city with poor air quality, as determined by the South Coast Air Quality Management District, the California Office of Environmental Health Hazard Assessment, or the California Environmental Protection Agency. This would have a positive effect on existing habitat in low-income communities where low-canopy, high Urban Heat Island Index areas are more likely to occur.

Because sidewalk repairs would occur throughout the city and would not be concentrated in any particular area at any one time, tree removals would also not be concentrated in any one particular area. Although up to 594 trees would be removed in a year, these would be spread out over the Project area of 467 square miles, with 1.27 trees removed per square mile on average. There may be some factors that cause some locations to have more tree removals than others. For example, areas with more trees and/or sidewalks would very likely encounter more tree removals than areas with fewer trees and/or sidewalks. When considering only the areas where street trees currently exist, a street tree inventory identified 17,670 acres of street trees, which means up to 3.4 trees would be removed for every 100 acres of street trees per year (i.e., 0.034 tree per acre). These removals would not affect the overall availability of foraging, nesting, or other habitat resources provided in the range of species that use street trees within the city. In

fact, when the canopy loss from the Project is at its greatest point, in Year 13, a total of 53 acres would have been removed before the canopy cover begins to recover. This represents 0.3 percent of the baseline street tree canopy, or 0.1 percent of the 45,061 acres of trees available citywide.

As discussed above, street trees make up an important part of the habitat for many birds and other wildlife in Los Angeles; however, individual trees are only components of the available habitat network within the city and nearby areas. Wildlife are not restricted to using single trees; in fact, resident birds and other wildlife have home ranges that cover many trees and other surrounding vegetation, some traveling several miles while foraging or searching for other habitat resources. Migrating birds, including those that use the Pacific Flyway, an important migration route that includes Los Angeles, often travel hundreds or even thousands of miles and rely on the general habitat within the city and adjacent areas, not individual trees. Wildlife are expected to adjust to the change in tree availability by using other trees in their ranges or during migration.

Overall, the Project would result in a temporary reduction in the number of street trees; however, this would represent a small part of the overall available network of trees available for use by wildlife, including birds, in Los Angeles. The loss of up to 1.27 trees per square mile of the city per year would not constitute a loss of habitat because it would represent a very small fraction of the overall resources available within the existing habitat. Other components of the existing habitat, such as the remaining trees, vegetation, water, and other habitat components, would not be changed by the Project. At the maximum, the Project would represent a canopy loss in the city of 0.1 percent, with the overall habitat network left intact, even before the total canopy increases above the baseline level. As such, the Project would not result in a loss of individuals or a reduction in existing habitat for a non-sensitive species, including common year-round bird species.

Short-Term Impacts

Up to 12,680 trees would be removed over 30 years (up to 292 trees/year in the first 5 years, increasing every 5 years until up to 594 trees would be removed each year in the last 5 years). Removed trees would be replaced as part of the Project, resulting in an estimated 30,405 trees planted by the end of the Project. Replacement trees would be smaller than most removed trees and would take time to grow and mature (15 years on average). During that time, replacement trees may provide reduced value to wildlife compared to the larger removed trees.

Between tree removal and tree replacement, it is estimated that the total canopy loss will peak in Year 13, when the total loss of canopy will reach approximately 53 acres. After that time, the replacement trees will begin to make up for the removed tree canopy and will increase each year until it returns to the baseline level (17,670 acres) at Year 30. By Year 46, the total street tree canopy is expected to be 17,798 acres.

Note that the greatest number of trees removed in any year would represent approximately 0.08 percent of the total number of city street trees; the trees would be spread across the 467-square-mile city.

Common Species

As demonstrated in the analysis below, the short-term impact on common species would be less than significant. This is because the loss of habitat would be extremely small, the loss of habitat would be dispersed throughout the city, and urban forest animals would be able to adjust to minor alternations in their habitat.

Urban adapted wildlife species, most of which are common species, can be found throughout Los Angeles. Birds are the most abundant, with more than 300 species recorded in the city. Other common species in the city include gray squirrel, raccoon, western fence lizard, and several bat species. Urban wildlife have a tendency to be adaptable. In fact, a study that performed before and after experiments involving tree removals in Melbourne, Australia, found a significant difference in bird impacts between removing several large trees in a park and fewer smaller street trees in an urban setting. The study found that birds in particular were resilient and moved to nearby trees and other resources when trees were removed (Ordoñez 2023). Although the study found a significant decline in bird observations where numerous large trees were removed from a park, it did not find a significant change when smaller scattered trees were removed. The authors noted a scale effect in which the removed trees were most likely a small part of a larger landscape that represents the birds' complete habitat.

Similar to the street tree experiment above, the removal of up to 0.08 percent of the city street trees per year, and up to 1.9 percent over 30 years, would not substantially decrease the availability of resources, including foraging resources throughout the city; no significant change to wildlife would occur in the long term.

On a small neighborhood scale, especially in low-income communities where there are, generally, fewer street trees and less adjacent habitat available, street trees are more important because the removal of individual trees represents a larger reduction in overall resources in the immediate area. However, as studies show, birds are less abundant in these areas, in part, due to the lack of habitat features under existing conditions (Wood 2020). The baseline density of all wildlife is expected to be relatively low in these areas compared to areas with more trees and adjacent vegetation simply due to the limited resources. As is the case in all areas, wildlife species in these areas are expected to adapt and move to adjacent areas or other parts of the city with additional habitat features and resources.

Overall, the removal of relatively few trees spread throughout the city represents a small reduction in the overall availability of trees in the city, even before replacement trees mature, leaving the overall habitat intact. Animals in an urban setting tend to adjust and adapt to regular changes in their habitat and are expected to do so if necessary with the expected tree removals. As such, the Project would not cause short-term effects that could result in the loss of individuals or a reduction in the amount of existing habitat of a non-sensitive species, including common year-round bird species. Short-term impacts on these species would be less than significant.

Special-Status Species

As demonstrated in the analysis below, the short-term impact on special-status species would be less than significant. This is because street trees are not the primary habitat of special-status species. To the extent special-status species use street trees as habitat, the loss of habitat would be extremely small and would be scattered through the city. Implementation of PDF BIO-3 would avoid direct impacts on the species.

Three avian and two bat special-status species were identified as potentially using street trees in the Project area. As discussed in the draft EIR, the site may provide suitable foraging resources for peregrine falcon (*Falco peregrinus*) and nesting resources for purple martin (*Progne subis*) and yellow warbler (*Setophaga petechia*). In addition, some city street trees may provide roosting opportunities for pallid bat (*Antrozous pallidus*) and western red bat (*Lasiurus blossevillii*).

The home range of peregrine falcons can vary dramatically from individual to individual and change throughout the year. During nesting Peregrine Falcons may travel up to 26 miles from their nest in search of prey. The home range is heavily affected by prey availability, which, for peregrine falcons, is mainly birds (White 2020). Within an urban setting, peregrine falcons often take advantage of high buildings and other man-made structures to search for prey, then dive to capture them (White 2020). Because the species are known to be flexible with respect to the prey they take, based on whatever tends to be in abundance, they are highly successful in urban settings where they often take pigeons, doves, and other passerines that are plentiful (White 2020). Peregrine falcons may be negatively affected if the abundance of prey were to substantially decline as a result of the Project. However, as noted above, the Project is not anticipated to reduce the abundance of birds in the city. Therefore, temporary impacts on peregrine falcons would be less than significant.

Purple martins are large swallows that forage by capturing insects in flight. In urban settings, the species often uses nest boxes but also natural cavities in trees (Brown 2021). The breeding range for purple martins has significantly declined in Southern California, with few records occurring throughout the city of Los Angeles most years, primarily in parks (Shufford 2008). Purple martins are rare in the city and often displaced from nesting sites by non-native cavity nesters like house sparrows (*Passer domesticus*) and European starlings (*Sturnus vulgaris*), which are extremely abundant in urban settings like the city of Los Angeles (Shufford 2008). PDF-BIO-3, which requires a nesting bird survey prior to street tree removal, would avoid direct impacts on the species; however, the removal of trees, especially large mature trees, has the potential to reduce the number of nest sites available to the species. However, the loss of trees would be a small percentage of the canopy and scattered throughout the city. In addition, although this species is locally rare, it is regionally abundant. The temporary impacts would be less than significant.

Yellow warblers are small insectivores that typically breed in thickets and other similar habitats along streams and in wetlands (Lowther 2020). They are migratory and typically found in Southern California between March and April through July and August in most years (Lowther 2020). The species breeds in wet habitats, especially along streams and in wetlands where deciduous thickets, or other early successional habitats, dominate. Yellow warblers are especially associated with young willow trees. Nests are typically built in shrubs and small trees (Lowther 2020). City street trees are not ideal breeding habitat because they are not found in wet environments, nor are they typically ideal riparian species. In addition, yellow warblers use city street trees as a foraging resource only infrequently because street trees are not part of their primary habitat. The minimal reduction in the tree canopy in the city would not substantially change the available resources, and the overall habitat would remain intact. As such, impacts on yellow warbler would be less than significant.

Both pallid bat and western red bat are regionally common species, and both are unlikely to use city street trees for roosting. Pallid bats are cavity roosters. They often use cliffs, rock outcrops, buildings, bridges, and tree hollows. When they do roost in trees, those trees are typically large native trees. Western red bats are solitary roosters; they nest among the leaves of trees, especially from riparian trees, which are not typical street tree species. Both species are susceptible to human disturbance and generally avoid urban settings; they typically roost in or adjacent to natural settings. PDF-BIO-3 will ensure that actively roosting bats are protected. Street trees are not a substantial part of pallid bat and western red bat habitat. Impacts on both special-status bat species would be less than significant.

Overall, the removal of city street trees would cause a short-term reduction in a small number of resources that could be utilized by the abovementioned species; however, this short-term reduction does not represent a substantial part of their habitats, and no overall habitat would be lost, even at Year 13, the maximum projected loss in canopy. As such, the proposed Project would not cause short-term effects that could result in 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. Short-term impacts on these species would be less than significant.

Impacts on Southern California Black Walnut

As demonstrated in the analysis below, the Southern California black walnut is a protected tree under the City's Protected Tree Ordinance, but is not classified as a rare tree.

The Protected Tree Ordinance, Los Angeles Ordinance No. 177404, requires the protection of some native trees and two native shrubs, toyon (*Heteromeles arbutifolia*) and Mexican elderberry (*Sambucus mexicana*). The following trees require a permit approval before they can be removed:

- All oak trees indigenous to California, except scrub oak (*Quercus dumosa*). This includes valley oak (*Quercus lobata*) and California live oak (*Quercus agriifolia*);
- Southern California black walnut (*Juglans californica* var. *californica*);
- Western sycamore (*Platenus racemosa*); and
- California bay (*Umbellularia californica*).

Note that the regulations do not extend protection to trees grown or held for sale by a licensed nursery or trees planted or grown as part of a tree planting program, such as planted street trees. In addition, only trees with a combined trunk diameter of 4 inches at 4.5 feet above the ground are protected.

Almost all street trees are planted because they occur within concrete and paved rights-of-way where the ground has been graded to allow for development of roads and sidewalks. It is extremely unlikely that a naturally growing protected tree would be removed as part of the Project.

Beyond being a protected tree under the Protected Tree Ordinance, Southern California black walnut is not classified as a rare tree. The California Native Plant Society (CNPS) currently considers Southern California black walnut to be a California Rare Plant Rank (CRPR) List 4 plant (CRPR 4.2). CRPR List 4 species do not meet the definition per se under CEQA Section 15380(b) as an endangered, rare, or threatened species (i.e., special-status species); information on these species is often limited due to the difficulty involved in obtaining current data on the number and condition of the occurrences. In addition, few if any of these CRPR List 4 species are eligible for state listing. CDFW does not include Southern California black walnut in its state and federally listed endangered, threatened, or rare plants of California. Therefore, according to both CNPS and CDFW, Southern California black walnut does not meet the criteria for List 1 or 2 species or endangered, threatened, or rare plants of California, respectively. The City has not designated Southern California black walnut as a rare species.

The City has investigated the likelihood that species of protected trees may meet the above criteria and therefore ordinarily be subject to the Protected Tree Ordinance. (Species of protected shrubs may also theoretically meet the above criteria, but there is virtually no possibility that such a shrub would be affecting the adjacent sidewalks to necessitate removal.) Although there is some chance that one or more individual trees meeting these criteria exist in the city, the City's Urban Forestry Division experts have never identified any example in years of maintaining city streets trees. As such, the City finds that it would be speculative to assume that any such trees exist in a small fraction of rights-of-way within the city that require sidewalk repairs (per the Draft EIR, Chapter 2, the maximum sidewalk miles repaired under the Project would be approximately 1,600 of the estimated 9,000 miles total, or 17.78 percent) and even more speculative to assume that any such trees would fall within the even smaller fraction of those trees requiring removal due to the sidewalk repairs (in the worst-case scenario, 1.8 percent street trees removed from overall total, thereby resulting in an approximate 0.32 percent chance any one street tree would be removed under the Project, much less a naturally occurring protected tree that has yet to be identified by the City). Due to the extremely low likelihood of occurrence and lack of evidence related to this impact, the City finds that it is speculative (see CEQA Guidelines Section 15145).

Southern California black walnut woodlands are considered a sensitive natural community by CDFW, and impacts on naturally occurring trees in a walnut woodland could be significant. However, this sensitive community is an assemblage of naturally occurring trees, connected within a multilayered canopy with a complex natural ecology. The Southern California black walnut woodlands are not composed of street trees; street trees are more isolated, occurring within areas of urban development and part of the urban environment. Therefore, the removal of a Southern California black walnut as part of the Project would not be an impact on a woodland. The Project would not result in a loss of individuals or a reduction in existing habitat of a locally designated species or a reduction in a locally designated natural habitat or plant community. Impacts on Southern California black walnut would be less than significant.

Impacts on Individual Trees Not Contained within a Locally Designated Natural Habitat or Plant Community

As demonstrated in the analysis below, the Project would not result in a loss of individuals or a reduction in the existing habitat of a locally designated species or a reduction in a locally designated natural habitat or plant community. Impacts resulting from tree removal both within and outside of SEAs and ESHAs would be ***less than significant***.

There are currently approximately 660,034 street trees in the city. The canopy of the street trees covers approximately 17,670 acres. The Project would result in the removal of up to 12,680 street trees (1.9 percent of the total, before accounting for replacement trees). The trees would be removed over 30 years, with up to 292 trees removed per year in the first 5 years, increasing every 5 years until up to 594 trees would be removed each year in the last 5 years of the Project. To ensure accessibility, trees would be removed only if dead or exhibiting specific indications of extreme stress or poor health or if a determination is made that they may not survive the required work.

Preserving the urban forest, of which street trees are a part, is important and beneficial to wildlife, especially birds (Wood 2020). The Project would preserve all trees in place to the extent feasible. Tree removals would be required to comply with the Revised Street Tree Retention, Removal, and Replacement Policy, which requires evaluation under the direction of the UFD and the criteria

designed to retain trees to the extent feasible. As mentioned above, trees would be removed only if dead or exhibiting specific indications of extreme stress or poor health; such trees may not survive the required work needed to ensure accessibility. When trees cannot be retained, they will be removed and replaced within 1 year at a 2:1 ratio for years 1 through 10, a 3:1 ratio for years 11 through 20, and 2:1 for years 21 through 30.

Street trees are expected to reach maturity, on average, 15 years after planting. After the first year, when replacement trees have been planted at a 2:1 ratio, the number of individual trees would start to increase; however, the total canopy cover would continue to decline until Year 13, when replacement tree canopy would begin to outpace the canopy reduction for every removed tree. At this lowest point in canopy cover, the total loss of canopy would be approximately 53 acres, or 0.3 percent below the baseline. Canopy loss would reach baseline conditions by Year 30 and continue to increase until Year 46, when all trees would have reached maturity and the total canopy cover would be 17,798 acres, or 0.72 percent above the baseline.

Initially, tree removal would result in a reduction in tree cover; however, starting with the first replacement trees, the loss would begin to recover, ultimately resulting in 17,725 additional trees, for a total of 30,405 replacement trees for the 12,680 removed. Birds and other wildlife would temporarily lose some habitat features used for nesting, foraging, and refuge; however, the maximum worst-case loss of up to 594 street trees per year before replacement trees are planted would be a small percentage (0.08 percent) of the total number of city street trees and would not result in a reduction in overall habitat available in the city and surrounding area. In addition, even before maturing, the replacement trees would incrementally provide more foraging, nesting, and refuge resources every year, reducing the effects of tree removal until it becomes a net benefit when the tree canopy increases.

If native trees, in particular oaks and Southern California black walnuts, were to occur naturally in a woodland community, impacts may be considered significant. However, the nature of street trees in the city is such that the trees are planted in a distinct order and do not constitute a woodland. As such, oak and walnut woodlands would not be affected as part of the Project.

Overall, the Project would not result in a significant loss of individuals, a reduction in the existing habitat of a locally designated species, or a reduction in a locally designated natural habitat or plant community. Impacts resulting from tree removal both within and outside of significant ecological areas (SEAs) and ESHAs would be ***less than significant***.

Migratory birds that frequent street trees in Los Angeles would also use other trees and vegetation in the general region. They would not be dependent on individual trees but, rather, many trees and plants in the area that would be sources of food and other resources.

E. Conclusions

With a focus on the issues that were relevant to the *United Neighborhood* judgment, potential impacts resulting from Project on the identified resources would be less than significant.

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Figures

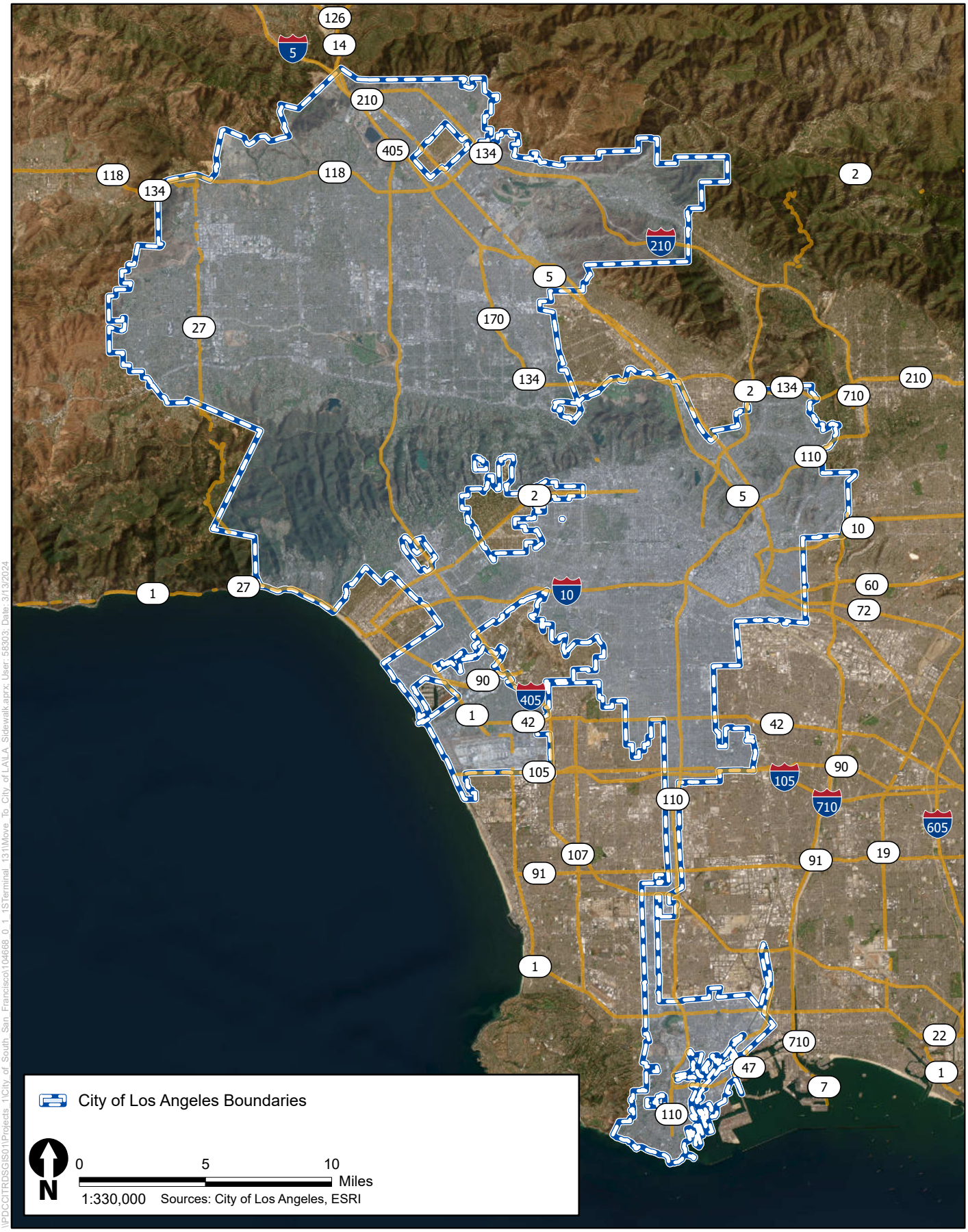

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Figure 1
City Boundaries

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Figure 2
Pacific Flyway

Appendix A: Preparer Qualifications

JAMES HICKMAN

Biologist

James Hickman has over 19 years of experience in performing biological surveys and providing construction monitoring and compliance services. He has conducted numerous habitat assessments for a wide range of floral and faunal species throughout southern California. James has conducted focused surveys for bats, nesting birds, Burrowing Owl, San Bernardino kangaroo rat, California Gnatcatcher, Least Bell's Vireo, desert tortoise, arroyo toad, mountain yellow-legged frog, flying squirrel, blunt nosed leopard lizard (Level II Surveyor), flat tailed horned lizard (California Department of Fish and Wildlife [CDFW] and U.S. Bureau of Land Management [BLM] approved surveyor), and Quino checkerspot butterfly. In addition to biological surveys, James has extensive experience completing jurisdictional delineations and authoring environmental documents, including sections for CEQA and NEPA. James has filled the role of Designated Biologist and/or Lead Biological Monitor for several large and small projects.

Years of Experience

- Professional start date: 08/2004
- ICF start date: 05/2008

Education

- BA, Environmental Studies, California State University, San Bernardino, 2004
- BA, Geography, California State University, San Bernardino, 2004

Certifications/Other

- USFWS Section 10(a)(1)(A) Recovery Permit for Coastal California Gnatcatcher, San Bernardino kangaroo rat, and Quino checkerspot butterfly
- CDFW Scientific Collecting Permit, SCIN No. 009658
- Tortoise Egg Handling and Burrow Construction Certificate, 11/2006
- CDFW- and BLM-Approved Flat-Tailed Horned Lizard, 2011
- Blunt Nosed Leopard Lizard Level II Surveyor

Project Experience

Camino Solar, Kern County, California, 2023- Present
Served as Designated Biologist. Conduct preconstruction surveys for various species, including Burrowing Owl, Swainson's Hawk, Golden Eagle, desert kit fox, and American badger. Conducted nesting bird surveys and managed active nest protection. Monitored and managed environmental monitoring.

Pacific Coast Highway Secant Wall Emergency Repair, City of Malibu, Los Angeles County, California, 2022- Present
Served as Biological Monitor. Conducted biological monitoring for emergency road repair on a bluff over the Pacific Ocean.

I-5 Truck Lane Project, Santa Clarita, Los Angeles County, California, 2022-Present
Served as Biologist. Conducted visual surveys to check known and other potential bat roosts for the presence of bats. Conducted monthly checks.

State Route 33, Ventura County, California, 2023
Served as Biologist. Conducted habitat assessments for special status wildlife and construction monitoring. Conducted bat emergence survey prior to rock removal.

San Benito SR 25 Improvement Project, San Benito County, California, 2023
Served as Biologist. Worked under other approved biologists to conduct burrow excavations in search of California Tiger Salamanders ahead of proposed construction activities for the road widening and realignment of SR 25 near San Benito, California. Personally hand excavated dozens of individual small mammal burrows over 3 survey days (18 hours).

Tehachapi Renewable Transmission Project (TRTP) Restoration Biological Consulting Services—SCE, Kern Los Angeles, and San Bernardino Counties, California, 2014-Present
Served as lead biological monitor and biologist. Project involves providing biological resources services for the restoration of segments 6, 7, 8, and 11 of the TRTP, an approximately 174-mile transmission line project. Drafted general and species-specific management plans (arroyo toad, California red-legged frog, Coastal California Gnatcatcher, and Least Bell's Vireo). Scheduled and led monitoring activities for the four segments. Conducted Long-term monitoring of restoration sites.

Windstar Energy Wildlife Surveys and Jurisdictional Delineation, Kern County, California, 2022
Served as Biologist. Conducted protocol surveys for desert tortoise and Burrowing Owl on approximately 80 acres of suitable habitat. Results were negative. Also conducted a jurisdictional delineation on 120 acres.

Bullhead Solar Wildlife Surveys, Kern County, California, 2023
James led and conducted protocol surveys for desert tortoise and Burrowing Owl for the proposed solar project. Additionally, conducted a quantitive analysis of potential Crotch's bumblebee habitat.

San Juan Bautista SR 156 Improvement Project, San Benito County, California, 2022
Served as Biologist. Worked under other approved biologists to conduct burrows excavations in search of California Tiger Salamanders and conduct focused surveys for California red-legged frogs ahead of proposed construction activities for the road widening and realignment of SR 156 between the cities of San Juan Bautista and Hollister. Personally hand excavated hundreds of individual small mammal burrows over 32 survey days (207 hours). Participated in six nights of eye-shine surveys (25 hours) and four days hand clearing vegetation and daytime incidental observations (30 hours). 198 frogs were captured. All captured frogs were relocated to an approved site (Rocks Ranch).

OCPW Talbert Channel Emergency Sand Removal Monitoring, Orange County, California, 2022
Served as Biologist. Conducted monitoring of mechanical sand removal within Talbert Channel at the Pacific Ocean. Monitoring included observations of a Least Tern colony as well as checks for Snowy Plovers to ensure no significant impacts occurred to either. Least Tern behaviors were monitored identify if changes to the sand clearing activity were needed. Several instances of disturbance caused by predatory birds were observed. Modifications to the activities were made based on observations of grunion.

Alpine Park Project, Alpine, San Diego County, California, 2022
Served as Biologist. Conducted acoustic surveys using Pettersson D500X ultrasound recording units over six consecutive nights to identify use of grasslands by bat species, especially pallid bats.

I-215 at Harley Knox Bat Habitat Assessment, Riverside County, California, 2022
Served as Biologist. Conducted a habitat assessment along the I-215 and Harley Knox Boulevard for proposed improvements.

Otay Water District Forcemain Road Repair Monitoring, San Diego County, California, 2022
Served as Biologist. Conducted monitoring for Quino checkerspot butterfly, Coastal California Gnatcatcher during road maintenance in suitable habitat.

EOG Powder River Basin Surveys, Johnson County, Wyoming, 2022
Served as biologist. Conducted raptor nest surveys covering over 19 square miles of an over 150 square mile project area in Johnson County. Activities included checking on the status of previously recorded nests and searching for new raptor nests. Documented use of nests. Recorded incidental observations of special status species.

EDF Maverick Solar Project, Desert Center, Riverside County, California, 2019-2022
Served as Designated Biologist. Lead all environmental monitoring for the 1,800 acres solar project. The project includes 8.5 miles of gen-tie. Managed desert tortoise, desert kit fox, Burrowing Owl, and nesting birds.

Redlands Rail Project, San Bernardino, San Bernardino County, California, 2021
Served as Biologist. Conducted a habitat assessment and emergence survey for the Tippecanoe Avenue bridge over the Mission Zanja Creek.

EOG Powder River Basin Surveys, Johnson County, Wyoming, 2021
Served as biologist. Conducted raptor nest surveys covering over 19 square miles of an over 150 square mile project area in Johnson County. Activities included checking on the status of previously recorded nests and searching for new raptor nests. Documented use of nests. Conducted habitat assessments for all areas surveyed. Recorded incidental observations of special status species.

Oso and Crown Valley Parkways at Trabuco Canyon, Mission Viejo, Orange County, California, 2021
Biologist. Conducted bat emergence surveys at various locations at the Oso Parkway and Crown Valley Parkway bridges over Trabuco Creek.

EDF Desert Harvest Solar Project, Desert Center, Riverside County, California, 2019-2020
Served as Designated Biologist. Lead all environmental monitoring for the 1,200 acres solar project. The project includes 7 miles of gen-tie. Resources include American badger, desert tortoise, desert kit fox, and nesting birds. Drafted and received agency approval for a plan to continue construction immediately adjacent to a desert kit fox den. All kits were successfully reared to disperse.

Ventura County Transportation Commission 101 HOV Lane Project, Ventura County, California, 2019-2020.
Served as biologist. Conducted habitat assessment for bats and protocol surveys for Burrowing Owls along the several mile alignment. Bat habitat assessment included inspection of various bridges, trees, and other structures along the alignment. Potential roosts were observed in the form of swallow nests, crevices, and weep holes.

Carlton Oaks Country Club Project, City of Santee, San Diego County, California, 2019
Served as biologist. Conducted protocol surveys for Coastal California Gnatcatcher and Quino checkerspot butterfly for the 45-acre development project.

San Miguel Habitat Management Area, San Diego County, California, 2019
Served as biologist. Conducted protocol surveys for Quino checkerspot butterfly covering approximately 46 acres of suitable habitat.

Alpine Park Project, Alpine, San Diego County, California, 2019
Served as biologist. Conducted protocol Quino checkerspot butterfly, Hermes copper butterfly, and Burrowing Owl surveys over approximately 76.8 acres. Surveys were conducted with Brian Lohstroh (TE-063608-6). Surveys were positive for Quino checkerspot butterfly.

EOG Powder River Basin Surveys, Johnson County, Wyoming, 2019
Served as biologist. Conducted raptor nest surveys covering over 25 square miles of an over 150 square mile project area in Converse. Activities included checking on the status of previously recorded nests and searching for new raptor nests. Documented use of nests. Conducted habitat assessments for all areas surveyed. Recorded incidental observations of special status species.

Wharf Mine Raptor Surveys, Lawrence County, South Dakota, 2019.
Served as biologist. Conducted raptor nest surveys for the Wharf Mine. Activities included checking on the status of previously recorded nests and searching for new raptor nests. Recorded incidental observations of special status species

Big Beau Solar Project Biological Surveys, Los Angeles County, California, 2018
Served as biologist. Coordinated, lead, and participated in surveys for desert tortoise, Burrowing Owl, American badger, and desert kit fox on over 3,200 acres and 17 miles of roads and gen-tie components. Participated in rare plant surveys for the same site.

EOG Powder River Basin Raptor Nest Surveys and Habitat Assessments- Converse County, Wyoming, 2018
Served as biologist. Conducted raptor nest surveys covering over 20 square miles of an over 150 square mile project area in Converse County. Activities included checking on the status of previously recorded nests and searching for new raptor nest. Documented use of nests. Conducted habitat assessments for all areas surveyed.

Devon Raptor Nest Surveys and Habitat Assessments- Converse County, Wyoming, 2018
Served as biologist. Conducted raptor nest surveys covering over 30 square miles of an over 150 square mile project area in Converse. Activities included checking on the status of previously recorded nests and searching for new raptor nests. Documented use of nests. Conducted habitat assessments for all areas surveyed.

Cubberley Elementary School Field Joint Use Project, San Diego County, California, 2018
Served as Lead Biologist. Provided guidance and management for the monitoring of Coastal California Gnatcatchers adjacent to a project developing a schoolyard field.

Mid-Coast Transit Corridor Project, City of San Diego, San Diego County, California, 2018
Served as biologist. Conducted focused observations on a Red-Tailed Hawk nest for complete days documenting behaviors with and without nearby construction activities.

Temecula Valley Hospital Expansion Project, City of Temecula, Riverside County, California, 2018
Served as biologist. Conducted focused Burrowing Owl surveys.

Tule Wind Project, San Diego County, California, 2016-2018
Served as Designated Biologist. The project includes the development of 57 wind turbines, a 34.5 kV overhead and underground collector system, a 138kV transmission line, a meteorological tower, a substation, and access roads on 12,360 acres. Coordinate environmental monitoring, SWPPP inspection and compliance, nesting bird surveys.

Wilmington Drain and Machado Lake Brown Headed Cowbird Trapping Project, Los Angeles County, California, 2016-2018
Served as Lead Biologist and Project Manager. Lead crew of biologists in conducting Brown-headed Cowbird trapping for restoration projects associated with Wilmington Drain and Machado Lake. Dozens of Brown-headed Cowbirds were removed from the population.

I-15 Road Widening—Riverside County, California, 2016-2018
Served as biologist. Conducted bat emergence surveys at various locations, including the Santa Ana River.

Machado Lake Ecosystem Rehabilitation Project—City of Los Angeles, Los Angeles County, California, 2008-2017
Served as project manager, lead biologist and field delineator. Manage biological monitoring and species surveys. Conducted Least Bell's Vireo surveys, nesting bird surveys, marsh bird surveys, and assisted with southwestern willow flycatcher focused surveys, sensitive plant surveys, jurisdictional delineation, and California Rapid Assessment Method (CRAM) for Machado Lake, Wilmington Drain, and other parts of the Kenneth Malloy Memorial Park in Harbor City. Provide training environmental compliance training. Coordinate with USFWS for avian and bat surveys and compliance. Conduct bat emergence surveys. Prepare annual reports for RWQCB, CDFW and USFWS.

Lincoln East Fiber Optic Project, Multiple Jurisdictions in Indiana and Ohio, 2017
Served as biologist. Assisted and lead a field team in data collection of sensitive wildlife habitat and jurisdictional waters for approximately 77 miles in eastern Indiana and western Ohio of a 210-mile proposed fiber optic project between Indianapolis, Indiana and New Albany, Ohio.

Biological Resources Assessment for Portions of Warm Creek By-Pass, Warm Creek, and Santa Ana River, San Bernardino County Flood Control District, San Bernardino, California, 2016-2017
Served as biologist. The project includes the maintenance of flood control facilities in the City of San Bernardino. Conducted surveys within the flood control facilities and reported on the potential for special status species to be impacted by the proposed maintenance project.

Riverside County Transportation District Timber Bridges Project, Riverside County, California, June 2017 - 2019
Served as biologist. Conducted wildlife habitat assessments and focused surveys at eight timber bridges in Riverside County along Railroad Avenue near the City of Banning and Chuckwalla Valley Road near Desert Center. Potential bat roosts, including swallow nests, were inspected for bats where accessible. Focused surveys were completed for desert tortoise at the Chuckwalla Valley Road sites. Follow-up surveys for desert tortoise were conducted in 2019.

Olive View-UCLA CAGN Non-breeding Season Surveys—Los Angeles County, California, 2016-2017
Served as biologist. Coordinate and completed non-breeding season surveys for Coastal California Gnatcatcher.

Juan Bautista Bike Trail LAPM Focused Survey—Riverside County, California, 2017
Served as biologist. Conducted trapping for Los Angeles pocket mouse with 12 different trap lines. Numerous LAPM were captured and released.

Gilman Springs San Bernardino Kangaroo Rat Focused Survey—Riverside County, California, 2017
Served as biologist. Conducted trapping for San Bernardino kangaroo rat during two trap sessions with a total of 20 trap lines. No San Bernardino kangaroo rat were captured.

Warner Springs Stephens Kangaroo Rat Focused Survey—Riverside County, California, 2017
Served as biologist. Conducted trapping for Stephen's kangaroo rat. Several Stephen's kangaroo rats were captured and released unharmed.

Viridis Eolia Wind Project Surveys— Carbon County, Wyoming, 2017
Served as Biologist. The project includes multiple years of data collection to identify the baseline use by big game and avian species. Surveys include big game surveys, Mountain Plover surveys, Greater Sage Grouse lek surveys, bird use counts, and eagle point counts. Numerous elk, mule deer, Mountain Plovers, Greater Sage Grouse, Golden Eagles, Bald Eagles, and other raptors and passerines were recorded as part of the surveys.

Highland Regional Connector Surveys—Highland, San Bernardino County, California, 2017
Served as Biologist. The project includes the roadway improvements along multiple streets between Baseline Road and the City of Redlands, notably along Streater Avenue, Glenneatner Drive, and Orange Street. Focused plant surveys and San Bernardino kangaroo rat surveys were conducted along Orange Street, including within the Santa Ana River. Surveys were positive for Santa Ana River woollystar, slender horned spine flower, and San Bernardino kangaroo rat.

Los Angeles River Bikeway project—Los Angeles County, California, 2016-2017
Served as biologist. Conducted protocol Least Bell's Vireo surveys.

Cajalco Road Widening—Riverside County, California, 2013-2017
Assisted as a biologist and lead delineator. Conduct a variety of field work along Cajalco Road and various proposed alignments between I-215 and I-15. Work included protocol Least Bell's Vireo Surveys, protocol Burrowing Owl surveys, bat habitat assessments and bat emergence surveys, and the delineation of all jurisdictional features. Also assisted with Southern Willow Flycatcher surveys.
CAL Fire South Operations Headquarters Project, Riverside County, California, 2016
Served as Biologist. Conducted preconstruction surveys for Burrowing Owl. Installed one-way doors for suitable burrows to confirm absence.

Prologis Centerpointe West Project—Riverside County, California, 2016
Served as biologist. Conducted a habitat assessment and Burrowing Owl preconstruction surveys. Installed one-way doors and collapsed suitable burrows.

Southern California Edison Chino Substation —San Bernardino County, California, 2016
Served as biologist. Conducted Burrowing Owl relocation and monitoring for multiple occupied burrows within the SCE Chino Substation. Enhanced burrows in a nearby lot.

Task Order #19 Arroyo Toad Surveys and Invasive Predator Eradication—Caltrans, Orange County, California, 2015-2016
Served as biologist. Assisted with protocol surveys for arroyo toads and focused surveys for invasive predators (especially bullfrogs and crayfish) for a two-mile portion of San Juan Creek. Invasive predators were removed from San Juan Creek. Participated in five separate surveys. Surveys were positive for adult arroyo toads.

SR 91 Widening—Caltrans, Orange County, California, 2013-2016
Served as biologist. Conducted nesting bird surveys, biological monitoring, and bat emergence surveys as part of the project which spans over the Santa Ana River. The project includes bat panels attached to the bridge to provide roosting habitat.

Centinela Solar Project—LS Power, Imperial County, California, 2012-2016
Served as Designated Biologist. The project includes the development of a 275 MW solar plant on over 2,000 acres and an additional 2.25-mile transmission line. Biological services include leading focused Burrowing Owl surveys, flat-tailed horned lizard surveys, nesting bird surveys and nest management, monitoring, developed and provided WEAP training, and coordination with the BLM. Responsibilities included recording relevant nests, determine appropriate buffers, and coordinating with contractors and agencies as needed. The biologist installed and monitored 18 artificial burrows for Burrow Owl. At least three burrows were occupied. Numerous flat-tailed horned lizards were relocated out of the project disturbance area.

Tehachapi Renewable Transmission Project (TRTP) Biological Consulting Services—SCE, Kern, Los Angeles, and San Bernardino Counties, California, 2009-2016
Served as lead biological monitor and biologist. Project involved providing biological resources services for the construction of an approximately 174-mile transmission line project. Scheduled and led monitoring activities for portions of the alignment between Ontario and El Monte, California. Biological services include focused surveys for nesting birds, Burrowing Owl, Least Bell's Vireo, California Gnatcatcher, Southwestern Willow Flycatcher, western pond turtle, American badger, and rare plants.

North First Avenue Bridge over Mojave River— Barstow, San Bernardino County, California, 2016
Served as biologist. Conducted Mojave fringe-toed Lizard and desert tortoise surveys for bridge replacement project over the Mojave River.

Sawtooth Mountain Communication Towers Project—San Bernardino County, California, 2016
Served as biologist. Conducted spring and fall focused surveys for desert tortoise for a proposed communication site and 2-mile access road. Two tortoises and multiple sign were detected. Also conducted a jurisdictional delineation.

Upper Santa Ana River HCP Habitat Assessments—Riverside County, California, 2016
Served as biologist. Conducted a jurisdictional delineation and habitat assessments for coast horned lizard, Los Angeles pocket mouse, black-tailed jackrabbit along portions of the Santa Ana River to provide data for a habitat conservation plan. Also, assisted with riparian bird focused surveys.

I-15 Corridor Express Lanes Biological Surveys—SANBAG, Riverside and San Bernardino Counties, California, 2014-2016
Served as biologist. Coordinated and conducted surveys for Burrowing Owl and California Gnatcatcher. Coordinated with USFWS to obtain authorization for protocol Coastal California Gnatcatcher surveys.

Blackwell Solar Development—Kern County, California, 2015
Served as biologist. Conducted protocol blunt nosed leopard lizard surveys (6 Surveys) and Swainson's hawk surveys.

Invenergy Windwall Habitat Assessment—Kern County, California, 2015
Served as biologist. Conducted a habitat assessment to identify potential biological and/or jurisdictional constraints for proposed improvements for a wind turbine project on approximately 1,030 acres. The proposed project included the removal of 300 1980's wind turbines and the replacement of 20 modern wind turbines.

Marine Corps Base Camp Pendleton Quino Checkerspot Butterfly Surveys—U.S. Marine Corps, San Diego County, California, 2015
Served as biologist. Assisted with Quino checkerspot butterfly surveys. Gained 42½ hours of Quino checkerspot butterfly protocol survey experience over six separate days working with a total of twelve different permitted independent surveyors. Made confirmed independent observations of Gabb's Checkerspot butterflies (19 males and 3 females).

San Diego Gas and Electric (SDG&E)—San Diego County, California, 2015
Served as biologist. Conducted Quino checkerspot habitat assessments for dozens of poles in various parts of San Diego County.

San Diego Gas and Electric (SDG&E) — Imperial County, California, 2015-2017
Served as biologist. Conducted biological monitoring for flat-tailed horned lizard during various activities at the Imperial Valley Substation.

Ironwood State Prison- Power Line Project, 2015
Served as lead biologist. Conducted a desert tortoise survey over two days for a proposed power line associated with the Ironwood and Chuckwalla state prisons. Also conducted habitat assessments for special status bats and other special status species.

Line C220 —San Diego Gas and Electric, San Diego County, California, 2015
Served as biologist. Completed a verification survey and a nesting bird survey prior to pole replacement for several poles.

Anza Borrego eTS 29688.01 Pole Replacement —San Diego Gas and Electric, San Diego County, California, 2015
Served as a field delineator. Conducted a jurisdictional delineation for a lay-down yard and five poles proposed for replacement.

National City Carmax—San Diego County, California, 2015
Served as biologist. Conducted Least Bell's Vireo Survey and jurisdictional delineation for a proposed Carmax development.

Norco Master Drainage Plan (MDP) Lateral NA-1 (Stage 2) and Line NA-1A Project, 2015
Served as delineator. Conducted a preliminary jurisdictional delineation for the proposed basins.

Meadowpass Road Extension Nesting Bird Survey—Walnut, Los Angeles County, California, 2012-2015
Served as biologist. Conducted a preconstruction nesting bird survey and monitored the clearing of vegetation along Meadowpass Road. Also assisted with quantitative mitigation monitoring using point intercept transects and photo documentation. This area is within a mitigation site.

PRECorp Kaycee to Clearwater Raptor Surveys—Buffalo, Wyoming, 2014
Served as biologist. Conducted raptor surveys, searching for raptors and raptor nests along an approximately 12 mile alignment along Old Highway 87. Red-tailed Hawk, Golden Eagle, and Ferruginous Hawk nests were found.

Greater Sage Grouse Surveys- Gillette, Wyoming, 2014
Served as biologist. Conducted aerial surveys for Greater Sage Grouse leks for various energy projects. Previously known leks were verified by the presence of Greater Sage Grouse. One new lek was found.

Mountaingate Development—Los Angeles County, California, 2013-2014
Served as biologist. Conducted a habitat assessment to identify the potential for Coastal California Gnatcatcher, Least Bell's Vireo, Southwestern Willow Flycatcher, and coast range newt on the 448 acre site. Conduct protocol surveys for Least Bell's Vireo, with negative results, and native tree surveys.

First Avenue Grade Separation Project—City of Barstow, California, 2013-2014
Served as biologist. Conducted focused surveys for Burrowing Owl, desert tortoise, Mojave fringed toed lizard, and bat emergence surveys. Also conducted a jurisdictional delineation and assisted with bat emergent surveys.

Old Waterman Canyon Road Bridge Replacement Project—City of San Bernardino, California, 2013-2014
Served as biologist. Conducted nesting bird surveys, assisted with bat emergent surveys, and conducted biological monitoring and contractor worker environmental compliance training for the project.

City Creek San Bernardino Kangaroo Rat Presence/Absence Surveys—San Bernardino County, San Bernardino County, California, 2013-2014
Served as biologist. Assisted with protocol trapping presence/absence surveys with positive results.

East Mesa Reservoir Road Paving Project—San Diego County, California, 2013
Served as biologist. Assisted with Quino checkerspot butterfly surveys. Gained 4¼ hours of Quino checkerspot butterfly protocol survey experience with two permitted independent surveyors (Cindy Dunn TE-029658-A-1 and Erika Eidson TE-051236-1) on three separate days. Made confirmed independent observations of Gabb's Checkerspot butterflies (2 males, 1 female, and 1 unknown). Visited two reference sites on separate days (4½ hours) and observed a total 18 Quino checkerspot butterflies.

Redrock Canyon Road Improvement—Clark County Nevada- 2013
Served as biologist. Conducted focused surveys for desert tortoise within mapped suitable habitat. Surveys were positive for desert tortoise sign.

Tongue River Railroad Project—Miles City to Ashland, Montana, 2013
Served as delineator. Completed jurisdictional delineations for a proposed 89 mile railroad between Miles City, Montana and Ashland, Montana. The delineation included sub-meter delineation of wetland and non-wetland features along selected portions of the alignment.

Naval Weapons Station Seal Beach Detachment, Fallbrook California Gnatcatcher Surveys—U.S. Navy, San Diego County, California, 2013
Served as a biologist. Assisted with focused protocol presence/absence surveys for California Gnatcatcher with positive results.

On-Call Biological, Regulatory, and CEQA Document Services—San Bernardino County Department of Public Works, California, 2007-2013
Served as biologist. Conducted nesting bird surveys and biological analysis for various County Flood Control projects, as needed. Most of the project activities were related to flood control maintenance.

SR 210/Pepper Avenue Interchange Project—San Bernardino Associated Governments (SANBAG), Rialto, California, 2012-2013
Served as biologist. Assisted with a San Bernardino kangaroo rat trapping presence/absence survey.

Biological Monitoring and Focused Surveys for Flat Tailed Horned Lizard at the Marine Corp Air Station—U.S. Navy, Yuma, Arizona, 2012
Served as biological monitor. Assisted with focused surveys and preconstruction clearance sweeps for flat tailed horned lizards. The primary method for searching for lizards was tracking. Assisted with data collection on lizards and the capture and release of flat tailed horned lizards. Provide in the field environmental compliance training.

Pioneer Industrial Park—San Bernardino County, Redlands, California
Served as biologist. Conducted nesting birds surveys over on an approximately 75 acre site. Portions of the site include a citrus grove. Seventeen inactive nests and one active nest were found. *2012.*

Bloom Ditch Bridge Maintenance Biological Monitoring—San Bernardino County Public Works, Daggett, San Bernardino County, California, 2012
Served as biological monitor. San Bernardino County Department of Public Works used heavy equipment to grade within Bloom Ditch and perform maintenance on the Bloom Ditch Bridge. The monitor was present to conduct preconstruction surveys, monitor for the presence of special status species including desert tortoise and Burrowing Owl, and ensure the work is conducted within the environmental constraints. Provided in the field environmental compliance training. *2012*.

Western Area Power Administration Path 15 Blunt Nosed Leopard Lizard Surveys— Merced County, California, 2012
Served as biologist. Conducted protocol surveys for six sites blunt nosed leopard lizards (3 surveys). No blunt nosed leopard lizards were detected.

Riverside National Cemetery Expansion—Bole, Riverside County, California, 2012
Served as biologist and field delineator. Conducted field work to delineate various features to be used for permits and other delineation reporting. Assisted with focused surveys for Burrowing Owls. No Burrowing Owls were detected.

Blythe ROW Maintenance: ID 21393—SoCalGas, San Bernardino County, California, 2011
Served as Authorized Biologist. SoCalGas used a grader to maintain and make repairs on approximately 105 miles of dirt roads within its ROW between Blythe and Cactus City. The monitor was present to conduct preconstruction surveys, monitor for the presence of special-status species, including desert tortoise and Burrowing Owl, and ensure the work was conducted within the environmental constraints. The monitor was listed as an approved handler for desert tortoise, if necessary. Provided in the field worker environmental compliance training.

Line 3000 Anode Installation Biological Monitoring—Southern California Gas Company, San Bernardino County, 2011
Served as Authorized Biologist. Southern California Edison drilled to install a new Anode. The monitor was present to conduct preconstruction surveys, monitor for the presence of special status species including desert tortoise and Burrowing Owl, and ensure the work is conducted within the environmental constraints. Provided in the field environmental compliance training. The biologist was listed as an approved handler for desert tortoise, if necessary.

Riverside Ranch—Kern County, Bakersfield, California, 2010
Served as biologist. Assisted with protocol surveys for blunt nosed leopard lizards. No blunt nosed leopard lizards were detected.

Taft Prison Wastewater Treatment Animal Surveys—City of Taft, California, 2010
Served as biologist. Assisted with protocol surveys for blunt-nosed leopard lizards. Five individuals were observed. Nelson’s antelope ground squirrel was also observed.

Agua Mansa Commerce Center—AMB Property Corporation, Colton, California, 2009-2010
Served as biologist. Conducted nesting bird surveys and burrow owl surveys. Several active bird nests were identified. Monitored construction activities during ground disturbing activities.

TRTP Regulatory Compliance—SCE, Kern, Los Angeles, and San Bernardino Counties, California, 2009-2010
Serves as field delineator. Conducted fieldwork, working with the fieldwork coordinator and others to ensure that proper field techniques are used. Helped other, less-experienced delineators.

Sunrise Powerlink Wetlands and Waters Delineations—San Diego Gas & Electric, San Diego County, California, 2009
Served as field delineator. Conducted fieldwork, working with the fieldwork coordinator and others to ensure that proper field techniques are used. Helps other, less-experienced delineators.

Rare and Sensitive Plant Surveys at Twenty-nine Palms Marine Base—U.S. Navy, San Bernardino, California, 2009
Served as biologist. Assisted with focused plant surveys. Incidentally found two desert tortoises.

Chuckwalla Lizards Survey at Twenty-nine Palms Marine Base—U.S. Navy, San Bernardino, California, 2009
Served as biologist. Conducted surveys to find and count chuckwallas. Assisted with the capture of chuckwallas, recording of size and general health of individuals, and insertion of PIT tags for further identification.

Honeycrisp Transmission Line Habitat Assessment and Plant Survey—Southern California Edison (SCE), San Bernardino County, California, 2009
Served as biologist. Assisted with focused surveys for special-status plant species.

Kramer-Tortilla Deteriorated Pole Replacement—SCE, San Bernardino County, California, 2009
Served as biological monitor. SCE replaced poles within the Mojave River near Barstow. The biological monitor was to conduct preconstruction clearance sweeps and be present to ensure the work was conducted within environmental constraints. Provided in the field environmental compliance training.

Trancas Canyon Hydroseed and Biological Monitoring—Los Angeles County Department of Public Works, Malibu, California, 2009
Served as biologist. Conducted preconstruction surveys and monitoring for construction and hydroseeding activities. Provided in the field environmental compliance training.

Mockingbird Canyon to Harford Springs Regional Trail—Riverside County Regional Park and Open Space District, California, 2009
Served as biologist. Conducted a habitat assessment and MSHCP analysis. A constraints analysis was drafted.

I-15 Widening from San Bernardino to I-215 EIR/EIS—Riverside County Transportation Commission/HDR Engineering, California, 2009
Served as field delineator. Conducted fieldwork to be used for the permits and the final report.

Summit Valley Road Widening from SR 138 to Ranchero Road Environmental Documents—San Bernardino County/Stantec Consulting, Hesperia, California, 2009
Served as field delineator. Conducted fieldwork to delineate various features to be used for permits and other delineation reporting.

Santee 2894 Regulatory and Environmental Services—Forte Family Limited Partnership, Santee, California, 2009
Served as biologist and field delineator. Conducted a biological resources assessment and delineation of a 14.7-acre site along the San Diego River. The project includes the development of a 289,898-square foot warehouse and distribution building.

El Casco Substation Biology Survey and Report—SCE, Riverside, California, 2008-2009
Served as field biologist and delineator. Performed jurisdictional delineation and assisted with biological surveys, including fieldwork for focused sensitive plant surveys.

Aliso Canyon Basin Cleanouts Biological Surveys and Permitting—Southern California Gas Company (SoCalGas), Porter Ranch, California, 2008-2009
Served as biologist. The project included dredging multiple basins. Basins were surveyed in search for coast range newts and other special-status species. Two basins were determined to be occupied by coast range newts. Prior to dredging the two basins, the biologists searched for and captured coast range newts. The newts were stored and released back into the basins after dredging activities. This dredging occurs multiple times per year.

Windy Ridge Fastrak Lane Widening—Foothill-Eastern Transportation Corridor Agency/ LAN Engineering, Orange County, California, 2008-2009
Served as biological monitor. Performed regular site visits and monitoring for the widening of portions of SR 241. This includes nesting bird searches and regular records of wildlife in two wildlife corridors under the highway. Finally, this task required coordination with the contractor to ensure that impacts to native habitat were minimized and that workers were properly trained on environmental compliance.

Environmental Services for SR 86S/SR 195 Interchange—Riverside County Transportation Department/Dokken Engineering, Mecca, California, 2008-2009
Served as field delineator. Conducted fieldwork to delineate various features to be used for permits and other delineation reporting. An NES was drafted for this roadway widening project.

SR 178 Widening Biological Surveys—City of Bakersfield/Parsons Brinckerhoff, Kern County, California, 2008-2009
Served as biologist and field delineator. Conducted a jurisdictional delineation and focused Burrowing Owl survey for widening of a 4.5-mile stretch of SR 178.

California High Speed Train from Anaheim to Los Angeles—California High Speed Rail Authority/STV Incorporated, California, 2009
Served as field delineator. Conducted a jurisdictional delineation along the alignment for the proposed high speed rail project. This data was used for the permits and the final report.

Environmental Services in Support of the DesertXpress EIR/EIS—CirclePoint, San Bernardino County, California, 2009
Served as biologist and field delineator. Conducted a jurisdictional delineation and assessed portions of the project area for suitable desert tortoise habitat.

Evans Reservoir IS/MND—City of Riverside Public Utilities Department, California, 2008-2009
Served as biologist. Conducted focused surveys for Burrowing Owl. These surveys were negative.
Wilmington Drain Multiuse Project Regulatory Services—City of Los Angeles/Camp Dresser & McKee, Inc., Los Angeles County, California, 2008-2009
Served as biologist and field delineator. Assisted with the fieldwork and analysis for the jurisdictional delineation of Machado Lake, adjacent wetland areas, and Wilmington Drain. Also assisted with Least Bell's Vireo and southwestern willow flycatcher focused surveys and sensitive plant surveys.

Delineation of Jurisdictional Waters and Wetlands for the Elder Creek/Plunge Creek Sediment Removal and Flowline Reestablishment in the City of Highland—San Bernardino County Department of Public Works, California, 2008
Served as field delineator. Conducted the fieldwork and drafted a letter report for the Elder Creek Plunge Creek confluence. The channels flow into the Santa Ana River. A significance nexus determination was conducted. Both channels were determined to be under the jurisdiction of the U.S. Army Corps of Engineers (Corps), CDFW, and Regional Water Quality Control Board (RWQCB).

Whitewater River Delineation--Coachella Valley Municipal Water District, Riverside County, California
Served as field delineator. Conducted field work to delineate portions of Whitewater River and various adjacent features to be used for permits and other delineation reporting.

Delineation of Jurisdictional Waters and Wetlands for an Unnamed Channel in Big Bear City—San Bernardino County Department of Public Works, California, 2008
Served as field delineator. Conducted the fieldwork and drafted a letter report for a channel that flows into Baldwin Lake in Big Bear Lake City. A significance nexus assessment was conducted. The channel was determined to be under the jurisdiction of the Corps, CDFW, and RWQCB.

I-215 Widening—Cal-Trans, Riverside County, California, 2008
Served as biologist. Conducted focused surveys for Burrowing Owl for the widening of I-215 in Riverside County.

Silver Lakes Western Riverside MSHCP Analysis—City of Norco, Riverside County, California, 2008
Served as biologist. Conducted a habitat assessment and MSHCP consistency analysis for a 142.9 acre site in the City of Norco for a proposed recreational complex.

Home Depot- Yucca Valley, San Bernardino, California, 2008
Served as biologist. Conducted focused surveys for desert tortoise and burrowing owls. Drafted a native plant protection plan. Monitored construction activities, created education materials for construction personnel. Was listed to relocate desert tortoise in the event of a sighting during construction. One desert tortoise was reported; however, the desert tortoise had left the site on its own and did not require relocation.

Minneola Road Repair—San Bernardino County, Barstow, California
Served as biologist. Performed construction monitoring for a weeklong project in which Minneola Road, within the Mojave River, was improved after flood damage. The monitor provided in the field worker environmental compliance training.

Desert Tortoise Focused Survey—Hawes Nursery, Helendale, California, 2008
Served as biologist. Conducted a focused desert tortoise survey for an 80-acre site in the Mojave Desert, west of Barstow. Two desert tortoises were observed, and numerous desert tortoise carcasses and other signs were found.

Garlock Quarry Desert Tortoise Focused Survey—Holliday Rock, San Bernardino County, California, 2008
Served as biologist. Assisted with a focused desert tortoise survey for a 325-acre site. Two desert tortoises and numerous signs were observed.

El Capitan/Oakoasis/Steltzer/El Monte Parks Biological and Cultural Resources Inventory—County of San Diego Department of Parks and Recreation (DPR), San Diego County, California, 2008
Served as biologist. Assisted with small mammal trapping and herp array to investigate and inventory small mammal and herpetofauna species.

Sycamore/Goodan Ranch Biological and Cultural Resources Inventory—County of San Diego DPR, San Diego County, California, 2008
Served as biologist. Assisted with small mammal trapping and herp array to investigate and inventory small mammal and herpetofauna species.

Mohave Ground Squirrel Surveys—U.S. Navy, San Bernardino County, California, 2008
Served as biologist. Assisted with trapping effort to survey for the presence of Mohave ground squirrel in Johnson Valley.

Education Program—San Bernardino County Public Works, California, 2008
Served as biologist. Gathered data and assisted in the development of an education program for San Bernardino County Public Works employees. The materials worked on include the creation of informational pamphlets for desert tortoise, Burrowing Owl, San Bernardino kangaroo rat, Mohave ground squirrel, slender-horned spineflower, and Santa Ana River woolly star.

San Bernardino Flying Squirrel Survey, Big Bear Lake, San Bernardino County, California, 2007
Served as biologist. Assisted with presence/absence survey for San Bernardino flying squirrel using traps. The survey was negative.

Noble Creek Recharge Project—San Gorgonio Pass Water Agency, Beaumont, California, 2007
Served as biologist. Assisted with presence/absence survey for Los Angeles pocket mouse. Twelve individuals were identified. Also conducted focused Burrowing Owl surveys.

Eagle Valley Jurisdictional Delineation and Burrowing Owl Surveys, Riverside County, California, 2007
Served as biologist and field delineator. Conducted jurisdictional delineation and CRAM evaluation and protocol Burrowing Owl surveys.

Jurisdictional Delineation for TTM 18582—Omdahl Development, Havasu Lake, San Bernardino County, California, 2007
Served as biologist and field delineator. Conducted jurisdictional delineation and a biological resources assessment and drafted report for 15.6-acre site near Lake Havasu.

Chandler Channel Burrowing Owl Relocation- KB Homes, San Bernardino County, California, 2007
Served as biologist. Assisted with the construction and installation of Burrowing Owl artificial burrows along Chandler Channel. Several artificial burrows were occupied prior to collapsing known active burrows on adjacent land.

Ontario Industrial Development- Burrowing Owl Banding and Relocation, City of Ontario, San Bernardino County, California, 2007
Served as biologist. Conducted protocol surveys for Burrowing Owl. Multiple territories were identified. Assisted Jeff Kidd with trapping and banding several Burrowing Owls (and an incidental Red-tailed Hawk). Artificial burrows were installed on adjacent lands and Burrowing Owls were passively relocated. The site was monitored over several months, and nearby suitable sites were searched to identify where the relocated owls went. Three of the owls were re-found at the site several weeks later.

Invasive Plant Survey—Soboba Band of Luiseño Indian Reservation, Riverside County, California, 2007
Served as biologist. Assisted with an invasive riparian species management plan for the Soboba Band of Luiseño Indian Reservation. Included identifying invasive plants in several drainage features and using a Trimble GeoXH 2005 series to record the location of these plants for future eradication.

Desert Moon Focused Survey for 107-Acre Site- Thousand Palms, California, 2007
Served as biologist. Conducted a focused desert tortoise survey for a 107-acre site. Results were negative.

Desert Tortoise Focused Survey for 17-Acre Site—Tritech Associates, Desert Hot Springs, California, 2007
Served as biologist. Conducted a focused desert tortoise survey for a 17.3-acre site proposed for residential development. One desert tortoise was observed within the project's zone of influence. Also conducted focused Burrowing Owl surveys. Several Burrowing Owls were recorded.

California City Studios—California City Studios, Kern County, California, 2007
Served as biologist. Completed a desert tortoise survey. Collected data for and helped to prepare 2081 permit for take of Mohave ground squirrel and desert tortoise and HCP for a take permit for desert tortoise for a proposed studio in California City.

San Bernardino County Flood Control, San Bernardino County, California, 2006-2007
Served as biologist. Completed multiple daytime visual focused survey for mountain yellow-legged frog in City Creek. Surveys were negative.

Oak Hills Housing Development Burrowing Owl Survey, San Bernardino County, California, 2006
Served as biologist. Completed protocol surveys for Burrowing Owls. Two active nests were identified. Included observations of over a dozen juvenile Burrowing Owls.

Lytle Creek Road Bridge Work—San Bernardino County, San Bernardino County, California, 2005-2006
Served as biologist. Performed construction monitoring for a three-week project in which bridge work was completed within Lytle Creek. Provided in the field environmental compliance training.