

IV. Environmental Impact Analysis

D. Biological Resources

1. Introduction

The purpose of this section is to characterize the biological resources that currently occur on the Project Site, identify sensitive biological resources that are known to occur or have the potential to occur on-site, assess the potential significance of impacts to these biological resources from the Project, and recommend mitigation measures to avoid, minimize, or reduce the significance of any potential impacts. The analysis is based on the *Biological Resource Assessment for the Ford Theatres Project* (Biological Resource Assessment) prepared by GPA Environmental (June 2014), which is included as Appendix E of this Draft EIR.

2. Environmental Setting

a. Existing Regulatory Framework

The following discussion identifies federal, State and local environmental regulations and policies that serve to protect sensitive biological resources relevant to the California Environmental Quality Act (CEQA) review process.

(1) Federal

(a) Federal Endangered Species Act

The Federal Endangered Species Act (FESA) of 1973, as amended, provides the regulatory framework for the protection of plant and animal species (and their associated critical habitats), which are formally listed, proposed for listing, or candidates for listing as endangered or threatened under the FESA. The FESA has four major components: (1) provisions for listing species; (2) requirements for consultation with the United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service; (3) prohibitions against “taking” of listed species; and (4) provisions for permits that allow an incidental “take.” A “take” is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to collect or attempt to engage in any such conduct (16 U.S.C. § 1532). Section 10 of the FESA allows the “incidental take” of federally listed endangered or threatened species by non-federal agencies through the issuance of an

incidental take permit. In order to obtain an incidental take permit, a Habitat Conservation Plan must be submitted to the appropriate federal agency, specifying the impacts that would result from the project, and how these impacts would be minimized or mitigated. The FESA also discusses recovery plans and the designation of critical habitat for listed species.

(b) The Migratory Bird Treaty Act

The Federal Migratory Bird Treaty Act (MBTA) (16 U.S.C. Sections 703 et seq.; Title 50 C.F.R. Part 10 and Part 21) protects migratory birds, their occupied nests, and their eggs from disturbance or destruction. The MBTA also prohibits the taking, killing, possessing, transporting, and importing of migratory birds, parts of migratory birds, and their eggs and nests, except when specifically authorized by the Department of the Interior. As used in the MBTA, the term “take” is defined as “to pursue, hunt, capture, collect, kill or attempt to pursue, hunt, shoot, capture, collect or kill, unless the context otherwise requires.” With a few exceptions, most birds are considered migratory under the MBTA. Disturbances that cause nest abandonment and/or loss of reproductive effort or loss of habitat upon which these birds depend would be in violation of the Migratory Bird Treaty Act.

(2) State

(a) California Endangered Species Act

The State of California enacted laws similar to the FESA, including the California Native Plant Protection Act enacted in 1977 and the California Endangered Species Act (CESA) enacted in 1984. The CESA expanded upon the original Native Plant Protection Act and enhanced legal protection for plants, but the Native Plant Protection Act remains part of the California Fish and Game Code. To align with the FESA, CESA created the categories of “endangered” and “threatened” species. It converted all animals previously determined “rare” by the California Fish and Game Commission into threatened species in the CESA, but did not do so for rare plants. These laws provide the legal framework for the protection of California-listed endangered, threatened, and rare plant and animal species. Under Section 2080.1 of the California Fish and Game Code, if a species is both federally and State listed, a consistency determination agreeing with the protections outlined in the FESA permits is required if a project would impact a listed species. Under Section 2081, if a species is State-listed only, consultation with CDFW is required in order to obtain an incidental take permit if the project could result in take of a State-listed species. If no take would result, concurrence with the CDFW is required.

(b) State Fully Protected Species and Species of Special Concern

The classification of “fully protected” was the CDFW’s initial effort to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, amphibians and reptiles, birds, and mammals. Most of the species on these lists have subsequently been listed under CESA and/or FESA. The California Fish and Game Code sections (Section 551, 5050, 3511, 4700) dealing with “fully protected” species state that these species “may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected species,” although take may be authorized for necessary scientific research. This language makes the “fully protected” designation the strongest and most restrictive regarding the “take” of these species. In 2003, the California Fish and Game Code sections dealing with fully protected species were amended to allow the CDFG to authorize take resulting from recovery activities for State-listed species.

Species of special concern are broadly defined as animals that are: extirpated from the State or, in the case of birds, in its primary seasonal or breeding role; not listed under the CESA, but which meet the State definition of threatened or endangered; experiencing, or formerly experienced, declining numbers that could result in listing; and which have naturally small populations exhibiting high susceptibility to risk from any factor, which could lead to declines that would qualify the species for State threatened or endangered status. This designation is intended to result in special consideration for these animals by the CDFW, land managers, consulting biologists, and others, and is intended to focus attention on the species to help avert the need for listing under FESA and CESA, and recovery efforts that might ultimately be required. This designation is also intended to stimulate collection of additional information on the biology, distribution, and status of poorly known at-risk species, and focus research and management attention on them. Although these species generally have no special legal status, they are given special consideration under CEQA during project review.

(c) California Department of Fish and Wildlife “Special Animals and Plants”

“Special Animals” and “Special Plants” is a general term that refers to all of the taxa the California Natural Diversity Database (CNDDDB) tracks, regardless of their legal or protection status. Any species included in the CNDDDB is considered a “special animal” or a “special plant,” and the list includes species that are officially listed or are candidates for listing as endangered, threatened, or rare at the federal or State level; considered by the CDFW to be a species of special concern; listed by various other State or federal agencies or by various conservation organizations; are biologically rare, very restricted in distribution, declining throughout their range, or have a critical, vulnerable stage in their life cycle; threatened with extirpation; and associated with a habitat that is declining.

(d) California Fish and Game Code Sections 3503, 3513, & 3800

According to Section 3503 of the California Fish and Game Code it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird. Section 3503.5 specifically protects birds in the orders Falconiformes and Strigiformes (birds-of-prey). Section 3513 and 3800 essentially overlaps with the Migratory Bird Treaty Act, prohibiting the take or possession of any migratory non-game bird. "Migratory birds" include all nongame, wild birds found in the U.S., except for the house sparrow (*Passer domesticus*), European starling (*Sturnus vulgaris*), and rock pigeon (*Columba livia*). Disturbance that causes nest abandonment and/or loss of reproductive effort is considered a "take" by the CDFW.

(e) California Native Plant Society

The California Native Plant Society (CNPS) publishes and maintains an *Inventory of Rare and Endangered Plants of California*, which includes information regarding the distribution, ecology, rarity, and legal status of over 2,000 rare plants that occur in California. Plants on Lists 1A, 1B, and 2 of the CNPS Inventory consist of plants that may qualify for listing, and are required to be analyzed under CEQA during project review. Although plants on List 3 and 4 have little or no protection under CEQA, they are usually included in project review.

(f) Sensitive Vegetation Communities

Sensitive vegetation communities are natural communities and habitats that are either unique, of relatively limited distribution in the region, or of particularly high wildlife value. These resources have been defined by federal, State, and local conservation plans, policies or regulations. The CDFW ranks such vegetation communities as "threatened" or "very threatened" and keeps records of their occurrences in the CNDDDB as described above. Sensitive vegetation communities are also identified by the CDFW on its List of California Natural Communities Recognized by the CNDDDB.

(g) Natural Community Conservation Planning Act of 2003

The Natural Community Conservation Planning (NCCP) program was developed under California's Natural Community Conservation Planning Act of 1991 (superseded by NCCP Act of 2003), and is a cooperative effort to protect habitats and species that have begun to decline. The primary objective of the program is to conserve natural communities while accommodating compatible land use. A local agency works with landowners and environmental organizations, with guidance from CDFW and USFWS, to develop a natural community conservation plan.

(3) Local

(a) Los Angeles County General Plan

The Conservation and Open Space Elements of the Los Angeles County General Plan include the Significant Ecological Area (SEA) Program. SEAs support valuable habitat for rare, threatened, or endangered species, and are important for the conservation of biological diversity in the County. The objective of the SEA Program is to preserve the genetic and physical diversity of the County by designing biological resource areas that are self-sustaining. The program intends to ensure that privately held lands within the SEAs retain the right of reasonable use, while avoiding activities and development projects that are incompatible with the long-term survival of the SEAs. The Griffith Park SEA is approximately 0.50 mile north of the Project survey area; however, the Project is not located within a designated SEA.

(b) Los Angeles County Oak Tree Ordinance

The Los Angeles County Oak Tree Ordinance was established to recognize oak trees as significant, historical, aesthetic, and ecological resources. Under the Los Angeles County Oak Tree Ordinance, a permit is required to cut, destroy, remove, relocate, inflict damage, or encroach into the protected zone of any oak tree (*Quercus sp.*) measuring 8 inches or more in diameter at 4.5 feet above mean natural grade. For oaks with multiple trunks, this includes a combined diameter of 12 inches or more for the two largest trunks.

b. Existing Conditions

(1) Physical Characteristics

As described in Section II, Project Description, of this Draft EIR, the Project Site comprises an approximately 32-acre County of Los Angeles regional park. The topography of the Project Site is widely varied from moderately sloping surface parking areas along the western portion of the Project Site to steep hillsides that are vegetated primarily with chaparral and scattered trees along the northern, southern, and eastern portions of the Project Site. Ornamental landscaping is provided along driveways, surface parking areas, and pedestrian pathways.

The study area with regards to biological resources, identified in the Biological Resource Assessment as the Biological Study Area (BSA), includes areas that could be impacted by the Project, either temporarily or permanently, and includes areas that could be indirectly affected by noise or other disturbances associated with the Project. The BSA determined for the Project encompasses approximately 18.2 acres of land and includes the areas of the proposed Amphitheatre improvements (Area A), the Ford Terrace (Area A),

the Ford Plaza (Area B), the Transit Center (Area C), and the proposed trail alignments, as shown in Figure IV.D-1 on page IV.D-7. In addition to the proposed development areas, Areas A, B, and C include the surrounding vegetation. Further, the hiking trail area consists of the proposed hiking trail alignment as well as a 15-foot buffer on either side of the trail.

(2) Vegetation and Plant Communities

Plant communities within the BSA include chaparral, ruderal, and ornamental landscaped areas, as illustrated in Figure IV.D-2 on page IV.D-8. As shown therein, the chaparral communities are located on the hillside primarily to the east of the existing developed areas. Ornamental and ruderal plant communities border the north surface parking lot. Non-native ornamental species have also been planted south and east of the Amphitheatre to provide an aesthetically pleasing backdrop to the Amphitheatre stage and at the entrance and surrounding the parking areas and box office. Attachment B of the Biological Resource Assessment, included as Appendix E of this Draft EIR, provides a complete list of plant and tree species observed during the biological surveys.

(a) Chaparral

The hillsides surrounding Areas A and C, and the proposed trail alignment, are vegetated with native chaparral species. The dominant species are laural sumac (*Malosma laurina*), California buckwheat (*Eriogonum fasciculatum*), and black sage (*Salvia mellifera*). Co-dominant species include California brickelbush (*Brickellia californica*) and non-native annual grasses.

(b) Ornamental

The terraces at the foot of the hillside in Area A, and at the entrance to the parking lots and box office in Areas B and C, are planted with non-native ornamental plant species. The most common species observed include juniper (*Juniperus chinensis*), Mexican fan palm (*Washingtonia robusta*), and lantana (*Lantana sp.*). There is an overstory of pine species (*Pinus sp.*), which were likely planted in the BSA. Coast live oak trees (*Quercus agrifolia*) were also observed in Areas A and B of the BSA.

(3) Wildlife Populations

Wildlife species observed during the biological field surveys conducted on December 11 and December 16, 2013, include black phoebe (*Sayornis nigricans*), California towhee (*Melospiza crissalis*), yellow-rumped warbler (*Setophaga coronata*), Anna's hummingbird (*Calypte anna*), American crow (*Corvus brachyrhynchos*), red-tailed hawk (*Buteo jamaicensis*), turkey vulture (*Cathartes aura*), western scrub jay (*Aphelocoma*

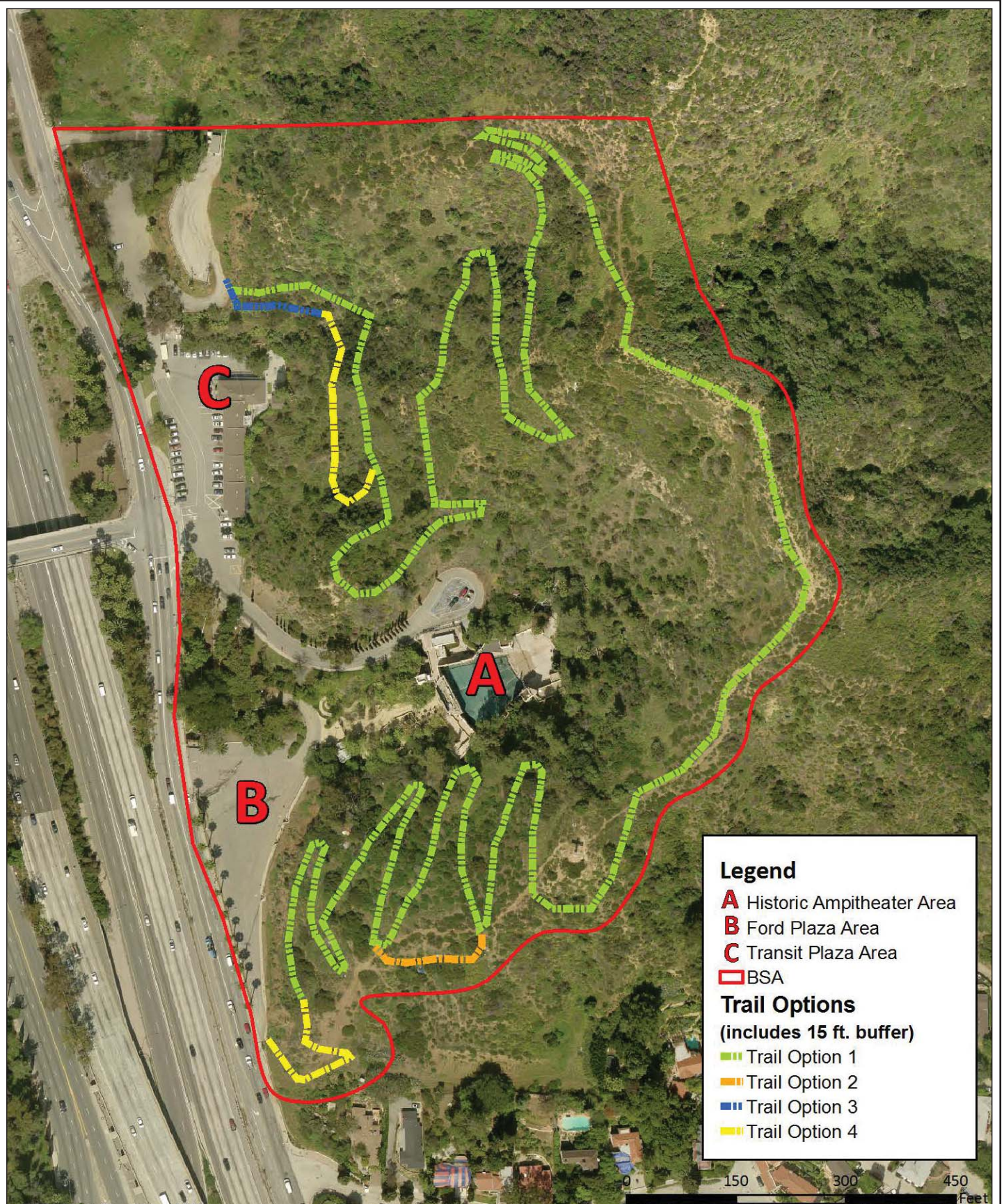


Figure IV.D-1
Biological Study Area

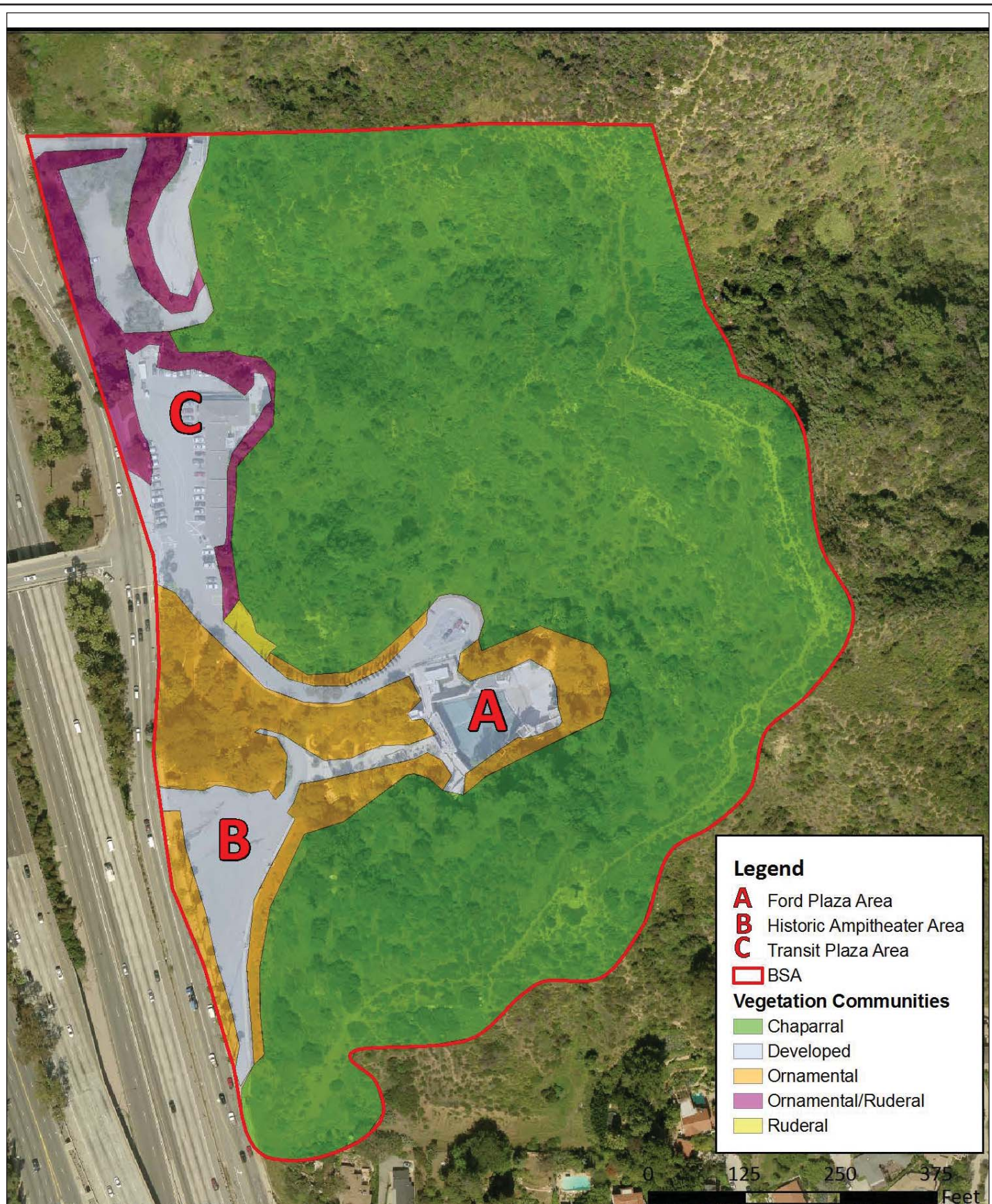


Figure IV.D-2
Vegetation Communities

californica), woodpecker (*Picoides* sp.), kingbird (*Tyrannus* sp.), and western fence lizard (*Sceloporus occidentalis*). Based on personal communication with an on-site theatre production manager, mule deer, bobcats, and coyotes are also known to forage in the BSA, and an individual mountain lion (*Puma concolor*) is known to frequent the Griffith Park area. In addition, deer and coyote scat were observed in the hills during surveys.

(4) Sensitive Resources with Potential to Occur

The following discussion describes the sensitive plant and wildlife species with potential to occur within the BSA based on their geographical range. These species have been afforded special status and/or protection by federal, State, or local resource conservation agencies and organizations because of the species' limited or declining population size or limited distribution. Also discussed are habitats that are of relatively limited distribution or of particular value to wildlife. Determinations on whether sensitive resources could potentially occur within the BSA are based on: a record reported in the CNDDDB and/or the presence of suitable habitat.

(a) Sensitive Plant Communities

No special-status plant communities are located in the BSA. Native plant communities that occur in the BSA include chaparral scrub, which is common in undeveloped areas of southern California.

(b) Sensitive Plant Species

The following describes special-status plant species that have the potential to occur within the BSA. Special-status plant species determined to have no potential to occur in the BSA can be found in Table 1 of the Biological Resource Assessment included in Appendix E of this Draft EIR.

Slender mariposa-lily

The Slender mariposa-lily (*Calochortus clavatus* var. *gracilis*) is a perennial herb found in foothill canyons, chaparral and coastal scrub habitats. The slender mariposa-lily occurs at an elevation range of 1,050 to 3,281 feet and has a blooming period from March to June. The plant species has a CNPS Listing of 1B, indicating the plant species is rare, threatened, or endangered in California and elsewhere.

Plummer's mariposa-lily

The Plummer's mariposa-lily (*Calochortus plummerae*) is a perennial herb found in chaparral, foothill woodland, yellow pine forest, coastal sage scrub, and valley grassland

habitats. The Plummer's mariposa-lily occurs at an elevation range of 328 to 5,577 feet and has a blooming period from May to July. The plant species has a CNPS Listing of 4, indicating the plant species is of limited distribution.

Parry's spineflower

The Parry's spineflower (*Chorizanthe parryi* var. *parryi*) is an annual herb found in chaparral and coastal sage scrub communities. The Parry's spineflower occurs at an elevation range of 902 to 4,003 feet and has a blooming period from April to June. The plant species has a CNPS Listing of 1B, indicating the plant species is rare, threatened, or endangered in California and elsewhere.

Palmer's grapplinghook

The Palmer's grapplinghook (*Harpagonella palmeri*) is an annual herb found in chaparral and coastal sage scrub communities, and valley and foothill grassland. The Palmer's grapplinghook occurs at an elevation range of 66 to 3,133 feet and has a blooming period from March to May. The plant species has a CNPS Listing of 4, indicating the plant species is of limited distribution.

Mesa horkelia

The Mesa horkellia (*Horkelia cuneata* var. *puberula*) is a perennial herb found in cismontane woodland, chaparral, and coastal sage scrub in sandy or gravelly soils habitats. The Mesa horkellia occurs at an elevation range of 203 to 2,657 feet and has a blooming period from February to September. The plant species has a CNPS Listing of 1B, indicating the plant species is rare, threatened, or endangered in California and elsewhere.

Robinson's pepper-grass

The Robinson's pepper-grass (*Lepidium virginicum* var. *robinsonii*) is an annual herb found in chaparral and coastal scrub habitats. The Robinson's pepper-grass occurs at an elevation range of 3 to 2,904 feet and has a blooming period from January to July. The plant species has a CNPS Listing of 4, indicating the plant species is of limited distribution.

(c) Sensitive Wildlife Species

The following describes special-status wildlife species that have the potential to occur within the BSA. Special-status wildlife species determined to have no potential to occur in the study area can be found in Table 2 of the Biological Resource Assessment included in Appendix E of this Draft EIR.

Gertsch's socialchemmis spider

The Gertsch's socialchemmis spider (*Socalchemmis gertschi*) is found in sage scrub, chaparral, oak woodland, coniferous forest, and rocky habitats in non-arid climates. The species is ranked by the CDFW as S1, indicating there are less than 1,000 individuals or less than 2,000 acres of habitat.

Coastal whiptail

Coastal whiptail (*Aspidoscelis tigris stejnegeri*) is found in chaparral, woodland, and riparian habitats in open, dry areas. The species is ranked by the CDFW as S2S3. S2 indicates there are between 1,000 and 3,000 individuals or 2,000 to 10,000 acres of habitat. S3 indicates there are between 3,000 and 10,000 individuals or 10,000 to 50,000 acres of habitat.

Coast horned lizard

The Coast horned lizard (*Phrynosoma blainvillii*) is found in grasslands, coniferous forests, woodlands, and chaparral in areas of loose soil and low vegetation. The Coast horned lizard can be found at sea level to elevations up to 8,000 feet. It is listed as a species of concern, as identified by CDFW.

Coastal California gnatcatcher

The Coastal California gnatcatcher (*Polioptila californica californica*) is found in chaparral, grassland, and riparian areas near sage scrub. The Coastal California gnatcatcher requires variable amounts of semi-open sage scrub dominated by California sagebrush on shallow slope gradients. It is listed as threatened under the FESA and as a species of concern by CDFW.

Pallid bat

The Pallid bat (*Antrozous pallidus*) is found in rocky, mountainous areas near water or open, sparsely vegetated grasslands. Pallid bats roost in attics, rock cracks, buildings, and caves. It is listed as a species of concern by CDFW.

Western mastiff bat

The Western mastiff bat (*Eumops perotis californicus*) is a cliff dwelling species that generally roosts under rock slabs or crevices in large boulders or buildings. Foraging habitat includes dry desert washes, flood plains, chaparral, oak woodland, grassland, and agricultural areas. It is listed as a species of concern by CDFW.

Hoary bat

Hoary bats (*Lasiurus cinereus*) primarily roost in the foliage of coniferous and deciduous trees but have also been observed in caves, beneath rock ledges, and in buildings. The species is ranked by the CDFW as S4 indicating the species is secure within California with some threat or narrow habitat.

San Diego desert woodrat

The San Diego desert woodrat (*Neotoma lepida intermedia*) is found in high desert areas, chaparral, sagebrush flats, pinyon-juniper pine, and Joshua trees. It is listed as a species of concern by CDFW.

Pocketed free-tailed bat

The Pocketed free-tailed bat (*Nyctinomops fermorosaccus*) generally roosts in crevices of cliffs, high rocky outcrops, and slopes, but may also be found roosting in buildings, caves, and under roof tiles. The Pocketed free-tailed bat forages in desert shrub and pineoak forests. It is listed as a species of concern by CDFW.

Big free-tailed bat

The Big free-tailed bat (*Nyctinomops macrotis*) is found in arid, rocky habitats, and has been found in desert shrub, woodlands and evergreen forests. This species mainly roosts in crevices of cliffs, but has also been documented in buildings, caves and tree cavities. It is listed as a species of concern by CDFW.

(5) Oak Tree Protection

Coast live oak trees (*Quercus agrifolia*) were observed in Areas A and B of the BSA. As described above, oak trees are subject to the County of Los Angeles Oak Tree Ordinance. During the tree survey conducted as part of the Project included in Appendix B of this Draft EIR, five oak trees were identified for potential removal or relocation. These oak trees measured 4, 8, 14, 12, and 10 inches at 4.5 feet above mean natural grade. It is noted that the oak tree measuring 4 inches in trunk diameter was previously contemplated for removal as part of the approved Amphitheatre improvements. The remaining four oak trees would be relocated within the Project Site. The oak tree previously contemplated for removal as part of the approved Amphitheatre improvements is located east of the Amphitheatre within the ornamental landscaped area. The four oak trees proposed to be relocated are located west of the Amphitheatre, two adjacent to the south surface parking lot and two are adjacent to the circular driveway. In accordance with the Los Angeles

County Oak Tree Ordinance, County authorization would be required for the relocation of the four oak trees measuring 8, 10, 12, and 14 inches in diameter.

(6) Regional Connectivity/Wildlife Movement

The Project Site, inclusive of the BSA, is not within a designated regional wildlife linkage area identified in the Los Angeles County General Plan. Notwithstanding, according to the CDFW Biogeographic Information and Observation System Habitat Connectivity Viewer, the BSA is located within an undisturbed habitat block that includes native plant and wildlife species. Therefore, the Project Site and the surrounding open space areas may be used for wildlife movement. From a regional perspective, the Project Site is situated in the Hollywood Hills adjacent to Cahuenga Boulevard East where Cahuenga Boulevard parallels the Hollywood Freeway. Uses surrounding the Project Site include 4-story multi-family residential buildings and open space to the north, single- and multi-family residential uses to the east and south, and Cahuenga Boulevard to the west. The Hollywood Reservoir and associated open space are also located further north-northeast of the Project Site. The presence of Cahuenga Boulevard and the Hollywood Freeway immediately west of the Project Site presents a physical barrier to wildlife movement to or from the areas west of the Project Site. In addition, given the surrounding development to the north, south, and east of the Project Site comprising primarily of residential uses interspersed with scattered open space areas, any potential wildlife movement occurring within and surrounding the BSA would likely be limited to local movement within the adjacent open space areas to the north, south, and east of the BSA. As such, the BSA is not likely to support wildlife movement on a regional scale.

(7) Jurisdictional Delineation of Wetlands

A review of the USFWS' National Wetlands Inventory indicated that there are riverine wetlands within the BSA, north of the Amphitheatre. This area was studied during the biological field survey and was determined to be a cement drainage slough with tarps and sandbags stacked on either side of the drainage to prevent erosion. The drainage does not contain wetland vegetation or connect to other waterways, and is not considered jurisdictional. No other jurisdictional features were identified in the BSA. With respect to the Project's potential impacts to hydrology and water quality, refer to Section IV.G, Hydrology, Water Quality, and Groundwater, of this Draft EIR.

3. Environmental Impacts

a. Methodology

Preparation of the Biological Resource Assessment was prepared through: (1) delineation of the Biological Study Area; (2) literature review; and (3) on-site field investigation. As previously described, the BSA includes the area that could be impacted by the Project, either temporarily or permanently, and includes areas that could be indirectly affected by noise or other disturbances.

Relevant literature regarding the biological resources documented near the BSA was reviewed, including the California Natural Diversity Database and the Biogeographic Information and Observation System Habitat Connectivity Viewer to determine habitat connectivity in the BSA. The CNDDB and the Biogeographic Information and Observation System Habitat Connectivity Viewer are managed and updated by the CDFW. A database query was conducted for the Hollywood, Inglewood, Venice, Beverly Hills, Pasadena, Van Nuys, Burbank, Los Angeles, and South Gate 7.5-minute U.S. Geological Survey (USGS) quadrangles from the CNDDB Rarefind 5 online database. A review of the USFWS official species list of species designated as threatened or endangered that have the potential to occur on-site within the BSA was also completed.

On-site field surveys within the BSA were conducted on December 11, 2013, and December 16, 2013. This included foot surveys in which all vegetation communities within the BSA were surveyed, and all plant and wildlife species within the BSA were inventoried to the extent feasible to verify the presence or absence of protected species.

b. Thresholds of Significance

Based on Appendix G of the CEQA Guidelines, Project impacts with regard to biological resources would be significant if the Project would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;
- Have a substantial adverse effect, either on any riparian habitat or other sensitive natural community identified in the local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;

- Have a substantial adverse effect on federally protected wetlands as defined by section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) 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 with established native resident or migratory corridors, or impede the use of native wildlife nursery sites;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; 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.

As evaluated in the Initial Study included as Appendix A of this Draft EIR, the Project would be located within a canyon setting where there are no known federally protected waters or wetlands as defined by Section 404 of the Clean Water Act. In addition, the Project would not be located within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. Therefore, no impact would occur with regards to protected wetlands or habitat conservation plans, and no further analysis of these issues is provided in the analysis of Project impacts below.

c. Project Design Features

No specific project design features are proposed with regard to biological resources.

d. Analysis of Project Impacts

(1) Potential Vegetation Community Impacts

As previously discussed, no special-status plant communities are located in the BSA. Native plant communities that occur in the study area include chaparral scrub, which is common in undeveloped areas of southern California. As this native plant community is not listed as a special-status plant community, potential impacts to existing plant communities associated with the Project would be less than significant and no mitigation measures are required.

(2) Potential Regulatory Status Plant Species Impacts

As described above, special-status plant species with the potential to occur within the BSA include Slender mariposa-lily, Plummer's mariposa-lily, Parry's spineflower, Palmer's grapplehook, Mesa horkellia, and the Robinson's pepper-grass. The slender mariposa-lily, Parry's spineflower, and mesa horkellia are listed on the CNPS as rare, threatened, or endangered. The Plummer's mariposa-lily, Palmer's grapplehook, and Robinson's pepper-grass are listed as a plant species of limited distribution. The Project would include rehabilitation of portions of the existing Amphitheatre and development of new structures, including improvements to the exterior landscape and development of a hiking trail. Construction along the proposed hiking trail and within the existing landscaped areas would require vegetation removal. In addition, on a yearly basis, vegetation would be thinned up to 200 feet from all new structures in an effort to reduce fire risk in the area. Such activities could directly or indirectly impact identified special-status plant species that occur within the BSA. Accordingly, Mitigation Measures D-1 and D-2 are provided below to require completion of rare plant surveys, implementation of avoidance measures, and preparation of a restoration plan in the event special status plant species are directly impacted by Project construction. With implementation of Mitigation Measures D-1 and D-2, potentially significant impacts to special-status plant species associated with the Project would be reduced to a less than significant level.

(3) Potential Regulatory Status Wildlife Species Impacts

(a) Construction

(i) Regulatory Status Bird Species

The coastal California gnatcatcher is identified as a species of concern by the CDFW and would have the potential to occur in the BSA as the chaparral and sage scrub communities located in the BSA are suitable habitats for the coastal California gnatcatcher. According to the CNDDDB, the most recent recording of this species was documented approximately 6 miles northwest of the BSA in 1991. Therefore, the potential for the coastal California gnatcatcher to occur in the BSA during construction is considered low. However, absence cannot be confirmed without additional surveys. As such, the Project could result in potentially significant direct impacts to the coastal California gnatcatcher. In addition, as this species is non-migratory, construction activities could result in indirect impacts on coastal California gnatcatcher species through noise disturbance and vegetation removal if they were to be in the BSA during construction. Annual vegetation thinning required out to 200 feet from all new structures would also reduce habitat for coastal California gnatcatcher. Accordingly, Mitigation Measure D-3 is included below to require protocol-level surveys within the year prior to construction, and any additional surveys, as necessary, if the coastal California gnatcatcher or its sign is detected.

Implementation of Mitigation Measure D-3 would reduce potential impacts to a less than significant level.

Migratory birds and raptors also have the potential to occur in the BSA given the large areas of trees, vegetation, and buildings that could create the potential for migratory birds and raptors to nest. Construction activities could result in impacts on nesting birds through noise disturbance and vegetation removal if they were in the BSA during construction. As such, Mitigation Measure D-4 is provided below to require that construction activities be scheduled outside of the nesting season, nest bird surveys be conducted if construction is scheduled during bird nesting season, and buffers and avoidance be created to prevent impacts to migratory birds. Implementation of Mitigation Measure D-4 would reduce potentially significant impacts to migratory birds to a less than significant level.

(ii) Regulatory Status Small Mammal Species

The BSA includes undisturbed habitat that could be impacted as a result of construction activities. Sensitive wildlife species with the potential to occur within this habitat includes the coast horned lizard and the San Diego desert woodrat, both of which are considered species of concern by CDFW. Construction activities, including noise disturbance and vegetation removal could impact these species if they are present within the BSA during Project construction. Mitigation Measure D-5, provided below, would require pre-construction surveys prior to construction to determine the presence or absence of wildlife in the construction area. With implementation of Mitigation Measure D-5, impacts to wildlife species would be reduced to a less than significant level.

(iii) Regulatory Status Bat Species

Four bat species have been identified with the potential to occur within the BSA. This includes the pallid bat, western mastiff bat, hoary bat, and the pocketed free-tailed bat. All are identified as species of concern by the CDFW with the exception of the hoary bat, which has a State rank of "S4." The BSA includes large trees, vegetation, and buildings that could provide roosting habitats for bats. Construction activities would result in noise disturbance and vegetation removal that could impact the bats if they are present during construction. Accordingly, Mitigation Measures D-6 and D-7 are included below to require that bat surveys be conducted prior to construction, non-breeding bats be identified and be safely evicted from the roosting habitat, and that no work be conducted within 100 feet of the roosting site of a maternal colony. Implementation of Mitigation Measures D-6 and D-7 would reduce potential impacts to bats to a less than significant level.

(b) Operation

Implementation of the Project would increase lighting, noise, and human activity within the Project Site, which could potentially deter wildlife occurring within the BSA from the area and reduce their ability to forage. In addition, the development of the proposed hiking trail would increase the risk for wildlife-human interactions within the Project Site. Furthermore, the fencing proposed to be installed along the lower trail alignments to keep people on the designated walking path and reduce further disturbance of the hillside may prevent wildlife access to foraging areas and reduce their ability to move through the area. Mitigation Measures D-8 through D-10, provided below, would require that Amphitheatre lighting be designed to focus downward on the developed areas of the Project area; the use of trash receptacles that are not accessible to wildlife along the proposed hiking trail to reduce the potential for wildlife-human interaction; and that fencing be designed to be lower in height with openings between posts and rails to allow wildlife to pass over or through the fence. With implementation of these mitigation measures, potential impacts to wildlife species during operation of the Project would be reduced to a less than significant level.

Regarding the potential for erosion within the Project Site, refer to Section IV.F, Geology and Soils, of this Draft EIR. As discussed therein, the Project would include best management practices in accordance with the County's Low Impact Development Standards Manual to address on-site erosion within the Project Site. Therefore, no substantial erosion is anticipated to occur within the Project Site that could adversely affect wildlife species occurring within the BSA or moving through the Project Site.

(4) Oak Tree Impacts

As previously described, during the tree survey conducted for the Project, one coast live oak was identified for removal as part of the previously approved Amphitheatre improvements and four coast live oak trees have been identified for potential relocation. The oak tree previously contemplated for removal as part of the approved Amphitheatre improvements measured 4 inches in trunk diameter at 4.5 feet above mean natural grade. The remaining oak trees proposed to be relocated within the Project Site measured 8, 10, 12, and 14 inches in trunk diameter at 4.5 feet above mean natural grade. In accordance with the Los Angeles County Oak Tree Ordinance, a permit would be required for the removal or relocation of oak trees measuring 8 inches in trunk diameter or greater. As such, a permit would be required for the relocation of the four oak trees measuring 8, 10, 12, and 14 inches in trunk diameter. As these trees are proposed to be relocated within the Project Site, the Project would not result in the permanent loss of protected trees and potential impacts to oak trees would be less than significant. Mitigation Measure D-11, provided below, would ensure the relocation of the oak trees is consistent with the Los Angeles County Oak Tree Ordinance. Mitigation Measures D-11 further outlines the procedures to be followed should the oak trees be protected in place.

(5) Regional Connectivity/Wildlife Movement

As previously discussed, there are no regional wildlife movement corridors within or adjacent to the Project Site. In addition, the BSA is not within a designated regional wildlife linkage area identified in the Los Angeles County General Plan. Notwithstanding, development of the Project would occur primarily within the already developed portions of the Project Site and, upon implementation of the Project, the Project Site would remain mostly undeveloped hillsides. As such, the Project would not be expected to result in an increased barrier to local wildlife movement. In addition, the proposed trail alignment would generally follow the alignment of existing user-created trails, which potential wildlife in the area would already be accustomed to. Furthermore, while implementation of the proposed hiking trail would increase human activity in the hillside areas, wildlife movement typically occurs during nighttime when access to the hiking trail would not be permitted. Additionally, in accordance with Mitigation Measure D-9 provided below, the fencing proposed to be installed along the lower trail alignments to keep people on the designated walking path would be designed to be lower in height with openings between posts and rails to allow wildlife to pass over or through the fence. Therefore, the Project is not anticipated to negatively impact wildlife movement within the open space areas of the Project Site and the open space areas to the north and east of the Project Site. Impacts with regard to wildlife movement would be less than significant.

(6) Fuel Modification and Fire Risk

Given the Project Site's location and surrounding undeveloped hillsides, the potential for fire hazards would exist within the Project Site due to the presence of brush, increased human activity, and the potential for fires due to accidents or arson-related causes. Fires within the Project Site could result in potential impacts on existing vegetation communities, special status species, and wildlife if a fire were to spread beyond the developed areas of the Project. However, due to the Project Site's location within a Very High Fire Hazard Severity Zone, the Project would be required to comply with all applicable City and County requirements regarding construction, access, water mains, fire hydrants, fire flows, and brush clearance for this zone. In addition, the Project would implement a fuel modification plan that would identify buffer zones for the planting of specific vegetation and areas where routine landscape maintenance is required so as to create adequate defensible space around all potentially combustible structures. Routine landscape maintenance would be conducted in accordance with the County Fire Department's Fuel Modification Plan Guidelines and would include pruning; removal of plant litter, dead plants, and unwanted species; and regular inspection and repair of the irrigation system. A preliminary fuel modification plan has been prepared for the Project and is illustrated in Figure IV.J.1-2 in Section IV.J.1, Public Services—Fire Protection, of this Draft EIR. As shown therein, the preliminary fuel modification plan includes 30-foot and 200-foot buffer zones from all new structures. The 30-foot buffer zone would provide for replanting of

low-growing, irrigated drought-tolerant plant material as a means to prevent erosion and transition to the native character of the Project Site. The 200-foot buffer zone would provide for seasonal clearing of brush and, as needed, pruning of trees to reduce the amount of potential plant material that could fuel a fire. Through compliance with applicable City and County requirements regarding wildfire risks, as well as approval and implementation of a fuel modification plan, impacts with respect to wildfire risk would be less than significant.

4. Cumulative Impacts

Cumulative impacts are impacts to biological resources that are a consequence of aggregate past, present, and foreseeable impacts of the Project and other projects located within the vicinity of the Project Site. To evaluate cumulative impacts, the Project in combination with the related projects identified in Section III, Environmental Setting of this Draft EIR, were analyzed.

The related projects include mostly infill developments that contain limited native vegetation or suitable habitats for wildlife species. Due to their generally developed/disturbed nature and lack of native vegetation and habitats, the related project sites do not contribute to the long-term sustainability of natural communities and, therefore, would not have a significant impact on biological resources on a cumulative basis (including vegetation communities, regulatory status animal or plant species, or protected trees). In addition, as with the Project, any potential impacts to biological resources resulting from development of the related projects would likely be subject to mitigation as part of the environmental review process, thereby avoiding or minimizing potential impacts to biological resources. Therefore, the Project in combination with the related projects would not result in significant cumulative impacts to biological resources.

As previously discussed, the Project would not have a significant adverse effect on any designated regional wildlife movement corridors as there are no regional wildlife movement corridors within or adjacent to the Project Site.. Based on the location of the related projects within highly urbanized areas and the proximity of the related projects to large expanses of open space, the related project sites do not provide the type of environment that would attract wildlife to those sites or use those sites to reach nearby open space areas where such wildlife are known to exist. Therefore, the Project in combination with the related projects would not result in significant cumulative impacts with regards to wildlife movement.

5. Mitigation Measures

Special-Status Plant Species

Mitigation Measure D-1: Prior to construction, a qualified botanist shall conduct rare plant surveys throughout the Project area. In the event special status species are found during surveys, avoidance measures shall be implemented based on the recommendations of a qualified botanist. If avoidance is not feasible, appropriate mitigation shall be developed and implemented, in consultation with the United States Fish and Wildlife Service and/or the California Department of Fish and Wildlife, as applicable.

Surveys shall be conducted during the appropriate blooming period to the extent feasible. If surveys cannot be conducted within the appropriate blooming period, or if the presence for any species cannot be ruled out for any other reason, avoidance measures shall be implemented based on recommendations of a qualified botanist. If avoidance is not feasible, appropriate mitigation shall be developed and implemented in consultation with the United States Fish and Wildlife Service and/or the California Department of Fish and Wildlife, as applicable.

Mitigation Measure D-2: If it is determined that special status plants would be directly impacted as a result of the Project, an on- or off-site restoration plan shall be prepared by a qualified botanist, in coordination with the United States Fish and Wildlife Service and/or the California Department of Fish and Wildlife, as applicable.

The restoration plan shall be implemented prior to the completion of the Project. The plan shall include the following: receiver locations; number of plants to be replanted and the methods of replanting; maintenance and monitoring requirements; and measures necessary for the establishment of self-sustaining populations in suitable open space areas to ensure the long-term survivability of the species in the vicinity.

Annual monitoring for at least five (5) years shall be required to ensure no-net-loss of acres of habitat for the species. The acreage ratio of lost special-status plant species habitat to habitat replaced shall be coordinated with the United States Fish and Wildlife Service and/or the California Department of Fish and Wildlife, as applicable, but shall be no less than 1:1.

Coastal California Gnatcatcher

Mitigation Measure D-3: Within a year prior to construction, protocol level surveys for the coastal California gnatcatcher shall be conducted within

300 feet of suitable habitat by a qualified biologist/ornithologist according to the United States Fish and Wildlife Service survey guidelines. The surveys shall include, at a minimum, a thorough examination of all suitable habitat within the Project area and vicinity for the coastal California gnatcatcher or its sign. The final survey methodology shall be determined in coordination with the United States Fish and Wildlife Service. A summary report shall be prepared upon completion of these activities and submitted to the United States Fish and Wildlife Service.

If, following protocol level surveys, no gnatcatchers are detected, but construction is delayed more than one year, additional surveys may be required, at the discretion of the United States Fish and Wildlife Service, to ensure that no gnatcatchers have moved into the area. If evidence of the coastal California gnatcatcher is found within the Project area during surveys, consultation with the United States Fish and Wildlife Service shall be conducted, and any requirements of the regulatory agencies regarding protection of the species shall be implemented.

Migratory Birds and Raptors

Mitigation Measure D-4: The following measures shall be implemented during construction to minimize impacts on nesting birds and raptors:

- a. Construction in areas that include trees, vegetation, or buildings that may provide nesting habitats for bird and raptors shall be reduced to the maximum extent feasible.
- b. Trimming and removal of vegetation and trees shall be minimized and performed outside of the nesting season (February 15 to September 15) to the extent feasible.
- c. In the event trimming or removal of vegetation and trees must be conducted during the nesting season, nesting bird surveys shall be completed by a qualified biologist no more than 48 hours prior to trimming or clearing activities to determine if nesting birds are within the affected vegetation. Nesting bird surveys shall be repeated if trimming or removal activities are suspended for five days or more.
- d. In the event construction is scheduled during bird nesting season, nesting bird surveys shall be completed no more than 48 hours prior to construction to determine if nesting birds, raptors, or active nests are in or within 500 feet of the construction area. Surveys shall be repeated if construction activities are suspended for five (5) days or more.
- e. In the event nesting birds or raptors are found in the construction area, appropriate buffers (typically 300 feet for songbirds and up

to 500 feet for raptors) shall be implemented, in coordination with the California Department of Fish and Wildlife, to ensure that nesting birds and active nests are not harmed. Buffers shall include fencing or other barriers around the nests to prevent any access to these areas and shall remain in place until birds have fledged and/or is no longer active, as determined through coordination with the California Department of Fish and Wildlife.

Special-Status and General Wildlife Species

Mitigation Measure D-5: A qualified biologist shall complete pre-construction surveys no more than 48 hours prior to construction to determine the presence or absence of wildlife in the construction area. Surveys shall be repeated if construction activities are suspended for five (5) days or more. If any wildlife species are identified, appropriate measures shall be developed and implemented to avoid impacts on these wildlife species, in consultation with resource agencies as applicable.

Bats

Mitigation Measure D-6: To the extent feasible, tree and building removal shall be scheduled during the non-breeding and active season for bats (typically October and November). Prior to construction, surveys shall be conducted by a qualified bat specialist to identify the presence of bats and any active or potential bat-roosting cavities. During the non-breeding and active season, any bats roosting in cavities in the area, either in trees or in structures, shall be safely evicted under the direction of a bat specialist and under consultation with the California Department of Fish and Wildlife.

Once it has been determined that all roosting bats have been safely evicted from roosting cavities, exclusionary devices approved by the California Department of Fish and Wildlife shall be installed and maintained to prevent bats from roosting in these cavities prior to and during construction. A summary report shall be prepared upon completion of these activities and submitted to the California Department of Fish and Wildlife.

Pre-construction bat surveys shall be conducted by a qualified bat specialist no more than seven (7) days prior to the removal of any trees within the Project area to confirm that exclusionary measures have been successful and there are not bats within the construction area. If no roosting bats are detected, no further surveys are required provided the tree removal is conducted within seven (7) days. If removal is delayed more than seven (7) days, additional surveys shall be conducted no more than seven (7) days prior to tree removal to ensure that no bats have moved into the area.

Mitigation Measure D-7: Surveys and exclusion measures are expected to prevent maternal colonies from becoming established in the Project area. In the event a maternal colony of bats is found in the construction area, the California Department of Fish and Wildlife shall be consulted, and no work shall be conducted within 100 feet of the roosting site until the maternal season is over or the bats have left the site, or as otherwise directed by the California Department of Fish and Wildlife. The site shall be designated as a sensitive area and protected as such until the bats have left the site. No clearing and grubbing shall be authorized adjacent to the site. Combustion equipment, such as generators, pumps, and vehicles, shall not be parked nor operated under or adjacent to the roosting site. Construction personnel shall not enter into areas beneath the colony, especially during the evening exodus.

General Wildlife Species

Mitigation Measure D-8: Amphitheatre lighting shall be designed to focus downward on the developed areas of the Project area and minimize light spillover onto adjacent open space areas.

Mitigation Measure D-9: Fencing associated with the proposed hiking trail shall be designed to be low in height with openings between posts and rails to allow the movement of wildlife to pass over or through the fence.

Mitigation Measure D-10: Trash receptacles that are not accessible to wildlife shall be used along the proposed hiking trail and within open areas of the Project Site to discourage wildlife from entering the area and reduce the potential for wildlife-human interaction. Signage shall also be placed along the trail to encourage hikers to stay within the designated trail boundary.

Oak Trees

Mitigation Measure D-11: The following measures shall be implemented to minimize impacts on oak trees:

- a. Oak trees measuring eight (8) inches or more in diameter at four and one-half (4.5) feet above mean natural grade shall be protected in place unless otherwise specifically permitted by the County of Los Angeles
- b. Prior to construction, protection fencing shall be installed outside of the drip line of an oak tree to be protected in place during construction to minimize damage from equipment storage, debris dumping, parking, etc. within oak tree protected zones.
- c. Oak trees that are relocated shall be done so in a manner consistent with the Los Angeles County Oak Tree Ordinance.

6. Conclusion

a. Vegetation Communities

Native plant communities that occur in the Project area include chaparral scrub, which is not designated as special-status plant community. No special-status plant communities are located in the study area and impacts to vegetation communities would be less than significant.

b. Regulatory Status Plant Species

Construction along the proposed hiking trail and within the existing landscaped areas would require vegetation removal that could impact the special-status plant species. Implementation of Mitigation Measures D-1 and D-2 would reduce potentially significant impacts to special status plants to less than significant levels.

c. Regulatory Status Wildlife Species

(1) Regulatory Status Bird Species

Potential impacts to the coastal California gnatcatcher and nesting birds as a result of noise disturbance and vegetation removal could be considered potentially significant prior to mitigation. Implementation of Mitigation Measures D-3 and D-4 would reduce potentially significant impacts to special status bird species to less than significant levels.

(2) Regulatory Status Small Mammal Species

Potential impacts to up to two regulatory status small mammal species during construction as a result of noise disturbance and vegetation removal could be considered potentially significant prior to mitigation. Implementation of Mitigation Measure D-5 would reduce impacts to regulatory status small mammal species to a less than significant level.

(3) Regulatory Status Bat Species

Potential impacts to up to four regulatory status bat species during construction as a result of noise disturbance and vegetation removal could be considered potentially significant prior to mitigation. Implementation of Mitigation Measures D-6 and D-7 would reduce impacts to regulatory status bat species to a less than significant level.

Additionally, with implementation of Mitigation Measures D-8 through D-10, overall potential impacts to wildlife species would be reduced to a less than significant level.

d. Oak Tree Protection

In accordance with Mitigation Measure D-11, removal or relocation of any oak trees within the Project Site would be subject to County review consistent with the Los Angeles County Tree Protection Ordinance. Therefore, implementation of Mitigation Measure D-11 and compliance with the Los Angeles County Tree Protection Ordinance would reduce impacts to oak trees to a less than significant level.

e. Regional Connectivity/Wildlife Movement

As evaluated above, there are no regional wildlife movement corridors within or adjacent to the Project Site. In addition, the BSA is not within a designated regional wildlife linkage area identified in the Los Angeles County General Plan. Furthermore, development of the Project would occur primarily within the developed portions of the Project Site and, upon implementation of the Project, the Project Site would remain mostly undeveloped hillsides. Additionally, in accordance with Mitigation Measure D-9 provided above, the fencing proposed to be installed along the lower trail alignments to keep people on the designated walking path would be designed to be lower in height with openings between posts and rails to allow wildlife to pass over or through the fence. Therefore, Project impacts with regard to wildlife movement would be less than significant.

In conclusion, with implementation of the mitigation measures provided above, the Project would result in less than significant impacts to biological resources.