IV.C BIOLOGICAL RESOURCES

1.0 INTRODUCTION

This section analyzes potential impacts on biological resources from construction and operation of the Proposed Loyola Marymount University (LMU) Master Plan Project. The analysis is based on a review of relevant literature and data and LMU campus field studies. This section characterizes the biological resources occurring on the LMU campus and evaluates potential Proposed Project impacts on these biological resources. A Biological Resources Survey technical report prepared for the Proposed Project, and a summary of special-status species evaluated for the potential to occur on the Proposed Project site and in the vicinity is provided in **Appendix IV.C.**

2.0 REGULATORY FRAMEWORK

The following policies and regulations potentially apply to the biological resources associated with the LMU campus. Impacts that would conflict with these policies and regulations would conflict with state or federal law and/or could be considered significant under the California Environmental Quality Act (CEQA).

2.1 Federal

2.1.1 Federal Endangered Species Act

Section 9 of the Federal Endangered Species Act prohibits the "take" of federally listed Threatened and Endangered species. The Federal Endangered Species Act defines "take" (Definitions, Section 3, Paragraph 19) as any action that would harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect any Threatened or Endangered species (see also 50 C.F.R. Section 17.3; 50 C.F.R. Section 222.102). If a proposed project may result in "take" of a listed species, and there is no permitting or regulatory involvement of any federal agency, an Incidental Take Permit under Section 10(a)(1)(B) of the Federal Endangered Species Act is required and a Habitat Conservation Plan (HCP) must accompany this permit application. If there is an action carried out by a federal agency, an Incidental Take Permit under Section 7 of the Federal Endangered Species Act is required.

2.1.2 Federal Migratory Bird Treaty Act

The Federal Migratory Bird Treaty Act (MBTA; 16 USC 703-712) protects native migratory birds and their nests and makes it unlawful to "take" (e.g., pursue, kill, harm, harass) any migratory bird and its active nests.

2.1.3 Federal Clean Water Act (Sections 401 and 404)

Wetlands and permanent and intermittent drainages, creeks, and streams are generally subject to jurisdiction of the United States Army Corp of Engineers (Corps) under Section 404 of the Federal Clean Water Act. By the United States Army Corp of Engineers definition, all aquatic or riverine habitats between the outer limits of the "ordinary high water mark" of rivers, creeks, and streams are potentially considered "waters of the US" and may fall under United States Army Corp of Engineers jurisdiction. If adjacent wetlands occur, the limits of jurisdiction extend beyond the ordinary high water mark to the outer edge of the wetlands. Wetlands are defined by the United States Army Corp of Engineers as "those areas that are inundated or saturated by surface or groundwater at a frequency or duration to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions."[1] The presence and extent of wetland areas are normally determined by examination of the vegetation, soils, and hydrology of a site. The United States Army Corp of Engineers definition of wetlands requires that all three wetland identification parameters of indicator plants, hydric soils, and "ordinary high water mark" be met. Any deposit of fill into "waters of the U.S.," including wetlands, requires the acquisition of a permit from the United States Army Corp of Engineers pursuant to Section 404 of the federal Clean Water Act. Fill is broadly defined to include most materials (rock, soil, pilings, concrete, wood, incidental fallback of soil from earth-moving equipment, and in some cases additional water) that can be discharged into a water or wetland.

Such waters may also be subject to jurisdiction of the Regional Water Quality Control Board (RWQCB), pursuant to Section 401 of the Federal Clean Water Act,[2] which authorizes the State of California to certify that federal permits and licenses do not violate the state's water quality standards. The state's implementing regulations to conduct certifications are codified under the California Code of Regulations, Title 23, Waters, Sections 3830 through 3869.[3] In addition, waters into which discharge may occur are regulated by the Regional Water Quality Control Board, pursuant to the California Porter-Cologne Water Quality Control Act.[4]

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1 United States Army Corp of Engineers, *Technical Report Y-87-1, Corps of Engineers Wetlands Delineation Manual,* (1987).

2 US Code, Title 33, Section 401, Clean Water Act.

3 California Water Code of Regulations, Title 23, Section 3830 et seq.

4 California Water Code of Regulations, Division 7, Water Quality.

2.2 State

2.2.1 California Endangered Species Act

The California Endangered Species Act (Section 2080 of the Fish and Game Code) prohibits the "take" of state-listed Threatened and Endangered species as determined by the State Fish and Game Commission (and defined in Sections 2076 and 2062, respectively). California Fish and Game Code defines "take" in Section 86 (found within Division 0.5, Chapter 1, General Definitions) as any action that would hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill any Threatened or Endangered species. If a proposed project may result in "take" of a listed species, a permit pursuant to Section 2081 of Fish and Game Code and Section 783.2 of the California Code of Regulations is required from the California Department of Fish and Game.

2.2.2 California Fish and Game Code (Sections 1601–1603)

Streambeds are potentially subject to regulation by the California Department of Fish and Game under Sections 1601–1603 of the California Fish and Game Code. A stream is defined under these regulations as a body of water that flows at least periodically or intermittently through a bed or channel having banks and that supports fish or other aquatic life.[5] This definition includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation. California Department of Fish and Game generally asserts that its jurisdiction extends to the edge of the riparian vegetation canopy associated with any stream. Any work within a streambed or the removal of associated riparian vegetation requires the acquisition of a Streambed Alteration Agreement from the California Department of Fish and Game.

2.2.3 California Fish and Game Code (Sections 1900–1913)

The California Fish and Game Code (Sections 1900–1913, known as the California Native Plant Protection Act) was enacted to preserve, protect, and enhance endangered or rare native plants of the state. A proposed project shall not, except for emergency work necessary to protect life or property, take, possess, or sell within this state, any native plant, or any part or product thereof that has been determined to be an endangered or rare native plant, as determined by the California Fish and Game Commission. A native plants species may be determined to be endangered because their habitats are threatened with destruction, drastic modification, or severe curtailment, or because of commercial exploitation or by other means, or because of disease or other factors.

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5 California Code of Regulations, Title 14, Chapter 1, Section 1.72.

2.2.4 California Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513)

The Proposed Project would also be subject to the requirements of Sections 3503, 3503.5, 3511, and 3513 of the California Fish and Game Code. In addition, the California Fish and Game Code Section 355 and 356 allows the California Fish and Game Commission to annually adopt regulations pertaining to migratory birds to conform with or to further restrict the rules and regulations prescribed pursuant to the Migratory Bird Treaty Act. Together, these regulations (e.g., the Fish and Game Code provisions and the Migratory Bird Treaty Act) protect all native migratory birds and their nests and make it unlawful to "take" (e.g., pursue, kill, harm, harass) any migratory bird and its active nests.

2.3 City of Los Angeles Municipal Code

The City of Los Angeles Municipal Code (LAMC) Sections 46.00 to 46.06, Protected Tree Regulations (Ordinance Number 177,404), covers four groups of native trees:

- Oak trees, including valley oak (*Quercus lobata*), coast live oak (*Quercus agrifolia*), or any other tree of the oak genus indigenous to California but excluding scrub oak (*Quercus berberidifolia (dumosa*);
- Southern California black walnut (*Juglans californica* var. *californica*);
- Western sycamore (*Platanus racemosa*); and
- California bay laurel (*Umbellularia californica*).

The protected tree ordinance applies to individual trees of these species that measure 4 inches or more in cumulative diameter, measured at 4.5 feet above the ground level at the base of the tree. Such trees may not be "relocated" or "removed" without a tree permit from the City of Los Angeles. In this ordinance, "relocation" or "removal" includes any act that would cause a protected tree to die, including but not limited to acts that inflict damage upon the root system or other part of the tree by fire, application of toxic substances, operation of equipment or machinery, or by changing the natural grade of land by excavation or filling in the drip line area around the trunk (City of Los Angeles 2006).

3.0 EXISTING CONDITIONS

3.1 General Campus Setting

LMU is located in the West Los Angeles community of Westchester, approximately 1.25 miles east of the Pacific Ocean and 1 mile north of Los Angeles International Airport (LAX). Westchester generally extends from the Pacific Ocean east to the cities of Inglewood and Culver City, and from Ballona Creek on the north to the City of El Segundo and LAX on the south. Surrounding municipalities include the

unincorporated community of Marina del Rey and the City of Los Angeles communities of Del Rey and Venice to the north, the City of El Segundo to the south, the City of Inglewood to the east, and Playa del Rey and the Pacific Ocean to the west. Other institutions of higher learning in the area include Otis College of Art and Design near the intersection of Lincoln Boulevard and Manchester Boulevard, the West Los Angeles Graduate Campus of Pepperdine University in northeast Westchester, and American InterContinental University in northern Westchester.

The LMU campus occupies approximately 142 acres atop the Westchester Bluffs, part of a range of cliffs called the Ballona Escarpment that extends from the coast eastward approximately 3.5 miles to the intersection of Centinela and Sepulveda Boulevards. The campus is suburban in nature and surrounded by low-density, single-family residential neighborhoods to the east, west, and south. The campus is generally bordered on the east by McConnell Avenue, on the west by Lincoln Boulevard, and on the south by 78th and 80th Streets. The bluffs, which rise approximately 120 feet above sea level in the vicinity of the campus, form the northern campus boundary. Topography on the campus is varied, with sloped areas and level plateaus. Teale Street and Playa Vista lie at the foot of the bluffs. Playa Vista is a mixed-use multi-family residential and community commercial development. Light industry and office uses are located north of Playa Vista, across Jefferson Boulevard.

LMU's Westchester campus was established in 1928 with the development of what is now known as Burns Campus; Leavey Campus and Hughes Campus were acquired in 1983 and 2000, respectively. There are at least 15 acres of outdoor athletic fields on the LMU campus and approximately 25 acres of open space within the four Open Space Planning Areas on campus as designated by the proposed LMU Specific Plan. These Open Space Planning Areas include the Sunken Garden and Alumni Walk in the core of the campus as well as open space along the borders of the campus, and 10 acres along the Westchester Bluffs on the northern and northwestern edges of the campus. Open space outside of the Specific Plan's Open Space Planning Areas consists of plazas, terraces, lawns, formal quadrangles, and landscaped areas associated with buildings, roadways and medians, and other ancillary areas planted with turf and ornamental shrubs.

There are no surface streams or water bodies on LMU's campus, with the exception of a small sump just south of Drollinger Parking Plaza on Leavey Campus, which functions as part of the campus storm drain system. The sump was designed to treat and store runoff in accordance with the campus National Pollutant Discharge Elimination System permit, which requires the "first flush" of stormwater runoff (equivalent to a two-year storm event) to be treated prior to exiting the campus. Sources of water accumulation in the sump include low-flow storm event and irrigation runoff from Leavey Campus as

well as seasonal rainfall.[6] During heavy rain events, excess flow is discharged from the sump into an LMU-owned storm drain pipe beneath LMU Drive; this pipe becomes a City storm drain just south of the sump, as the pipe exits Leavey Campus and enters Hughes Campus. Because it is a component of the campus storm drain system, the sump's area and depth are highly variable (almost entirely dependent on the frequency and volume of runoff flows it receives). Accordingly, water volumes in the sump fluctuate and it is only intermittently full.

3.2 Plant Communities and Common Wildlife

The majority of the open space on LMU's campus is landscaped with ornamental plantings installed since the campus was first established, including specimen trees such as coral tree (*Erythrina* sp.), eucalyptus (*Eucalyptus* sp.), jacaranda (*Jacaranda* sp.), juniper (*Juniperus* sp.), southern magnolia (*Magnolia grandiflora*), olive (*Olea europea*), pine (*Pinus* sp.), and California fan palm (*Washingtonia filifera*). Drought-tolerant landscape shrubs and perennials were observed throughout LMU, including bush sunflower (*Encelia californica*), a cultivar prostrate ceanothus (*Ceanothus* sp.), yarrow (*Achillea* sp.), orange lantana (*Lantana camara*), sea lavender (*Limonium* sp.), honeysuckle (*Lonicera* sp.), and rose (*Rosa* sp.). Native species within landscaped areas on LMU indude coast live oak (*Quercus agrifolia*) and western sycamore (*Platanus racemosa*).

Wildlife within landscape vegetation throughout LMU includes several common bird species, Anna's hummingbird (*Calypte anna*), American crow (*Corvus brachyrhynchos*), yellow-rumped warbler (*Dendroica coronata*), black phoebe (*Sayornis nigricans*), and European starling (*Stumus vulgaris*), and mammal species such as eastern fox squirrel (*Sciurus niger*) and raccoon (*Procyon lotor*).

A mix of landscape and native plantings exists around and in the sump, including tall flatsedge (*Cyperus eragrostis*), smartweed (*Polygonum punctatum*), several small coast live oak trees, California sycamore trees, coyote bush shrubs (*Baccharis pilularis*), and several non-native landscape plants such as acacia shrub (*Acacia redolens*), rockrose (*Cistus* sp.), pride of Madera (*Echium candicans*), and bristly ox-tongue (*Picris echioides*). Wildlife in the vicinity of the sump includes three insect species (blue-eyed darner [*Aeshna multicolor*], monarch butterfly [*Danaus plexippus*] [discussed further below in "Special-Status Wildlife" Section], and cabbage white [*Pieris rapae*]), one reptile species (western fence lizard [*Sceloporus occidentalis*], and three bird species (the mallard duck [*Anas platyrhynchos*], bushtit [*Psaltriparus minimus*], and Bewick's wren [*Thryomanes bewickii*]). A domestic cat (*Felis silvestris catus*) was observed, and the prints of raccoon (*Procyon lotor*) were seen in the banks above the sump.

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6 KPFF Consulting Engineers, *LMU Surface Water Hydrology and Water Quality Analysis,* (2009). Provided in **Appendix IV.G**.

Ornamental trees are planted in groves flanking Sacred Heart Chapel at the northern end of Alumni Mall. Vegetation and wildlife within this area is similar to other landscaped portions of LMU. One monarch butterfly individual was observed flying in the trees to the north of the chapel (discussed in more detail below in **Section 3.3, Special-Status Plant and Wildlife Species**). A mix of native vegetation and non-native vegetation makes up the grove northeast of the chapel, including eucalyptus, pine, coast live oak, palm, and the shrub toyon (*Heteromeles arbutifolia*).

The bluff slope that forms the northern campus edge is highly disturbed habitat, vegetated primarily with invasive, non-native plants. The bluff slope is dominated by ice plant (*Carpobrotus edulis*), an invasive, non-native species that is often employed as a ground cover and slope stabilizer. The bluff slope also supports other invasive, non-native plant species such as black mustard (*Brassica nigra*) and fennel (*Foeniculum vulgare*), as well as pine and palm trees. Scattered among the disturbed habitat, coastal sage scrub elements were observed throughout the slope of the bluff, including California buckwheat (*Eriogonum fasciculatum*), toyon, and white sage (*Salvia apiana*). If the bluff were restored and revegetated to the previously dominant coastal sage scrub plant community, it could potentially support the federally listed threatened coastal California gnatcatcher (*Polioptila californica californica*), but the bluff habitat cannot do so in its currently disturbed condition. The closest location recorded for this species is in the Palos Verdes Peninsula, about 6 miles south of the Proposed Project site. Additionally, although not observed, the non-native trees planted along the top of the bluff could potentially support nesting raptor species.

The Proposed Project site, which consists of a developed and landscaped suburban campus, highly disturbed bluff faces, and the sump that functions as a component of the campus storm drain system, does not support any special-status native habitats as identified by the California Department of Fish and Game or the City of Los Angeles Conservation Element of the General Plan. The sump is regularly cleaned out and maintained to function effectively as part of the storm drain system and does not support sensitive habitat (i.e., vegetation within the sump does not match any of the listed types recognized as sensitive on the Department of Fish and Game List of California Terrestrial Natural Communities Recognized by The California Natural Diversity Database, September 2003 Edition).

3.3 Special-Status Plant and Wildlife Species

The most recent version of the California Department of Fish and Game California Natural Diversity Database (California Department of Fish and Game 2008) was reviewed for the Venice US Geological Survey (USGS) 7.5-minute quadrangle, in which the campus is located. A California Natural Diversity Database search was also conducted for the surrounding six quadrangles (Topanga, Beverly Hills, Hollywood, Inglewood, Torrance, and Redondo Beach). The California Native Plant Society Inventory of

Rare and Endangered Plants (2006) was also consulted. The intent of the database and inventory reviews was to identify any special-status plant and wildlife species that were reported to be present in the Proposed Project area and, therefore, have potential to occur on the campus or vicinity.[7]

The California Natural Diversity Database identified 25 special-status plant species that have been documented in the Proposed Project region. None of these species were seen on the LMU campus and none are expected to occur there because, as discussed in this analysis, suitable habitat is not found within the developed areas of the Proposed Project site.

Similarly, the California Natural Diversity Database search resulted in 30 special-status wildlife species reported from the Proposed Project region. Only the monarch butterfly has been observed and is expected to occur within the LMU campus, but field observations indicate that this species only occurs as migratory transient individuals on the LMU campus. Monarch butterflies gather in over-wintering clusters in Southern California tree groves (typically conifer and eucalyptus) between October and February each winter. During field observations, one individual monarch butterfly was observed flying among the trees planted to the west of the sump, and one individual was observed flying among the trees planted to the north of the Sacred Heart Chapel. Although on-site groves of eucalyptus and pine provide potentially suitable over-wintering habitat for this species, no clusters of monarch butterfly individuals were observed during site visits and the individuals observed appeared to be transient. Such clustering would have been visible during the field visit. In the absence, of any observed clustering, the tree groves on LMU's campus do not appear to serve as an over-wintering location for monarch butterflies.

Some special-status species have been observed and reported north of the LMU campus, at the bottom of the bluffs in the riparian corridor and Freshwater March habitat on and near the Playa Vista site, including bird species such as the snowy egret and Cooper's hawk. This habitat is generally physically separated from the LMU campus by the 120-foot-high bluffs for species that cannot fly. However, even the snowy egret and Cooper's hawk bird species are highly unlikely to use the LMU campus because unlike any habitat on the LMU campus, (a) the snowy egret is typically associated with open waters and (b) the Cooper's hawk would not likely nest in on the Proposed Project site because the canopy structure of the campus trees is too open, lacking the nest screening preferred by the species.

The heavily disturbed bluff face along the northern and western edges of LMU's campus hosts primarily invasive, non-native vegetation, with some scattered coastal sage scrub species, including California buckwheat, toyon, and white sage, so the bluff area does not support any special-status species. Because water levels in the sump are highly variable (depending on runoff volumes), and the sump is regularly

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7 California Department of Fish and Game. 2003. RareFind: California Department of Fish and Game Natural Diversity Database. Version 3.1.0. Updated June 1, 2008.

disturbed for maintenance due to its function as a component of the campus storm drain system, it is not expected to support special-status aquatic species. Because of the long-developed and landscaped nature of the remainder of the LMU campus, it is unlikely that the special-status plant or wildlife species reported in the California Department of Fish and Game's California Natural Diversity Database and/or known to occur in the Proposed Project vicinity would occur in these areas. Implementation of the Proposed Project on the LMU campus would not provide any new opportunities for these special-status plant and wildlife species to occur.

3.4 Nesting Birds

As discussed above, some potential nesting habitat exists for a variety of protected bird species within trees, shrubs, and ground cover within the LMU campus. The removal or destruction of individual birds or active nests (including eggs and young) would be a violation of the Federal Migratory Bird Treaty Act[8] and the Fish and Game Code of California.[9]

3.5 Protected Trees

Two tree species protected under the LAMC's Protected Tree Regulations were observed on the LMU campus during the site visit: coast live oak and western sycamore.

3.6 Jurisdictional Wetlands and Drainages

As previously discussed, the sump is a component of the campus storm-drain system that temporarily collects runoff from storm event and irrigation runoff and rainfall, terminates on campus (i.e., is not connected to other waterways), and overflows into the campus storm drain system. It is not subject to the jurisdiction of the United States Army Corps of Engineers under Section 404 of the Clean Water Act since it does not simultaneously meet all three wetland identification parameters required to establish jurisdiction (i.e., vegetation comprising, at least in part, wetland indicator species, hydric soils, and hydrology sufficient to sustain hydrophytic vegetation in the absence of human influence).[10] Instead, the sump is regularly maintained; subject to highly variable water levels; isolated from other water bodies; does not exhibit hydric (anaerobic) soils; and supports more non-indicator plant species than wetland indicators, both within and surrounding the sump. Moreover, as an isolated body unconnected to any a river, lake, or stream, the sump is not subject to the jurisdiction of the California Department of Fish and

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8 U.S. Code, Title 16, Chapter 7, Migratory Bird Treaty Act, Protection of Migratory, Game, and Insectivorous Birds (1918).

9 California Fish and Game Code, Section 3503, 3505.5, 3511, and 3513.

10 United States Army Corp of Engineers, *Technical Report Y-87-1, Corps of Engineers Wetlands Delineation Manual,* (1987). Part IV, Section F, Subsection 4 – Man-Induced Wetlands.

Game under Sections 1601–1603 of the California Fish and Game Code.[11] Given the small size of the sump, the lack of sensitive habitat, and the fact that no Project-related impacts are anticipated, no United States Army Corp of Engineers, California Department of Fish and Game, or Regional Water Quality Control Board permits would be required.

The LMU campus does not include the riparian corridor located to the north of the LMU campus, at the base of the bluffs, on the Playa Vista site. Any future Proposed Project activities would not be expected to directly impact this resource. In addition, Proposed Project activities are planned to avoid the bluff area, and any potential indirect impacts to the channelized drainage unlikely.

3.7 Wildlife Movement Corridors

The City of Los Angeles defines wildlife corridors as land segments that connect two or more large habitat areas and provide a habitat for movement of animals between those areas (City of Los Angeles 2001). Wildlife corridors are generally described as pathways or habitat linkages that connect discrete areas of natural open space otherwise separated or fragmented by topography, changes in vegetation, and other natural or human-induced factors, such as urbanization, and provide for movement of animals between surrounding lands. Habitat fragmentation creates isolated "islands" of vegetation that may not individually provide sufficient area to accommodate sustainable wildlife populations and can adversely impact genetic and species diversity.

As previously stated, LMU's Westchester campus is located in a suburban setting and is entirely developed with buildings and parking, athletic fields and facilities, ornamentally landscaped open space, and bluff area open space. Apart from the likely presence of common nesting birds in trees and shrubs on the urbanized and landscaped portion of campus, the developed portion of the campus does not provide suitable habitat or connectivity to other wildland areas that could render it a wildlife movement corridor. The LMU campus, therefore, provides neither suitable wildlife habitat nor a linkage between wildlife core habitats in any direction.

LMU's campus also includes approximately 10 acres of bluff face along its northern edge, rising about 120 feet above the Ballona Plain at the base of the bluffs. Although there are few scattered coastal sage scrub species evident in places on the bluff face, for the most part the bluff face is highly disturbed, crossed by a fire road along the length of the bluff and planted with largely ornamental shrubs, pines, and palms. Because of the location and developed nature of the campus, the bluff would not be considered an important wildlife corridor in the north-south direction because of the unsuitable habitat of the campus and surrounding urban development to the west and east. The bluff could provide for some wildlife

11 California Code of Regulations, Title 14, Chapter 1, Section 1.72.

movement in the west-east direction, but this would be of limited utility because of the barrier of Lincoln Boulevard on the west of the Proposed Project Site.

4.0 IMPACT ANALYSIS

4.1 Methodology

To evaluate the natural resources found or potentially occurring on the LMU campus, literature and database reviews were conducted by Impact Sciences biologists in addition to site visits.

Biological studies previously prepared for areas in the vicinity of the LMU campus were reviewed. Additional literature sources specific to descriptions of the common plants and animals, plant communities, and special-status species potentially occurring in the vicinity of the campus also were reviewed (see **Section IX, Preparers, Persons Consulted, and References**) such as the most recent versions of the California Department of Fish and Game California Natural Diversity Database (California Department of Fish and Game 2008)[12] and the California Native Plant Society Inventory of Rare and Endangered Plants (2006) to identify any special-status plant and wildlife species that were reported within the Proposed Project area and, therefore, have potential to occur on the campus or vicinity. Texts and field guides also were consulted for information about biological resources during review; species nomenclature follows these texts (Hickman 1993; Jameson et al. 2004; Sibley 2003; Stebbins 2003).

Field investigation were performed in August and October 2008 at the LMU campus, including observations of the sump, the eucalyptus groves and accompanying planting surrounding Sacred Heart Chapel, the Sunken Garden area in front of the Sacred Heart Chapel, and the bluff slopes that form the campus's northern edge.

4.2 Significance Thresholds

The *Los Angeles CEQA Thresholds Guide* states that a project impact would normally be considered significant if it would:

- 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;

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12 California Department of Fish and Game. 2003. RareFind: California Department of Fish and Game Natural Diversity Database. Version 3.1.0. Update June 1, 2008.

- 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;
- Result in interference with wildlife movement/migration corridors that may diminish the chances for long-term survival of a sensitive species;[13]
- Result in the alteration of an existing wetland habitat; or
- Result in interference with habitat such that normal species behaviors are disturbed (e.g., from the introduction of noise, light) to a degree that may diminish the chances for long-term survival of a sensitive species.

Appendix G of the *State CEQA Guidelines* provides sample questions for use in an initial study to determine a project's potential for environmental impacts. According to the sample questions included in Appendix G under Section IV, Biological Resources, a project would have a potentially significant impact on biological resources if it would:

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

IV.b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;

IV.c) 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;

IV.d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;

IV.e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or

IV.f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

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13 The *Los Angeles CEQA Thresholds Guide* defines a sensitive biological resource as follows: a plant or animal that is currently listed by a state or federal agency(ies) as endangered, threatened, rare, protected, sensitive, or a Species of Special Concern or federally listed critical habitat; a plant or animal that is currently listed by a state or federal agency(ies) as a candidate species or proposed for state or federal listing; or a locally designated or recognized species or habitat (City of Los Angeles, *Los Angeles CEQA Thresholds Guide*, (2006) C-3).

Additionally, Section XVII, Mandatory Findings of Significance, of Appendix G of the *State CEQA Guidelines* states that a project would have a potentially significant impact on biological resources if it would:

XVII.a) Substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal.

For the purposes of this EIR, "special-status" species are defined as those that meet one or more of the following criteria:

- Plant and animal species considered as "Endangered, Rare, or Threatened" as defined by Section 15380 of the *State CEQA Guidelines*. Section 15380(b) states that a species of animal or plant is "Endangered" when its survival and reproduction in the wild are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, disease, or other factors. A species is "Rare" when either "(A) although not presently threatened with extinction, the species is existing in such small numbers throughout all or a significant portion of its range that it may become Endangered if its environment worsens; or (B) the species is likely to become Endangered within the foreseeable future throughout all or a portion of its range and may be considered 'Threatened' as that term is used in the Federal Endangered Species Act."

- Plants included on Lists 1 or 2 of the California Native Plant Society. These species are included because the California Native Plant Society is an authority recognized by the California Department of Fish and Game on the status of Rare plant species in California, and because the criteria for placement on List 1 or List 2 are similar to criteria that California Department of Fish and Game and United States Fish and Wildlife Service use for species considered as candidates for listing or that are already listed as Threatened or Endangered.

- Animal species designated as "Species of Special Concern" or "Fully Protected" by the California Department of Fish and Game. Although these species may have no legal status under the California Endangered Species Act, the California Department of Fish and Game recommends protecting them, as populations of these species are generally declining and they could be listed as Threatened or Endangered (under the California Endangered Species Act) in the near future.

- Birds designated by the United States Fish and Wildlife Service as "Birds of Conservation Concern." Although these species have no legal status under the Federal Endangered Species Act, the United States Fish and Wildlife Service recommends protecting them, as populations of these species are generally declining and they could be listed as Threatened or Endangered (under the Federal Endangered Species Act) in the near future.

- Riparian habitat or other natural communities considered sensitive or otherwise regulated by the California Department of Fish and Game.

- Wetlands or other aquatic habitats under the jurisdiction of the United States Army Corps of Engineers.

- Established resident or migratory wildlife movement corridors.
- Trees, habitats, or other resources protected by local policies and ordinances or otherwise considered of local concern.

Based on the City's thresholds, the Proposed Project would have a significant impact on biological resources if:

BIO-1 The Proposed Project would 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;

BIO-2 The Proposed Project would 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;

BIO-3 The Proposed Project would result in interference with wildlife movement/migration corridors that may diminish the chances for long-term survival of a sensitive species;

BIO-4 The Proposed Project would result in the alteration of an existing wetland habitat; or

BIO-5 The Proposed Project would result in interference with habitat such that normal species behaviors are disturbed (e.g., from the introduction of noise, light) to a degree that may diminish the chances for long-term survival of a sensitive species.

Additionally, based on the Section IV, Biological Resources, sample questions included in Appendix G of the *State CEQA Guidelines* (listed above), the Proposed Project would have a significant impact on biological resources if:

BIO-6 The Proposed Project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or United States Fish and Wildlife Service;

BIO-7 The Proposed Project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance;

BIO-8 The Proposed Project would conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan;

BIO-9 The Proposed Project would substantially reduce the habitat of a fish or wildlife species;

BIO-10 The Proposed Project would cause a fish or wildlife population to drop below self-sustaining levels; or

BIO-11 The Proposed Project would threaten to eliminate a plant or animal community.

4.3 Project Design Features

Proposed Project development would avoid the Westchester Bluff faces along the northern and northwestern edges of LMU's campus as this area is designated Buffer/Open Space 1 Planning Area under the proposed Specific Plan. The small runoff sump, a feature of the campus storm drain system near Drollinger Parking Plaza, would also be avoided by Proposed Project development, as this area would be designated Buffer/Open Space 2 Planning Area under the proposed Specific Plan.

4.4 Project Impacts

The bluff that makes up the northern border of LMU is heavily disturbed and planted primarily with invasive, non-native vegetation, although remnant coastal sage scrub species, including California buckwheat, toyon, and white sage, are intermittently present. As such, it is unlikely that this area would support special-status plant or wildlife species, or serve as a wildlife habitat corridor. Additionally, the Proposed Project does not propose any development in this area so no impacts are expected to occur. The sump near the Drollinger Parking Plaza also would not be altered by the Proposed Project.

Twenty-five special-status plant and 30 special-status wildlife species are recorded to have the potential to occur in the Proposed Project vicinity. These species are identified in a table contained in **Appendix IV.C, Biological Resources**, of the Draft EIR. None of these species were observed on the Proposed Project Site except for the monarch butterfly mentioned in **Section 3.3, Special-Status Plant and Wildlife Species**. Field surveys and the developed nature of the campus indicate that there is no suitable habitat to support these species on LMU's campus and Proposed Project implementation would have no impact on such resources, with the potential exception of the monarch butterfly.

Potential nesting habitat for a variety of protected bird species occurs within trees, shrubs, and ground cover within the LMU campus, in addition to the habitat associated with the bluffs; however, the removal or destruction of individual birds or active nests (including eggs and young) would be considered a violation of the Fish and Game Code of California[14] and the Federal Migratory Bird Treaty Act.[15]

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14 California Fish and Game Code, Section 3503, 3505.5, 3511, and 3513.

15 U.S. Code, Title 16, Chapter 7, Migratory Bird Treaty Act, Protection of Migratory, Game, and Insectivorous Birds (1918).

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?

4.4.1 Construction

Proposed Project construction on campus in close proximity to trees could result in impacts on common nesting bird species, which are regulated under the Fish and Game Code of California and the Migratory Bird Treaty Act. Disturbance could result in nest abandonment for bird species, which would be a potentially significant impact. Such impacts to nesting birds and monarch butterflies can be mitigated to less than significant levels with implementation of mitigation measures **MM-BIO-1** and **MM-BIO-2** in **Section 4.5**, **Mitigation Measures**, below. Otherwise, no construction-related impacts are expected.

4.4.2 Operation

The only special-status plant or wildlife observed on the LMU campus were two transient, migratory monarch butterflies, which were observed in the groves near the Sacred Heart Chapel and the sump. No clusters of over-wintering monarch butterflies were observed or are expected on the LMU campus site. Thus, since the suburban LMU campus habitat is similar to the surrounding neighborhood and LMU campus habitat, and since only relatively small portions of the campus would be under construction at any given time (i.e., specific building or facility sites), no significant impacts would result to any transient migratory individual monarch butterflies on or around campus due to the operation of the Proposed Project.

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?

The LMU campus does not contain any locally designated natural habitat or plant community, or habitat supporting any locally designated species. The bluff habitat consists predominantly of invasive, non-native ice plant with a variety of other invasive, non-native species. Only a few scattered remnant native coastal sage scrub species are located on the bluff face. This combination of plant species does not constitute a native plant community. Additionally, no special natural habitat is present on the Proposed Project Site. Therefore, no significant impacts to natural habitats or plant communities would occur from the Proposed Project.

BIO-3 Would the Proposed Project interfere with wildlife movement/migration corridors that may diminish the chances for long-term survival of a sensitive species?

The LMU campus is not a component of a wildlife migration corridor due to the topography and the urbanized setting of the campus. Although the Ballona wetlands are adjacent on the north of the Proposed Project site, movement from the wetlands up to the LMU campus 120 feet above is limited for most wildlife due to the topography of the bluffs. Additionally, due to the suburban setting of the LMU campus, no habitat exists to the west, east, or south of the Proposed Project site that would allow for wildlife to move through the LMU campus to any other location. Lincoln Boulevard also creates a barrier to east-west wildlife movement such that the undeveloped condition of the bluff only functions in a limited manner to facilitate wildlife movement inside the LMU campus. The bluff would continue to remain undeveloped with the implementation of the Proposed Project and therefore would not interfere with any currently existing wildlife movement along the LMU campus bluff area. Finally, since no regional movement corridor exists on the Proposed Project site, the implementation of the Proposed Project would not cause any further impact to the already impaired wildlife movement in the Proposed Project vicinity.

BIO-4 Would the Proposed Project result in the alteration of an existing wetland habitat?

The sump terminates on-site and flows into the City's storm-drain system, and is therefore isolated from other bodies of water; moreover, it does not simultaneously exhibit all three wetland identification parameters (indicator plants, hydric soils, and "ordinary high water mark") required to meet the United States Army Corp of Engineers definition of wetlands.[16] As such, the sump does not fall under the jurisdiction of the United States Army Corp of Engineers. Under the Porter-Cologne Water Quality Control Act, LMU would be required to maintain the sump's National Pollutant Discharge Elimination System permit. As discussed above, however, the Proposed Project would not alter the area of the sump and therefore no impacts would occur. Additionally, the riparian corridor on the Playa Vista site at the base of the bluffs is not part of the Proposed Project site and is not expected to be impacted by any activities associated with the Proposed Project. Consequently, no significant impacts to existing wetland habitat would occur from the Proposed Project.

BIO-5 Would the Proposed Project interfere with habitat such that normal species behaviors are disturbed (e.g., from the introduction of noise, light) to a degree that may diminish the chances for long-term survival of a sensitive species?

Construction of the Proposed Project would involve use of heavy equipment that would produce short-term noise increases. Such increases in noise could temporarily affect sensitive wildlife species in the Proposed Project vicinity. However, because no such wildlife species are likely to occur, interferences

16 United States Army Corp of Engineers, *Technical Report Y-87-1, Corps of Engineers Wetlands Delineation Manual,* (1987).

associated with construction activities would not be expected to diminish the chances for long-term survival of a sensitive species, and would not be considered significant.

BIO-6 Would the Proposed Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or United States Fish and Wildlife Service?

As discussed above, the sump on the LMU campus would not be altered as a result of the Proposed Project and no impacts would result in the riparian corridor on the Playa Vista project site, consequently, no significant impacts to existing wetland habitat would occur.

BIO-7 Would the Proposed Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The City of Los Angeles Municipal Code Section 46.00, Protected Tree Regulations, covers four groups of native trees. Two protected tree species were observed on LMU during the site visit: coast live oak and western sycamore. Complying with the City's permit requirements would reduce any impacts to protected trees to less than significant. Specifically, any replacement tree for a protected tree of a certain size that is removed shall be at least a 15-gallon tree, or larger, measure 1 inch or more in diameter 1 foot above the base, and be not less than 7 feet in height measured from the base. The size and number of replacement trees shall approximate the value of the tree to be replaced. With implementation of mitigation measure **MM-BIO-3** in **Section 4.5**, **Mitigation Measures**, below, impacts to protected trees would be less than significant.

BIO-8 Would the Proposed Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The Proposed Project site is not identified as part of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other habitat conservation plan. The Proposed Project site is predominantly a developed institution of higher education and does not contain wildlife habitat that would support special-status species for which conservation plans would benefit. There is limited potential for the monarch butterfly to use the LMU campus except as a transient and this would be insufficient to warrant consideration for a future habitat conservation plan. Therefore, the implementation of the Proposed Project would not result in significant impacts to an established conservation plan.

BIO-9 Would the Proposed Project substantially reduce the habitat of a fish or wildlife species?

Implementation of the Proposed Project would not reduce any habitat for a fish species because there is no habitat present on the Proposed Project site. Implementation of the Proposed Project also would not substantially reduce habitat for wildlife species that have adapted to the developed urban setting of the existing LMU campus. Therefore, impacts to habitat for fish or wildlife species would be less than significant.

BIO-10 Would the Proposed Project cause a fish or wildlife population to drop below self-sustaining levels?

Implementation of the Proposed Project would only result in the removal of ornamentally landscaped areas on campus and the addition of approximately 5 acres of open space, some of which could support common wildlife species, but which do not typically sustain entire wildlife populations. Additionally, only relatively small portions of the campus would be under construction at any given time (i.e., specific building sites), and wildlife would be able to take advantage of areas not under construction elsewhere on campus. Finally, those urban-adapted wildlife species frequently exhibit behavior adjusted to the urban environment compatible with the proposed land uses. Therefore, impacts to fish and wildlife populations would be less than significant.

BIO-11 Would the Proposed Project threaten to eliminate a plant or animal community?

The removal of the existing urbanized landscaped areas would be replaced with new urbanized landscaped areas with implementation of the Proposed Project. Consequently, development of the Proposed Project would not threaten to eliminate a plant community or an animal community; therefore, impacts to plant or animal communities would be less than significant.

4.5 Project Design Features and Mitigation Measures

PDF-BIO-1 Development of the Proposed Project shall comply with the land use regulations for open space areas established by the proposed LMU Specific Plan.

Prior to implementation of mitigation, Proposed Project construction and operation could have potentially significant impacts on biological resources on the Proposed Project site. The following mitigation measures shall be implemented to reduce these impacts.

MM-BIO-1 Prior to any earthmoving activities during the breeding and nesting season, the Applicant shall have a survey conducted by a qualified biologist to determine if active nests for breeding birds are present within the area of potential influence of the species.

This area of influences shall include the nest site as well as an appropriate buffer determined by the biologist based on field observations and the biology of the species. This survey shall be conducted within three (3) days before the clearing/grubbing. If nesting birds protected under the Migratory Bird Treaty Act or California Fish and Game Code are found, the breeding/nesting area(s) shall be protected according to the biologist's recommendation that include, but are not limited to, suitable buffer area around the nest, which shall not be disturbed until the young have fledged.

MM-BIO-2 Prior to any removal of trees from the months of October to February, the Applicant shall have a full survey conducted by a qualified biologist to determine if monarch butterfly clusters are present and the trees are providing overwintering habitat for monarch butterflies. If such overwintering habitat does not exist, tree removal can proceed. If such overwintering habitat exists, removal of trees shall be prohibited unless it is determined by the City that such removal is necessary by reason of good forestry practice, disease of the tree, or safety considerations. Any such determinations, including tree maintenance or trimming, shall be accompanied by a written evaluation of the impacts of the proposed action on habitat resources by a qualified expert on the monarch butterfly. Such report and investigations shall be arranged for by the City and paid for by the Applicant as part of environmental review.

Construction within or on properties within 100 feet of any designated overwintering habitat shall be prohibited from October to February when the monarch butterflies are present. Removal or modification of trees within the overwintering habitat shall not be permitted during these periods except when determined by the City to be a necessary emergency to protect human life or property.

MM-BIO-3 For each protected tree intended for removal in implementation of the Project, replacement trees shall be planted in accordance with Section 46.01 of the Los Angeles Municipal Code.

4.6 Level of Impact After Mitigation

Impacts associated with biological resources, locally designated natural habitat or plant community (BIO-2), wildlife movement/migration corridors (BIO-3), jurisdictional wetland habitat (BIO-4), habitat required for long-term survival of a sensitive species (BIO-5), riparian or other sensitive natural communities (BIO-6), local, regional, or state habitat conservation plans (BIO-8), reduction of the habitat of a fish or wildlife species (BIO-9), fish and wildlife populations (BIO-10), and plant and animal

communities (BIO-11), would all be less than significant. Implementation of mitigation measures identified in this section would reduce the potential significant impacts to common and special-status wildlife species (BIO-1), and protected trees (BIO-7) to less than significant levels.

4.7 Cumulative Impacts

Cumulative impacts are defined by the City of Los Angeles as those impacts associated with related projects that, in combination with the Proposed Project, could impact sensitive biological resources (City of Los Angeles 2006). Related projects in the vicinity of the Proposed Project site have been identified (see **Section III, General Description of Environmental Setting**) in order to evaluate cumulative impacts for the proposed Master Plan Project. Three related projects, Playa Vista Phases I and II and the Playa Vista Plant, are located at the base of the Westchester Bluffs. The following discussion analyzes whether impacts associated with related projects when combined with possible impacts of the proposed Master Plan Project would significantly obstruct regional wildlife movement corridors, result in a significant loss of wildlife habitat, or affect sensitive plant or animal species. In addition, the impact of cumulative Proposed Project operational activities on sensitive species and habitats is assessed. The cumulative impacts to biological resources resulting from both construction and operation of this and related projects are addressed below.

4.7.1 Construction

Construction of the related projects would incrementally, over time, result in impacts to biological resources in an area where limited natural biological resources exist because the Proposed Project site and surrounding land uses are highly urbanized. Construction of the Proposed Project would be expected to be built gradually over time commencing in 2010.

Impacts to wildlife movement corridors in the vicinity of the LMU campus would not occur because neither the campus nor related projects in the area contain any prominent corridors; the urbanized environment offers no core habitat areas capable of sustaining wildlife species. Therefore, cumulative impacts to regional wildlife movement through construction of these projects would not be considered significant, as these impacts would not disrupt wildlife movement.

Implementation of the Proposed Master Plan Project together with related projects in the urbanized Westchester area would not impact open space available for plant and animal habitat, wildlife foraging areas, wintering grounds, and nest sites. The Proposed Project site hosts no natural plant and wildlife habitats, so the Proposed Master Plan Project, in combination with the above related projects, would not contribute to the cumulative loss of such areas. Such areas would continue as urbanized land uses that do

not contain habitat opportunities for plant and wildlife species. Therefore, cumulative impacts resulting from the Proposed Project combined with related projects in the region would be less than significant.

4.7.2 Operation

Current LMU operations have some indirect impacts on biological resources in the Proposed Project area; such impacts are caused by the presence of humans, non-native plants in the area, light and glare, and stormwater runoff. With implementation of the Proposed Project, indirect impacts on biological resources in adjacent areas of open space, such as the Ballona Ecological Preserve, would be slightly increased. Indirect effects on biological resources during and following Proposed Project buildout would be similar to LMU's present indirect impacts on those resources. The cumulative operational impacts from related projects would not result in substantial damage to sensitive species or habitats, due in large part to the low biological diversity found on the LMU campus. Therefore, cumulative operational impacts to biological resources resulting from the Proposed Project, in combination with related projects, would be less than significant.