

## 3.3 Biological Resources

This section describes and evaluates potential effects related to biological resources that could result from construction and operation of the Proposed Project. The section contains: (1) a description of the existing environmental setting for biological resources as well as a description of the Adjusted Baseline Environmental Setting; (2) a summary of the federal, State, and local regulations related to biological resources; and (3) an analysis of potential impacts to biological resources associated with the implementation of the Proposed Project, as well as identification of potentially feasible measures that could mitigate significant impacts.

Comments received in response to the NOP for the EIR can be found in Appendix B, though no specific comments regarding biological resources were provided.

The analysis included in this section was developed based upon a review of potentially occurring special-status species,<sup>1</sup> as well as existing wildlife habitats, vegetation communities, and jurisdictional resources based on the results of a field reconnaissance visit conducted by ESA biologists on May 10, 2018, and a review of available information related to biological resources in the vicinity of the Project Site. A database query of the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB)<sup>2</sup> and the California Native Plant Society (CNPS) Inventory of Rare and Endangered Vascular Plants of California<sup>3</sup> was conducted to identify special-status wildlife and plant species that have been recorded in the region. The database queries included the US Geological Survey (USGS) 7.5-minute quadrangle and the surrounding eight quadrangles for Inglewood: Beverly Hills, Hollywood, Los Angeles, Venice, South Gate, Long Beach, Torrance, and Redondo Beach. In addition, the US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) database<sup>4</sup> was also queried, which identifies federally-listed species that have been recorded in the region was also conducted.

### 3.3.1 Environmental Setting

#### Regional Setting

The Project Site is located in the City of Inglewood, just south of the Hollywood Park along West Century Boulevard, within Los Angeles County. Regional geographic features in the surrounding area include the Los Angeles Basin. The City of Inglewood is located approximately 9.5 miles south of the Santa Monica Mountains and about 6 miles east of the Pacific Ocean.

<sup>1</sup> Species that are protected pursuant to Federal or State endangered species laws, or have been designated as Species of Special Concern by the CDFW, or species that are not included on any agency listing but meet the definition of rare, endangered or threatened species of the CEQA Guidelines section 15380, are collectively referred to as “special-status species.”

<sup>2</sup> California Department of Fish and Wildlife, 2019. California Natural Diversity Database RareFind 5 personal computer program. <http://www.dfg.ca.gov/biogeodata/cnddb/mapsanddata.asp>. Accessed June 26, 2019. Data set expires December 1, 2019.

<sup>3</sup> California Native Plant Society, 2019. *Inventory of Rare and Endangered Plants (online edition, v7-13)*. <http://www.rareplants.cnps.org/>. Accessed June 27, 2019.

<sup>4</sup> US Fish and Wildlife Service, 2019. Information for Planning and Consultation (IPaC). <https://ecos.fws.gov/ipac/>. Accessed June 26, 2019.

The climate in the region is Mediterranean, with dry summers and cool winters; however, the region has experienced periodic drought conditions. Generally, the Los Angeles Basin receives most of its precipitation between November and March. Annual precipitation averages around 14 inches a year.

Plant communities and diverse habitats are limited in the vicinity of the Project Site due to extensive urbanization and development. “[T]he complete urbanization of Inglewood has appreciably limited any remaining natural resources to be conserved.”<sup>5</sup> Plant communities that occur within urbanized areas in the region typically consist of maintained ornamental landscaping.

## **Project Site Overview**

The entirety of the Project Site was surveyed for biological resources. Adjacent areas are completely developed and urbanized; therefore, adjacent areas did not need to be assessed for their potential to support special-status species.

### ***Arena Site***

The approximately 17-acre Arena Site is the largest contiguous part of the Project Site and is located at the southeast corner of the intersection of West Century Boulevard and South Prairie Avenue. The site is previously disturbed and mostly barren dirt (non-vegetated) with portions that are developed with concrete slab or buildings. There are some portions of the Project Site that contain sparse non-native grasses and ornamental plants, and are surrounded by residential, commercial and institutional development, including sidewalks and adjacent roadways lined by ornamental trees.

### ***West Parking Garage Site***

The approximately 5-acre West Parking Garage Site is located at the southwest corner of the intersection of West Century Boulevard and South Prairie Avenue. It is previously disturbed and dominated by non-native grasses and ornamental plants. Four street trees are located in the middle of this site along West 101st Street. The site is surrounded by an urban/developed landscape and adjacent land uses include residential and commercial developments.

### ***East Transportation and Hotel Site***

The approximately 5-acre East Transportation and Hotel Site is located along West Century Boulevard between South Doty Avenue and Yukon Avenue South. The site consists of a disturbed lot that is currently barren with some patches of non-native grasses and ornamental plants with nine ornamental trees. Commercial development is adjacent to this site.

### ***Well Relocation Site***

The 0.7-acre Well Relocation Site is located near the southwest corner of West 102nd Street and South Doty Avenue intersection. The Well Relocation Site has been previously disturbed and is

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<sup>5</sup> City of Inglewood General Plan, Conservation Element (adopted October 21, 1997), p. 5.

comprised of mostly non-native grasses and ornamental plants. Seven ornamental trees are also found within this site. The site is surrounded by commercial and residential land uses.

## Plant Communities and Land Cover Types

Plant communities are assemblages of plant species that occur together in a given area and are defined by species composition and relative abundance. The plant communities and land cover types described in this section were classified according to CDFW's *A Guide to Wildlife Habitats*.<sup>6</sup>

### **Barren**

Barren land cover type is defined by the absence of vegetation (less than two percent total vegetation cover by herbaceous species and less than 10 percent cover by tree or shrub species). Barren habitats occupying the Arena Site include graveled areas or bare ground and total approximately 3.06 acres (roughly 11 percent of the total Project Site).

### **Disturbed**

Disturbed land cover type are areas that have been previously disturbed by grading, vehicle use, and/or vegetation clearing and maintenance. Disturbed land cover consists of approximately 20.72 acres, or 74 percent, of the total Project Site. All components of the Project Site contain some disturbed habitat. Due to the extent of historical and current disturbance, these areas remain sparsely vegetated by assemblages of introduced non-native, weedy species that are adapted to regular disturbance. Total herbaceous cover is greater than two percent, so this land cover type does not qualify as barren. Dominant plant species observed within these disturbed areas include ripgut brome (*Bromus diandrus*), red brome (*Bromus madritensis* ssp. *rubens*), wild oat (*Avena fatua*), Bermuda grass (*Cynodon dactylon*), redstem filaree (*Erodium cicutarium*), wild barley (*Hordeum spontaneum*), and cheeseweed (*Malva parviflora*).

### **Urban/Developed**

Urban/developed land cover type comprise approximately 4.35 acres of the Project Site (approximately 15 percent of the total Project Site), including landscaped areas that occur throughout the Project Site. Urban/developed land cover type consist of buildings, roadways, and other built infrastructure. Typically, vegetation associated with urban/developed areas consists of non-native, ornamental landscaping, including lawns, shrubs, shade trees and hedges. Ornamental trees that occur on the Project Site or along the streets abutting the site include such species as: tree of heaven (*Ailanthis altissima*), carrotwood (*Cupaniopsis anacardioides*), Chinese banyan (*Ficus macrocarpa*), London planetree (*Platanus x acerifolia*), Peruvian pepper tree (*Schinus molle*), Brazilian pepper tree (*Schinus terebinthifolius*), and Mexican fan palm (*Washingtonia robusta*). One native tree species, coast live oak (*Quercus agrifolia*), occurs as an ornamental species within the Project Site and along the streets abutting the Project Site as further discussed in the Protected Trees section below.

<sup>6</sup> Mayer, Kenneth E., and W.F. Laudenslayer, Jr. 1988. *A Guide to Wildlife Habitats of California*. State of California Resources Agency, Department of Fish and Game. Sacramento, CA. <https://www.wildlife.ca.gov/Data/CWHR/Wildlife-Habitats>. Accessed October 14, 2018.

## Common Wildlife Species

Barren land cover type provides limited opportunities for wildlife. Common wildlife species observed in the disturbed and urban/developed areas during the site visit include white-throated swift (*Aeronautes saxatalis*), California scrub jay (*Aphelocoma californica*), cedar waxwing (*Bombycilla cedrorum*), house finch (*Carpodacus mexicanus*), rock pigeon (*Columba livia*), American crow (*Corvus brachyrhynchos*), common raven (*Corvus corax*), barn swallow (*Hirundo rustica*), hooded oriole (*Icterus cucullatus*), western gull (*Larus occidentalis*), northern mockingbird (*Mimus polyglottos*), cliff swallow (*Petrochelidon pyrrhonota*), bushtit (*Psaltriparus minimus*), black phoebe (*Sayornis nigricans*), Allen's hummingbird (*Selasphorus sasin*), Cassin's kingbird (*Tyrannus vociferans*), and mourning dove (*Zenaida macroura*). Non-native herbaceous cover may provide habitat for common urban species such as rock pigeon, house sparrow (*Passer domesticus*), house finch, and mourning dove.

Common wildlife species that were not observed but may be expected to occur include opossum (*Didelphis virginiana*) and common rodents such as deer mice (*Peromyscus maniculatus*). However, certain wildlife species are highly adapted to urbanization and are known to use barren (gravelly) habitat; such species include killdeer (*Charadrius vociferus*). Although this species was not observed during the survey, there is a high potential for it to occur.

## Special-Status Species

Special-status species are legally protected under the State and Federal Endangered Species Acts or other regulations, or are species that are considered sufficiently rare by the scientific community to qualify for such listing. These species are in the following categories:

1. Species listed or proposed for listing as threatened or endangered under the Federal Endangered Species Act (FESA) (50 Code of Federal regulations [CFR] 17.12 [listed plants], 17.11 [listed animals] and various notices in the Federal Register [FR] [proposed species]);
2. Species that are candidates for possible future listing as threatened or endangered under the federal Endangered Species Act (61 FR 40, February 28, 1996);
3. Species listed or proposed for listing by the State of California as threatened or endangered under the California Endangered Species Act (CESA) (14 California Code of Regulations [CCR] 670.5);
4. Plants listed as rare or endangered under the California Native Plant Protection Act (California Fish and Game Code, Section 1900 et seq.);
5. Animal species of special concern to CDFW;
6. Animals fully protected under Fish and Game Code (California Fish and Game Code, Sections 3511 [birds], 4700 [mammals], and 5050 [reptiles and amphibians]);
7. Species that meet the definitions of rare and endangered under CEQA. CEQA Section 15380 provides that a plant or animal species may be treated as "rare or endangered" even if not on one of the official lists (CEQA Guidelines section 15380); and

8. Plants considered under the CNPS to be “rare, threatened or endangered in California” (Rank 1A, 1B, and 2 in CNPS, 2013) as well as CNPS Rank 3 and 4<sup>7</sup> plant species.

A list of special-status species that have the potential to occur within the vicinity of the Project Site was compiled based on data in the CNDDDB,<sup>8</sup> and the CNPS Inventory of Rare and Endangered Plants.<sup>9</sup> A list of special-status species relevant to the Project Site, their general habitat requirements, and their potential to occur within the vicinity of the Project Site is provided in Appendix E. All recorded observations of special-status species within the USGS Inglewood quadrant and the surrounding 8 quadrants are included within the table.<sup>10</sup> The full list of species is presented in Appendix E. The following criteria was used to determine the potential for a special-status species to occur in the Project Site and immediate surrounding area:

- **Unlikely:** The Project Site and/or surrounding area do not support suitable habitat for a particular species, or the Project Site is outside of the species known range. In addition, the species has not otherwise been reported to exist on the Project Site;
- **Low Potential:** The Project Site and/or immediate area only provide limited amounts and low quality habitat for a particular species. In addition, the known range for a particular species may be outside of the immediate project vicinity. In addition, the species has not otherwise been reported to exist on the Project Site;
- **Medium Potential:** Although the species has not been reported to exist on the Project Site, the site and/or immediate area provide suitable habitat for a particular species; or
- **High Potential:** The Project Site and/or immediate area provide ideal habitat conditions for a particular species and/or known populations occur in immediate area and/or within the Project Site.

The CNDDDB and CNPS database queries identified 59 special-status plant species having been recorded in the region. All of the 59 special-status plant species were determined to be Unlikely to occur in Project Site due to lack of suitable habitats and soils. None of the 59 special-status plant species has been reported to exist on the Project Site. None of these species was observed during the on-site survey.

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<sup>7</sup> Rank 3 and 4 plants may be analyzed under CEQA §15380 if sufficient information is available to assess potential impacts to such plants. Factors such as regional rarity versus statewide rarity should be considered in determining whether cumulative impacts to a Rank 3 or 4 plant are significant even if individual project-level impacts are not. CNPS Rank 3 and 4 may be considered regionally significant if, for example, the occurrence is located at the periphery of the species’ range, or exhibits unusual morphology, or occurs in an unusual habitat/substrate. For these reasons, CNPS Rank 3 and 4 plants have been included in the special-status species analysis. Rank 3 and 4 plants are also included in the California Natural Diversity Database Special Plants, Bryophytes, and Lichens List. [Refer to the current published list available at: <http://www.dfg.ca.gov/biogeodata>.]

<sup>8</sup> California Department of Fish and Wildlife, 2019. California Natural Diversity Database RareFind 5 personal computer program. <http://www.dfg.ca.gov/biogeodata/cnddb/mapsanddata.asp>. Accessed June 26, 2019. Data set expires December 1, 2019.

<sup>9</sup> California Native Plant Society, 2019. *Inventory of Rare and Endangered Plants (online edition, v7-13)*. <http://www.rareplants.cnps.org/>. Accessed June 27, 2019.

<sup>10</sup> California Department of Fish and Wildlife, 2019. California Natural Diversity Database RareFind 5 personal computer program. <http://www.dfg.ca.gov/biogeodata/cnddb/mapsanddata.asp>. Accessed June 26, 2019. Data set expires December 1, 2019.

The database queries also identified 35 special-status wildlife species that have been recorded in the region. Based on the biological resource reconnaissance, it was determined that all of the 35 special-status wildlife species are unlikely to be present because the Project Site lacks suitable habitat for these 35 wildlife species, and/or the Project Site is outside of the species' known range. In addition, none of these 35 wildlife species has been reported to have been observed there, and none was observed during the on-site survey.

### **Sensitive Natural Communities**

Six sensitive natural communities/habitats have been reported within the Inglewood USGS quadrangle map and the eight surrounding USGS quadrangles queried of the CNDDDB and CNPS databases or have been reported to the USFWS IPaC database (Appendix E) within the vicinity of the Project Site. The six sensitive natural communities that have the potential to occur within the vicinity are: California walnut woodland, southern coast live oak riparian forest, southern coastal bluff scrub, southern dune scrub, southern sycamore alder riparian woodland, and walnut forest. During the field reconnaissance, it was determined that none of these sensitive habitats exist within, or adjacent to, the Project Site and they are therefore excluded from further discussion.

### **Designated Critical Habitat**

USFWS designates critical habitat for certain species listed by the agency as threatened or endangered. "Critical habitat" is defined in FESA Section 3(5)(A) as those lands within a listed species' current range that contain the physical or biological features considered essential to the species' conservation, as well as areas outside the species' current range that are determined to be essential to its conservation. The Project Site and the surrounding adjacent areas do not contain any designated critical habitat for any federally listed species.

### **Jurisdictional Resources**

Depressions, channels, or other aquatic features that hold or convey water can fall under the jurisdiction of agencies that regulate activities within these resources. When such features exist on a Project Site, a jurisdictional delineation may be prepared to determine the extent of federal or state jurisdiction. A jurisdictional delineation was not conducted for the Proposed Project because, based on the biological field reconnaissance, there were no features or conditions present on Project Site that would potentially be subject to the jurisdiction of the US Army Corps of Engineers or the Los Angeles Regional Water Quality Control Board, and/or CDFW.

### **Wildlife Movement Corridors**

Wildlife movement corridors can provide favorable locations for wildlife to travel between different habitat areas such as foraging sites, breeding sites, cover areas, and preferred summer and winter range locations. They may also function as dispersal corridors allowing animals to move between various locations within their range. Wildlife movement corridors are considered important ecological resources and adverse impacts to such movement corridors can be determined to be significant. Areas of human disturbance or urban development can fragment wildlife habitats and impede wildlife movement between areas of suitable habitat. This

fragmentation creates isolated “islands” of vegetation that may not provide sufficient area to accommodate sustainable populations, and can adversely affect genetic and species diversity.

No wildlife movement corridors were identified within or immediately adjacent to the Project Site, as the surrounding areas are highly fragmented by urban development and the site itself is largely developed and/or disturbed.

### Protected Trees

As stated in the City's Tree Preservation Ordinance, “[t]rees that are properly maintained increase property values, maintain the natural ecology, temper the effects of extreme temperatures, reduce runoff, prevent erosion of topsoil, and help create and maintain the identity and visual character of the City. Trees can help to provide protection from flooding and risks of landslides. They also increase oxygen output, which helps to combat air pollution.” They also sequester carbon, which may help offset greenhouse gas emissions from other sources (Chapter 12, Article 32, of the Inglewood Municipal Code).

According to a tree inventory conducted for the Project Site<sup>11</sup> (Appendix E), there are a total of 72 trees present on the Project Site that are considered “protected trees” under the City’s tree ordinance. These trees consist of city street trees, native trees, and trees with a minimum diameter at breast height (DBH) of 8 inches. Additionally, there are 37 trees within the Project Site that are not considered “protected trees” under the City’s tree ordinance because they do not fall into one of the categories in the City’s ordinance (i.e., they are not a street tree, a native tree, a tree with a minimum DBH of 8 inches, or otherwise protected trees under the ordinance). All of the trees that occur within the Project Site consist of the following species: floss silk tree (*Ceiba speciosa*), Tasmanian blue gum (*Eucalyptus globulus*), silver dollar gum (*Eucalyptus polyanthemos*), Indian laurel fig (*Ficus microcarpa*), unidentified pine (*Pinus* spp.), Queensland pittosporum (*Pittosporum rhombifolium*), coast live oak (*Quercus agrifolia*), Brazilian pepper tree (*Schinus terbinthifolia*), and Mexican fan palm (*Washingtonia robusta*).

### 3.3.2 Adjusted Baseline Environmental Setting

Section 3.3, Biological Resources, assumes the HPSP Adjusted Baseline Environmental Setting as described in Section 3.0, Introduction to the Analysis. Due to the urban nature of the areas within the HPSP area, it is anticipated that sensitive biological resources located within the HPSP area are limited to trees that are protected in accordance with the City of Inglewood Tree Preservation Ordinance, which is similar to the extent of sensitive biological resources that exist on the Project Site.

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<sup>11</sup> AECOM Technical Services, Inc., 2018. Preliminary Landscape Plan, Tree Survey.

### 3.3.3 Regulatory Setting

#### Federal

##### ***Federal Endangered Species Act***

Species are listed as either endangered or threatened under FESA Section 4, which defines as “endangered” any plant or animal species that is in danger of extinction throughout all or a significant portion of its range, and as “threatened” any species that is likely to become endangered in the foreseeable future. FESA Section 9 prohibits “take” of listed endangered species, and may be extended to threatened species by rule. The term “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in such conduct. Harm under the definition of “take” includes disturbance or loss of habitats used by a threatened or endangered species during any portion of its life history. Under FESA Section 10, “take” may be authorized when it is incidental to, but not the purpose of, an otherwise lawful act.

##### ***The Migratory Bird Treaty Act of 1918***

Under the Migratory Bird Treaty Act (MBTA) (US Code Title 16 Sections 703–711) it is prohibited, except as permitted by regulations, “to pursue, take, or kill any migratory bird, or any part, nest or egg of any such bird ...” The MBTA protects over 800 species, including geese, ducks, shorebirds, raptors, songbirds, and many relatively common species. Permits for take of nongame migratory birds can be issued only for specific activities, such as scientific collecting, rehabilitation, propagation, education, taxidermy, and protection of human health and safety and personal property.

#### State

##### ***California Endangered Species Act***

The CESA and implementing regulations in the Fish and Game Code, Sections 2050–2089, include provisions for the protection and management of plant and animal species listed as endangered or threatened, or designated as candidates for such listing. Incidental take of an endangered species is permitted by CDFW only under certain conditions and provided that the proper federal permits have been obtained and notifications made to the CDFW.

Pursuant to Section 2081 of the Code, the CDFW may authorize individuals or public agencies to import, export, take, or possess, any state-listed endangered, threatened, or candidate species. These otherwise prohibited acts may be authorized through permits or Memoranda of Understanding if: (1) the take is incidental to an otherwise lawful activity; (2) impacts of the authorized take are minimized and fully mitigated; (3) the permit is consistent with any regulations adopted pursuant to any recovery plan for the species; and (4) the applicant ensures adequate funding to implement the measures required by CDFW. The CDFW makes this determination based on available scientific information and considers the ability of the species to survive and reproduce.



## **California Fish and Game Code**

### **Fully Protected Species**

Certain species are considered *fully protected*, meaning that the code explicitly prohibits all take of individuals of these species except for take permitted for scientific research. Section 5050 lists fully protected amphibians and reptiles, Section 5515 lists fully protected fish, Section 3511 lists fully protected birds, and Section 4700 lists fully protected mammals.

### **Nesting Birds**

Under California Fish and Game Code Section 3503, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto. Section 3503.5 of the code prohibits take, possession, or destruction of any birds in the orders Falconiformes (hawks) or Strigiformes (owls), or of their nests and eggs. Migratory non-game birds are protected under Section 3800, while other specified birds are protected under Section 3505.

### **Native Plant Protection Act**

The California Native Plant Protection Act (NPPA) directs the CDFW to “preserve, protect, and enhance endangered plants in this state.” The NPPA provides the California Fish and Wildlife Commission the power to designate native plants as endangered or rare and to require permits for collecting, transporting, or selling such plants. CESA expanded on the original NPPA and provided enhanced legal protection for plants. CESA established threatened and endangered species categories, and grandfathered all rare animals—but not rare plants—into the act as threatened species. Thus, three listing categories for plants are employed in California: rare, threatened, and endangered.

### **California Native Plant Society**

The CNPS maintains a list of plant species native to California that have low numbers, limited distribution, or are otherwise threatened with extinction. This information is published in the Inventory of Rare and Endangered Vascular Plants of California. Potential impacts to populations of CNPS-listed plants may receive consideration under CEQA review. The following identifies the definitions of the CNPS listings:

- Rank 1A: Plants presumed extirpated in California and either rare or extinct elsewhere.
- Rank 1B: Plants Rare, Threatened, or Endangered in California and elsewhere.
- Rank 2A: Plants presumed extirpated in California, but more common elsewhere.
- Rank 2B: Plants Rare, Threatened, or Endangered in California, but more common elsewhere.
- Rank 3: Plants about which more information is needed - A Review List.
- Rank 4: Plants of limited distribution - A Watch List.

This EIR considers the potential presence of all CNPS listed plants.

## Local

### **City of Inglewood General Plan**

The City of Inglewood's General Plan does not identify any goals or policies related specifically to the protection of biological resources.

The City of Inglewood General Plan's Conservation Element contains policies promoting the conservation, protection and effective use of natural resources other than biological resources. Because these policies are addressed elsewhere in this EIR, this chapter does not address the consistency of the Proposed Project with these policies.

### **City of Inglewood Tree Preservation Ordinance**

City Municipal Code Chapter 12, Article 32<sup>12</sup>, includes provisions to protect trees located on both public and private land in the City. The following trees are considered "protected trees" under the ordinance: (1) all trees having a minimum DBH of 8 inches; (2) street trees or other required trees such as those required as a condition of approval, Use Permit, or other zoning requirement; (3) memorial trees dedicated by an entity recognized by the City, and all specimen trees that define a neighborhood or community; (4) trees of the following species that are at least 4 inches diameter at breast height: big leaf maple (*Acer macrophyllum*), California buckeye (*Aesculus californica*), madrone (*Arbutus menziesii*), western dogwood (*Cornus nuttallii*), California sycamore (*Platanus racemose*), coast live oak (*Quercus agrifolia*), canyon live oak (*Quercus chrysolepis*), blue oak (*Quercus douglassii*), Oregon white oak (*Quercus garryana*), California black oak (*Quercus kelloggii*), valley oak (*Quercus lobate*), interior live oak (*Quercus wislizenii*), and California bay (*Umbellularia californica*); and (5) a tree or trees of any size planted as a replacement for a protected tree (Ord. 12-06 5-8-12, sec. 12-113).

No person shall remove, destroy, perform cutting of branches over one inch in diameter, or disfigure or cause to be removed or destroyed or disfigured any protected tree without having first obtained a permit to do so. All protected trees shall require a permit for removal, relocation, cutting or reshaping. All removed or disfigured trees shall also require replacement with like-size, like-kind trees or an equal value tree or trees as determined by the City's Master Plan or the Parks, Recreation and Library Services Department. If a replacement tree is unavailable in like size or kind, the value of the original protected tree shall be determined using the latest edition of Guide for Plant Appraisal by the International Society of Arboriculture. The valuation is used to determine the number and size of replacement trees required. The replacement trees must be located on site wherever possible. Where there is not sufficient room on site for the replacement trees, another site may be designated (Ord. 12-06 5-8-12, sec. 12-116).

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<sup>12</sup> City of Inglewood. *Municipal Code Chapter 12 Article 32, Tree Preservation*. [www.qcode.us/codes/inglewood](http://www.qcode.us/codes/inglewood). Accessed October 10, 2018.

### 3.3.4 Analysis, Impacts, and Mitigation

#### Significance Criteria

The City has not adopted thresholds of significance for the analysis of impacts to biological resources. The following thresholds of significance are consistent with CEQA Guidelines Appendix G. A significant impact would occur if the Proposed Project would:

1. 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 Wildlife or US Fish and Wildlife Service;
2. 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 Wildlife or US Fish and Wildlife Service;
3. Have a substantial adverse effect on state or federally protected wetlands (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
4. 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;
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

#### Methodology and Assumptions

The impact analysis focuses on foreseeable changes to the baseline condition in the context of the significance criteria presented above. In conducting the following impact analysis, the following criteria were considered:

- Magnitude of the impact (i.e., substantial versus not substantial);
- Uniqueness of the affected resource (i.e., rarity of the resource); and
- Susceptibility of the affected resource to perturbation (i.e., sensitivity of the resource).

The evaluation of the significance of the following construction and operational impacts considered the interrelationship of these three components. For example, a relatively small magnitude impact to a State or federally listed species would be considered significant because the species is very rare and is believed to be very susceptible to disturbance. Conversely, a plant community such as California annual grassland is not necessarily rare or sensitive to disturbance. Therefore, a much larger magnitude of impact would be required to result in a significant impact.

### ***Issues Determined to be Less Than Significant***

Upon review of the Proposed Project, the City of Inglewood determined that due to the physical characteristics of the Project Site and the Proposed Project, several biological resources issues would involve issues or resources that would not be affected by the Proposed Project and need not be further considered in the Draft EIR.<sup>13</sup> The discussions below provide brief statements of reasons for the City's determination that these issues do not warrant further consideration in the EIR.

The following significance criteria were found to address issues that would not be affected by the Proposed Project. With respect to significance criterion 2, as described under Environmental Setting, the Project Site does not contain any riparian habitat or other sensitive natural community. With respect to significance criterion 3, as described under Environmental Setting, no federally or state-protected wetlands or waters occur on the Project Site or in the vicinity of the Project Site. With respect to significance criterion 6, as described under Environmental Setting, the Project Site is not located within the boundaries of a habitat conservation plan (HCP), natural communities conservation plan (NCCP), or any other applicable conservation plan. The following discussion further addresses these criteria.

#### **The Proposed Project would not 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 Wildlife or US Fish and Wildlife Service. (No Impact)**

The Project Site does not contain any riparian habitat and does not contain any streams or water courses necessary to support riparian habitat. The majority of the Project Site is vacant, undeveloped land that has been previously developed and cleared, is heavily disturbed and regularly maintained, with the remaining parts of the Project Site being developed with uses. These conditions do not support any other sensitive natural communities. The nearest open space with natural communities is the Kenneth Hahn State Recreation Area, located approximately 4.5 miles northwest of the Project Site. As a result of these conditions, the Proposed Project would not have any effect on riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations by CDFW or USFWS. Thus, there would be **no Project-level or cumulative impacts** of the Proposed Project related to this significance criterion.

#### **The Proposed Project would not have a substantial adverse effect on state or federally protected wetlands (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. (No Impact)**

Based on the 2018 biological reconnaissance survey, there were no wetlands or other aquatic features that could potentially be protected by federal or state regulations. Therefore, construction

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<sup>13</sup> Public Resources Code section 21003(e) states that “[t]o provide more meaningful public disclosure, reduce the time and cost required to prepare an environmental impact report, and focus on potentially significant effects on the environment of a proposed project, lead agencies shall, in accordance with Section 21100, focus the discussion in the environmental impact report on those potential effects on the environment of a proposed project which the lead agency has determined are or may be significant. Lead agencies may limit discussion on other effects to a brief explanation as to why those effects are not potentially significant.”

and operation of the Proposed Project would not be anticipated to impact federal or state jurisdictional resources, including wetlands. Thus, there would be **no Project-level or cumulative impacts** of the Proposed Project related to this significance criterion.

**The Proposed Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. (No Impact)**

The Project Site is not located within the boundaries of, or in the vicinity of, any HCP or NCCP. The closest designated HCP (the City of Rancho Palos Verdes HCP) is located approximately 10 miles south/southwest from the Project Site.<sup>14</sup> Since there would be no interaction between the Proposed Project and an approved HCP or NCCP, the Proposed Project would not conflict with the provisions of any adopted conservation plan. Thus, there would be **no Project-level or cumulative impacts** of the Proposed Project related to this significance criterion.

## **Impacts and Mitigation Measures**

**Impact 3.3-1: Construction and operation of the Proposed Project would not 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 Wildlife or US Fish and Wildlife Service. (No Impact)**

As noted in the list of common wildlife species observed within the Project Site in the Environmental Setting Section and the Special Status Species section above, no species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the USFWS or CDFW occur within the Project Site. No suitable habitats for special-status species occur within the Project Site. Additionally, as noted in the Potential to Occur Table in Appendix E, there is no potential for such species to occur adjacent or in proximity to the Project Site where construction or operation of the Proposed Project would result in direct or indirect impacts. Therefore, implementation of the Proposed Project, during both construction and operation, would result in **no impact** to sensitive or protected species.

### Mitigation Measures

None required.

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<sup>14</sup> City of Rancho Palos Verdes, 2004. Natural Communities Conservation Planning Subarea Plan, Figure 2-1. Available: [https://pvplc.org/\\_lands/docs/NCCP.pdf](https://pvplc.org/_lands/docs/NCCP.pdf). Accessed September 24, 2018.

**Impact 3.3-2: Construction of the Proposed Project could have the potential to 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. (Less than Significant with Mitigation)**

### **Construction**

Trees on and around the Project Site would be removed and replaced to accommodate development of the Proposed Project. The mature trees on site could provide marginal nesting habitat for resident or migratory avian species. The removal of any trees or shrubs on site and construction activities could also indirectly disturb nesting avian species that can be found in the vicinity of the Project Site. The common avian species observed during the on-site survey are white-throated swift, California scrub jay, cedar waxwing, house finch, rock pigeon, American crow, common raven, barn swallow, hooded oriole, western gull, northern mockingbird, cliff swallow, bushtit, black phoebe, Allen's hummingbird, Cassin's kingbird, and mourning dove. No nests for these species were observed during the on-site survey. Such nests could be established in the future.

No raptors were observed during the survey. In addition, no raptor nests were observed. There is, however, the potential for nests to be built in the future, prior to the initiation of construction activities within the Project Site.

Direct impacts on nesting raptors or resident or migratory birds during the breeding season that may be potentially significant impacts include:

- Loss of breeding, foraging, roosting, and refuge habitat resulting from the removal of ornamental trees;
- Abandoned eggs or young and subsequent nest failure for raptors and resident or migratory birds as a result of construction-related noise and increased human presence; and
- Disruption of bird breeding and foraging behavior due to the introduction of nighttime lighting and noise.

These construction impacts would be **potentially significant**.

### **Operation**

The Project Site itself is currently indirectly illuminated with existing nighttime lighting from streetlights, parking lots, and nearby shopping centers. The Proposed Project would introduce lighting associated with the arena, the outdoor plaza, and the parking areas, as well as an overall increased level of activity and noise. While the Proposed Project would result in removal of all existing street and Project Site trees, new landscaping would be installed and replacement of removed trees would occur (see Chapter 2.0, Figure 2-18, Preliminary Landscaping Plan). Trees planted on the Project Site would be regularly maintained during operation of the Proposed Project. The new trees and landscaped vegetation on the Project Site could be illuminated by nighttime lighting and would be located in a highly activated area. The new trees and landscaping may provide suitable foraging and nesting habitat for migratory and resident birds and raptors.

The increased lighting, noise, and general activity generated by the Proposed Project would not significantly affect the activities of birds within and in the vicinity of the Project Site due to its location in a highly urban area with an abundance of existing nighttime lighting sources. Additionally, birds that occur in the area are highly adapted to urbanization and the Proposed Project is consistent with the urbanized developments that surround the site. It is likely that the common, urbanized species, including migratory species, would continue to use the vegetation that exists within the urbanized areas that surround the Project Site. Therefore, the operation of the Proposed Project on resident or migratory avian species or raptors would be **less than significant**.

#### **Mitigation Measure 3.3-2**

*The project applicant shall conduct tree removal activities required for construction of the Project outside of the resident or migratory bird and raptor breeding season (February 1 through August 31) where feasible. For construction activities or ground disturbing activities such as demolition, tree and vegetation removal, or grading that would occur between February 1 through August 31, the project applicant shall retain a qualified biologist to conduct preconstruction surveys not more than one week prior to the commencement of construction activities in suitable nesting habitat within the Project Site for nesting birds and raptors. This survey shall include areas located within 100 feet from construction to avoid indirect impacts to nesting birds. During the preconstruction survey, nests detected shall be mapped using global positioning system software, and species confirmed to be nesting or likely nesting will be determined.*

*If active nests for avian species protected under the Migratory Bird Treaty Act or California Fish and Game Code are found during the survey, the qualified biologist shall determine an appropriate buffer for avoiding the nest (where no work will occur) until the biologist is able to determine that the nest is no longer active. A minimum 100-foot no-work buffer shall be established around any active bird nest; however, the buffer distance may be adjusted by a qualified biologist depending on the nature of the work that is occurring in the vicinity of the nest, the known tolerance of the species to noises and vibrations, and/or the location of the nest. If, in the professional opinion of the qualified biologist, the Project would impact a nest, the biologist shall immediately inform the construction manager and work activities shall stop until the biologist delineates a suitable buffer distance and/or determines that the nest is no longer active.*

**Level of Significance After Mitigation:** With the implementation of Mitigation Measure 3.3-2, construction of the Proposed Project would no longer have the potential to disturb active nests for nesting birds and raptors. Active nests would be identified and suitable buffers would be established to ensure that construction activities do not disturb nesting birds. Mitigation measures would thus ensure that the Proposed Project would not cause a substantial reduction in local population size or reduce reproductive success to birds and raptors. Thus, this impact would be considered **less than significant**.

**Impact 3.3-3: Construction of the Proposed Project could have the potential to conflict with local policies or ordinances protecting biological resource, such as a tree preservation policy or ordinance. (Less than Significant with Mitigation)**

There are 77 trees on the Arena Site, four trees on the West Parking Garage Site, nine trees on the East Transportation and Hotel Site, and seven trees on the Well Relocation Site, for a total of 97 trees. Twelve additional unprotected trees are located in association with some residences along South Doty Avenue that are not within the Project Site and would not be impacted by the Proposed Project. All 97 of the trees within the Project Site would be removed during construction activities. Of the 97 trees on the Project Site, a total of 72 of these trees are protected trees in accordance with the City of Inglewood Tree Preservation Ordinance (Inglewood Municipal Code Chapter 12, Article 32).

In accordance with the municipal code, the project applicant is required to plant replacement trees on site for every protected tree that would be removed by the Proposed Project, after having obtained a City-issued permit for removal. Replacement trees must be replaced at a 1:1 ratio and shall be like-size and species or an equal value tree (or trees) (Inglewood Municipal Code Chapter 12, Article 32). Due to compliance with the requirements of the Tree Preservation Ordinance, an application for a Protected Tree Removal or Cutting Permit must be filed for removal of all protected trees along with the inspection fee as specified in the City's Master Fee Schedule. The application must be filed and approved prior to any tree removal, relocation or cutting, per Inglewood Municipal Code Chapter 12, Article 32.

While the trees would be replaced at a 1:1 ratio pursuant to City requirements, impacts associated with the loss of protected trees would be **potentially significant**. Implementation of Mitigation Measure 3.3-3 would address the removal and the requirements for the replacement of the loss of protected trees as defined by the City's Tree Preservation Ordinance; therefore, impacts to trees removed on site would be reduced to a level of less than significant.

Additionally, activities associated with the Proposed Project could impact remaining street trees in close proximity to the Project Site (approximately 25 feet within Project activities) by encroaching the root zone (i.e., Tree Protective Zone) or by damaging above-ground parts (i.e., branches and trunk), or indirectly through changes in site hydrology or water quality, which would be **potentially significant**.

**Mitigation Measure 3.3-3**

- a) *To ensure that all new trees planted at a 1:1 ratio as required by the City's Tree Preservation Ordinance are of sufficient size, quantity, and quality, the following shall be implemented:*
  - *Prior to any on-site tree disturbance or removal of any protected tree, a tree permit shall be obtained from the City of Inglewood in accordance with the City of Inglewood Tree Preservation Ordinance (Inglewood Municipal Code Chapter 12, Article 32). The tree permit shall identify the appropriate size of tree to be replaced (i.e., 36-inch box tree).*



- *All replacement mitigation trees shall be monitored by a certified arborist annually for minimum of 3 years following the completion of construction and planting, respectively. Monitoring shall verify that all encroached and replacement trees are in good health at the end of the 3-year monitoring period. Any encroached or replacement tree that dies within the 3-year monitoring period shall be replaced, and the replacement tree shall be monitored annually for 3 years. Annual monitoring reports shall be prepared by a certified arborist and submitted to the City. The monitoring report shall depict the location of each encroachment and replacement mitigation tree, including a description of the health of each tree based on a visual assessment.*
- b) *To ensure proper protection of trees to remain during project construction, the following shall be implemented.*
- *The Tree Protective Zone (TPZ) of protected trees to be retained and that are located within 25 feet from the grading limits, shall be enclosed with temporary fencing (e.g., free-standing chain-link, orange mesh drift fencing, post and wire, or equivalent). A smaller TPZ may be established in consultation with a certified arborist. The fencing shall be located at the limits of the TPZ and shall remain in place for the duration of construction activities in the area, or as determined by the City.*
  - *Prune selected trees to provide necessary clearance during construction and to remove any defective limbs or other parts that may pose a failure risk. All pruning shall be completed (or supervised) by a certified arborist and adhere to the Tree Pruning Guidelines of the International Society of Arboriculture. Trenching shall be routed so as to minimize damage to roots of protected trees roots if feasible. Any required trenching within the TPZ should be accomplished by the use of hand tools, to the extent feasible, while under the direct supervision of a certified arborist. If roots larger than 2 inches in diameter are encountered, the arborist shall provide recommendations for pruning or avoidance. Any major roots encountered should be conserved if feasible and treated as recommended by the arborist. If extensive disturbance to tree roots would occur such that tree health would be impacted as determined by the certified arborist, the tree shall be replaced at 1:1 per Mitigation Measure 3.3-3(a) above.*
  - *Any work conducted within the TPZ of a protected tree shall be monitored by a certified arborist. The monitoring arborist shall prescribe measures for minimizing or avoiding long-term impacts to the tree, such as selective pruning to minimize construction impacts.*
  - *No storage of equipment, supplies, vehicles, or debris should be allowed within the TPZ of a protected tree. No dumping of construction wastewater, paint, stucco, concrete, or any other clean-up waste should occur within the TPZ. No temporary structures should be placed within the TPZ.*

**Level of Significance After Mitigation:** With the implementation of Mitigation Measure 3.3-3, the Proposed Project would not conflict with local policies or ordinances, including Inglewood Municipal Code Chapter 12, Article 32, the City of Inglewood Tree Preservation Ordinance. Mitigation for the loss of protected trees would consist of replacement at a ratio determined in consultation with the City of Inglewood Parks, Recreation and Library Community Services Department pursuant to the Tree

Preservation Ordinance. Mitigation Measure 3.3-3 would ensure that construction-related impacts are minimized or avoided to trees that would be encroached and/or retained on the Project Site; therefore, impacts would be **less than significant**.

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## Cumulative Impacts

The geographic scope of analysis for cumulative impacts related to biological resources varies for each resource. Regarding the movement of wildlife species, which are limited to common species found in urban environments as identified above, it is considered to be the vicinity surrounding the Project Site. Regarding protected trees, it is considered to be the City of Inglewood.

**Impact 3.3-4: Construction and operation of the Proposed Project, in combination with other cumulative development, could 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. (Less than Significant)**

The cumulative context, in combination with other cumulative developments within the vicinity of the Project Site, for biological resources varies depending on the biological resource. For considering potential cumulative impacts to raptors, migratory birds, and nesting birds, the context includes vicinity of the Project Site. In most circumstances, the conversion of native habitats to urban development, including the loss of plant and wildlife species on a regional-level, could result in cumulative impacts when considering other proposed developments in the city. However, the Project Site is entirely disturbed and/or developed and supports limited biological resources, with the exception of trees and ornamental shrubs that may provide nesting habitat for birds, including trees that are protected in accordance with the local municipal code. While migratory birds may occur within the Project Site, the quality of the habitat within the Project Site is low due to the absence of native habitat and open space, the level of disturbance (existing levels of urban activity and lighting from adjacent uses), and a lack of suitable habitat in the vicinity. As such, migratory bird habitat within the Project Site and vicinity is limited to mainly non-native ornamental trees.

It is likely that the common, urbanized species, including migratory species, would continue to use the vegetation that exists within the urbanized areas that surround the Project Site. Therefore, the loss of trees on the Project Site would not result in a substantial or significant decline of bird nesting habitat in the region. Implementation of Mitigation Measure 3.3-2 would ensure that bird nests are avoided during the construction phase of the Proposed Project and the landscaping that would be associated with the Proposed Project would ensure that the urban habitat for birds is maintained.

Based on the above considerations, the Proposed Project, in conjunction with cumulative development within the larger region, Project construction or operational activities would not 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. Therefore, the cumulative impact would be **less than significant**.

Mitigation Measures

None required.

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**Impact 3.3-5: Construction and operation of the Proposed Project, in combination with other cumulative projects, could conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. (Less than Significant)**

In accordance with the City of Inglewood Tree Preservation Ordinance, as with the Proposed Project, any encroachment or removal of a City-protected tree for development projects would require a tree permit. City-protected trees that would be removed would be replaced in accordance with Municipal Code Chapter 12, Article 32. Because each cumulative project must comply with the Tree Preservation Ordinance requirements for like-kind, like-size or equivalent tree replacement, there would not be a cumulative loss of trees. Both the Proposed Project and cumulative projects would comply with the City's Tree Preservation Ordinance, including its replacement provisions. Based on the above considerations, the Proposed Project, in conjunction with cumulative development, implementation of the Proposed Project would not conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Therefore, the cumulative impact would be **less than significant**.

Mitigation Measures

None required.

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