

## 3.3 Biological Resources

This section describes and evaluates potential effects on biological resources that could result from implementation of the Proposed Project. The section contains: (1) a description of the environmental setting to establish baseline conditions for biological resources; (2) a summary of the regulations and regulatory framework related to biological resources; and (3) an analysis of potential impacts to biological resources associated with the implementation of the Proposed Project. The analysis was 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 literature search and database query of the following was also conducted. No comments regarding biological resources were received in response to the NOP.

### 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 9.50 miles south of the Santa Monica Mountains and about 6 miles east of the Pacific Ocean.

The climate in the region is Mediterranean, with dry summers and cool winters; however, the region has experienced drought conditions over the past few years. 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. 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

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<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(b), are collectively referred to as “special-status species.”

Avenue. The site is 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.

### ***Parking Garage and Bus Staging/Transportation Network Company (TNC) Drop Off Area***

The approximately 5-acre parking garage site and bus staging/transportation network company (TNC) drop off area is located at the southwest corner of the intersection of West Century Boulevard and South Prairie Avenue. It is dominated by non-native grasses and ornamental plants. Four street trees are located in the middle of this site along West 101<sup>st</sup> Street. The site is surrounded by an urban/developed landscape and adjacent land uses include residential and commercial developments.

### ***Hotel and Surface Parking Site***

The approximately 5-acre hotel and surface parking site is located along West Century Boulevard between 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 102<sup>nd</sup> Street and Doty Avenue intersection. The well relocation site has been previously disturbed and is 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>2</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).

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<sup>2</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.  
[http://www.dfg.ca.gov/whdab/html/wildlife\\_habitats.html](http://www.dfg.ca.gov/whdab/html/wildlife_habitats.html). Accessed October 14, 2013.

### **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 within the project site, or 74 percentage 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, 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.

### **Common Wildlife Species**

Barren land cover type provides limited opportunities for wildlife; however, certain species are known to use barren (gravelly) habitat, including killdeer (*Charadrius vociferus*). Common wildlife species observed in the disturbed and urban/developed areas during the site visit included: 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. Non-native herbaceous cover may provide habitat for common urban species such as rock pigeon, house sparrow (*Passer domesticus*), house finch, and mourning dove (*Zenaida macroura*).

Common terrestrial wildlife species that were not observed but may be expected to occur include opossum (*Didelphis virginiana*) and other smaller mammals such as deer mice (*Peromyscus maniculatus*).

## 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 (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 (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 (State 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>3</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>4</sup> and the CNPS Inventory of Rare and

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<sup>3</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 vs. statewide rarity should be considered in determining whether cumulative impacts to a Rank 3 or 4 plant are significant even if individual project 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 should be 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>4</sup> California Department of Fish and Wildlife, 2018a. California Natural Diversity Database RareFind 5 personal computer program. <http://www.dfg.ca.gov/biogeodata/cnddb/mapsanddata.asp>. Accessed August 3, 2018. Data set expires February 3, 2019.

Endangered Plants.<sup>5</sup> A list of special-status species relevant to the project site, their general habitat requirements, and their potential to occur within the project vicinity is provided in **Appendix D**. All recorded observations of special-status species within the USGS Inglewood quadrant and the surrounding 8 quadrants are included within the table.<sup>6</sup> The full list of species is presented in Appendix D. 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;
- **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 area;
- **Medium Potential:** The project 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 57 special-status plant species having been recorded in the region. All of the 57 special-status plant species were determined to be Unlikely to occur in project site due to lack of suitable habitats and soils.

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.

## Sensitive Natural Communities

A total of six sensitive natural communities/habitats have been reported within the nine-USGS quadrangle query of the CNDDDB and CNPS databases or have been reported within the project site based on a query of the USFWS IPaC database (Appendix D). The communities included 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 the project site and are excluded from further discussion because they were not observed during the field survey.

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<sup>5</sup> California Native Plant Society, 2018. *Inventory of Rare and Endangered Plants (online edition, v7-13)*. [ HYPERLINK "<http://www.rareplants.cnps.org/>" ]. Accessed August 3, 2018.

<sup>6</sup> California Department of Fish and Wildlife, 2018a. California Natural Diversity Database RareFind 5 personal computer program. <http://www.dfg.ca.gov/biogeodata/cnddb/mapsanddata.asp>. Accessed August 3, 2018.

## **Designated Critical Habitat**

The United States Fish and Wildlife Services (USFWS) designates critical habitat for certain species listed by the agency as threatened or endangered. “Critical habitat” is defined in Section 3(5)(A) of the Federal Endangered Species Act (FESA) 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 is required to determine the extent to which the federal or state jurisdiction may extend. A jurisdictional delineation was not conducted for this 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 U.S. Army Corps of Engineers (USACE), Los Angeles Regional Water Quality Control Board (LARWQCB), and/or California Department of Fish and Wildlife (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 the project site, as the surrounding areas are highly fragmented by urban development and the site itself is largely developed.

## **Protected Trees**

The City recognizes that trees 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.

According to a tree inventory conducted for the project site<sup>7</sup> (provided as Appendix D), there are a total of 72 protected trees present on the project site which include city street trees, native trees, or trees with a diameter at breast height (DBH) of 8 inches. Additionally, there are 37 trees with no protections present within the project site. The trees found within the project site include species such as 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 Regulatory Setting

#### Federal

##### ***Federal Endangered Species Act (FESA)***

Species are listed as either endangered or threatened under Section 4 of the FESA 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 “threatened” any species that is likely to become endangered in the foreseeable future. Section 9 of the FESA 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 the regulations of the FESA, “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) (U.S. Code Title 16 Section 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 California Endangered Species Act (CESA) and implementing regulations in the Fish and Game Code, Section 2050 through Section 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

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<sup>7</sup> AECOM Technical Services, Inc. 2015. Preliminary Landscape Plan, Tree Survey.

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 Section 3503 of the California Fish and Game Code, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, 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**

State listing of plant species began in 1977 with the passage of the California Native Plant Protection Act (NPPA), which directed the CDFW to carry out the legislature’s intent to “preserve, protect, and enhance endangered plants in this state.” The NPPA gave the California Fish and Game 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 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 California Native Plant Society (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.

It should be noted that although the potential to occur was analyzed for all CNPS listed plants, impacts to Rank 3 and Rank 4 plants are not considered significant in accordance with CEQA guidelines.

## 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.

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

City Municipal Code Chapter 12, Article 32<sup>8</sup> includes provisions to protect trees located on both public and private land in the City. Protected trees include the following: (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).

<sup>8</sup> City of Inglewood. *Municipal Code Chapter 12 Article 32, Tree Preservation*. [www.qcode.us/codes/inglewood](http://www.qcode.us/codes/inglewood). Accessed August 18, 2018.

Pursuant to City Ordinance 12-06 5-8-12, 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 shall be used to determine the in-lieu fee for providing compensatory mitigation for each tree that will be removed.

### 3.3.3 Analysis, Impacts and Mitigation

#### Significance Criteria

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 Game or U.S. 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 Game or US Fish and Wildlife Service;
3. Have a substantial adverse effect on federally protected wetlands or waters as defined by Section 404 of the Clean Water Act; or state protected wetlands or waters as defined by Section 401 of the Clean Water Act, Porter Cologne Water Quality Control Act, or Section 1602 of the California Fish and Game; 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.

#### Impact Analysis 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, three principal components of the CEQA Guidelines outlined above were considered:

- Magnitude of the impact (e.g., substantial/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.

As discussed in section 3.0.3, Issues Previously Determined to be Less Than Significant, the following significance criteria were found to have no impacts or less-than-significant impacts. With respect to significance criterion (2), the project site does not contain any riparian habitat or other sensitive natural community. Therefore, significance criterion (2) does not apply to the Proposed Project, and no further analysis is required. With respect to significance criterion (3), no federally or state-protected wetlands or waters occur on the project site or project vicinity. Therefore, significance criterion (3) does not apply to the Proposed Project, and no further analysis is required. With respect to significance criterion (6), the project site is not located within the boundaries of a Habitat Conservation Plan, Natural Communities Conservation Plan, or any other applicable conservation plan. Therefore, significance criterion (6) does not apply to the Proposed Project, and no further analysis is required. Please refer to section 3.0.3, Issues Previously Determined to be Less Than Significant, for a discussion of these topics.

## Impacts and Mitigation Measures

**Impact 3.3-1: Implementation 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 Game or U.S. Fish and Wildlife Service.**

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 and suitable habitats for special-status species do not occur within the project site. Additionally, 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 or operation, would result in **no impact** to sensitive or protected species.

### Mitigation Measure

None required.

**Impact 3.3-2: Implementation of the Proposed Project 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;**

### **Construction**

Trees on and around the project site would be removed and replaced to accommodate Project development. 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. Although no raptor nests were observed during the survey, there is 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 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 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 illuminated with existing nighttime lighting from streetlights, parking lots, nearby shopping centers. The Project would introduce lighting associated with the arena, the outdoor plaza areas, and the parking areas, as well as an overall increased level of activity and noise. While the 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. An estimated 306 trees would be introduced into the project site and would be regularly maintained during Project operation. The new trees and landscaped vegetation on the project site, which could be illuminated by nighttime lighting and would be located in a highly activated area, may provide suitable foraging and nesting habitat for migratory and resident birds and raptors.

The increased lighting, noise, and general activity generated by the 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 multiple existing nighttime lighting sources. Therefore, the operation of the Proposed Project on resident or migratory avian species would be **less than significant**.

## Mitigation Measure

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

*The project applicant should conduct tree removal activities required for project construction outside of the migratory bird and raptor breeding season (February 1 through August 31) where feasible. For construction activities that would occur between February 1 through August 31, the applicant shall retain a qualified biologist to conduct preconstruction surveys at least one week prior to construction in suitable nesting habitat within the construction area for nesting birds and raptors, including areas located within 100 feet from construction to avoid indirect impacts to nesting birds. Trees slated for removal during the nesting season shall be surveyed by a qualified biologist no more than 48-hours before removal to ensure that no nesting birds are impacted. During the preconstruction survey, nests detected will 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. Depending on conditions specific to each nest, and the relative location and rate of construction activities, it may be feasible for construction to occur as planned within the buffer without impacting the nest. In this case (to be determined on an individual basis), the nest(s) shall be monitored by a qualified biologist during construction within the buffer. If, in the professional opinion of the qualified biologist, the project would impact the nest, the biologist shall immediately inform the construction manager and work activities shall stop within the buffer until the biologist determines that the nest is no longer active.*

**Level of Significance After Mitigation:** With the implementation of Mitigation Measure 3.3-2, the Proposed Project would not cause a substantial reduction in local population size or reduce reproductive success to bird and raptors. Thus, this impact would be considered **less than significant**.

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### **Impact 3.3-3: Implementation of the Proposed Project could conflict with local policies or ordinances protecting biological resource, such as a tree preservation policy or ordinance.**

There are 77 trees on the arena site, four trees on the parking garage site, nine trees on the hotel and surface parking site, and seven trees on the Water Well Site, for a total of 97 trees. All of these trees 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 Inglewood Municipal Code Chapter 12, Article 32. Additionally, Project activities could impact any street trees that may be retained through encroachment of tree limbs, trunks, or roots, or indirectly impact street trees through changes in site hydrology or water quality. The loss of protected trees would be **potentially significant**.

## Mitigation Measure

### **Mitigation Measure 3.3-3**

*Prior to any tree disturbance or removal, a tree permit shall be obtained from the City of Inglewood in accordance with Municipal Code Ord. 12-06 5-8-12.*

- *The Tree Protective Zone (TPZ) of protected trees located within 25 feet from the grading limits shall be bound with temporary fencing (e.g., free-standing chain-link, orange mesh drift fencing, post and wire, or equivalent). 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 or and adhere to the Tree Pruning Guidelines of the International Society of Arboriculture. Trenching shall be routed so as to minimize protected tree roots to the greatest extent feasible. Any required trenching within the TPZ should be accomplished by the use of hand tools while under the direct supervision of a certified arborist. If roots larger than two-inches in diameter are encountered, the arborist shall provide recommendations for pruning or avoidance. Any major roots encountered should be conserved to the greatest extent possible and treated as recommended by the arborist.*
- *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.*
- *All encroached and replacement mitigation trees shall be monitored by a certified arborist annually for minimum of three years following the completion of construction and planting, respectfully. Monitoring shall verify that all encroached and replacement trees are in good health at the end of the three-year monitoring period. Any encroached or replacement tree that dies within the three-year monitoring period shall be replaced, and the replacement tree shall be monitored annually for three 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.*

**Impact Significance After Mitigation:** With the implementation of Mitigation Measure 3.3-3, the Project would not conflict with local policies or ordinances, including Municipal Code Ord. 12-06 5-8-12. 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 Services Department. Mitigation Measure 3.3-3 would

ensure that construction-related impacts are minimized or avoided to trees that will be encroached and/or retained on the project site; therefore, impacts would be **less than significant**.

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## Cumulative Impacts

**Impact 3.3-4: Implementation of the Proposed Project 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.**

The cumulative context for biological resources varies depending on the biological resource. For considering potential cumulative impacts to raptors, migratory birds, and nesting birds, the context includes areas within the City of Inglewood. 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. 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. The urban canopy and various structures within the city provide a vast amount of bird nesting habitat for species that have adapted to urban environments; 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 with implementation of Mitigation Measure 3.3-2. With implementation of Mitigation Measure 3.3-2, the Project would not result in significant cumulative impacts to resident or migratory wildlife in the region; therefore, impacts would be **less than significant**.

### Mitigation Measure

None required.

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**Impact 3.3-5: Implementation of the Proposed Project could conflict with local policies or ordinances protecting biological resource, such as a tree preservation policy or ordinance.**

The cumulative context for impacts to City-protected trees is within the City of Inglewood. In accordance with the City of Inglewood Tree Preservation Ordinance, as with the 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 Ord. 12-06 5-8-12, which would also mitigate any loss of bird nesting habitat that may occur from Project implementation. With the implementation of Mitigation Measures 3.3-3, the Project would not result in significant cumulative impacts to City-protected trees; therefore, impacts would be **less than significant**.

Mitigation Measure

None required.

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