3.3 BIOLOGICAL RESOURCES

This section evaluates existing biological resources at the site and potential impacts associated with the proposed project. Information in this section was gathered through literature review, examination of available databases, field reconnaissance, and biological surveys. A Biological Reconnaissance Survey Report was prepared by Pacific Southwest Biological Services, Inc. (2008) and is included as Appendix C of this EIR. Impacts to biological resources associated with the proposed project were determined from the results presented in the Biological Reconnaissance Survey.

3.3.1 ENVIRONMENTAL SETTING

METHODOLOGY

The description of the biological resources present within the proposed project site was made from a review of available background information and a field survey of the project as follows:

- Reconnaissance-level site survey conducted by Pacific Southwest Biological Services, Inc. biologists Cornelius Bouscaren on September 3, 2005 and July 27, 2007. The purpose of the survey was to describe the habitat types present and observed or potential to support biological resources on the proposed project site;

- A search and review of the California Natural Diversity Database records search for the Mt. Wilson and El Monte quadrangles (California Department of Fish and Game 2007);

- California Native Plant Society's (CNPS) Inventory of Rare and Endangered Plants of California (7th edition, 2007); and

- Aurora Las Encinas Hospital Urban Forestry Plan (Carlberg 2008).

VEGETATION AND COVER TYPES

The project site is located in the East Pasadena sector of the City of Pasadena in Los Angeles County. The project site is approximately 24.7 acres in size and contains the Las Encinas Hospital. Approximately half of the project site is developed with the main campus of Las Encinas Hospital and single-family residential uses located on San Gabriel Boulevard. The project site is located in a developed portion of the City. It is surrounded by single-family residential and institutional uses.

The proposed project site lies on terrain sloping gently to the southeast. The elevation of the site ranges from a high of approximately 682 feet above mean sea level in the northwest corner to a low of approximately 661 feet in the southeast corner. The major drainage in the project vicinity is Eaton Wash, which is channelized in concrete. It is located approximately 1,000 feet east of the property. It carries flows southward from the San Gabriel Mountains.

No native vegetation community exists on the site. Urban/Developed land cover is the only vegetation

type/habitat community that occurs within the 24.7-acre project site. The extensive general landscaping includes more than 1,000 mature trees, the majority of which are non-native species. The project site contains approximately 1,032 trees, of which approximately 276 trees qualify for protection under the City of Pasadena Tree Protection Ordinance. The trees onsite include a mix of native and non-native species measuring 6 inches DBH or higher. Native tree species include California sycamore (*Platanus racemosa*), coast redwood (*Sequoia sempervirens*), and California fan palm (*Washingtonia filifera*). Non-native trees species are dominant on the project site and include southern magnolia (*Magnolia grandiflora*), Texas pecan (*Carya illinoensis*), carrotwood (*Cupaniopsis anacardioides*), Mexican fan palm (*Washingtonia robusta*), eucalyptus (*Eucalyptus spp.*), and jacaranda (*Jacaranda mimosifolia*). Dominant shrubs consist of Victorian box (*Pittosporum undulatum*), eugenia (*Syzygium paniculatum*), xylosma (*Xylosma congestum*), and cherry laurel (*Prunus caroliniana*). Groundcover consists of a variety of irrigated turfgrasses.

In the portions of the project site that are not maintained, mature coast live oaks (*Quercus agrifolia*) predominate as the over story and have likely matured from volunteer seedlings. The weakest specimens have died or are in marginal health. The non-native trees in these areas include eucalyptus, tree of heaven (*Ailanthus altissima*), shamel ash (*Fraxinus uhdei*), Chinese elm (*Ulmus parvifolia*), silk oak (*Grevillea robusta*), and pine (*Pinus spp.*). These trees were planted and survived on rainfall alone. There are no shrubs. European (exotic) grasses dominate the ground cover in these areas; they are not irrigated and generally die off as the weather warms.

There are no sensitive vegetation communities occurring on the proposed project site. Chamise chaparral, coast live oak woodland, and Engelmann oak woodland, and riparian communities, such as southern cottonwood willow riparian forest, southern coast live oak riparian forest, and southern willow scrub, occur in the project vicinity on land that has not been the subject of development for decades. There is no riparian vegetation located within the project site. The project site is not located within a canyon where conditions conducive to the support of riparian vegetation.

WILDLIFE SPECIES OBSERVED

A total of 9 animal species were observed on the proposed project site, including 1 fish species, 7 bird species, and 1 mammal species. A complete list of the animal species observed or detected within and adjacent to the study area is included in Appendix C of this EIR.

One fish species, mosquitofish (*Gambusia affinis*), was observed in the pond. This species, native to the southern Midwest, has been brought to California for mosquito control. It has been introduced into many fresh and brackish water habitats in the state and may be the most widely distributed and numerous freshwater fish species in California (McGinnis 1984).

Seven avian species were recorded during the surveys, all of which are common and widespread and typical of suburban parkland habitats that occur on-site. The avian species recorded include: mourning dove (*Zenaida macroura*), Anna's hummingbird (*Calypte anna*), black phoebe (*Sayornis nigricans*), American crow (*Corvus brachyrhynchos*), northern mockingbird (*Mimus polyglottos*), house finch (*Carpodacus mexicanus*), and lesser goldfinch (*Carduelis psaltria*).

One mammal, the eastern gray squirrel (*Sciurus carolinensis*), was observed. This rodent, introduced from the eastern United States, now occurs in urban parks and wooded streets in many California cities. The native western gray squirrel (*Sciurus griseus*) is less likely to be observed in urban areas in California (Jameson and Peeters 1988).

SPECIAL STATUS SPECIES

Several species known to occur within the project vicinity have been accorded "special status" because of their recognized rarity or vulnerability to various causes of habitat loss or population decline. Some of these receive specific protection defined in federal and state endangered species legislation. Others have been designated as special status species based on adopted policies and expertise of state resource agencies and organizations with acknowledged expertise, or policies adopted by local government agencies, such as counties, cities and special districts, to meet local conservation objectives. In addition, Section 15380(b) of the CEQA Guidelines provides a definition of rare, endangered, or threatened species that are not included in any listing. These species, referred to collectively as special status species in this document, following an industry convention that has developed in practice, but has no official sanction. For the purposes of this EIR, special-status species include:

- Plant and animal species designated as rare, threatened, or endangered under the federal or state Endangered Species Act;
- Species that are proposed for listing under either federal or state law;
- Species designated by the U.S. Fish and Wildlife Service (USFWS) as species of concern or by the California Department of Fish and Game (CDFG) as species of special concern;
- Species protected by the federal Migratory Bird Treaty Act (16 U.S.C. 703-711);
- Bald and golden eagles protected by the federal Bald Eagle Protection Act (16 U.S.C. 668) and;
- Species that may be considered rare or endangered pursuant to Section 15380(b) of the CEQA Guidelines.

A list of special status plant and wildlife species for consideration in this evaluation was derived from the California Natural Diversity Database (2008) with recorded occurrences in the vicinity of the project site, the scientific literature, consultation of U.S. Fish and Wildlife Service (USFWS) resources, and the CNPS Inventory of Rare and Endangered Plants in California (2007). The following describes the special status plant and wildlife species with recorded occurrences in the region that could potentially occur within the proposed project site.

Sensitive Plant Species

Table 3.3-1 lists 18 special status plant species with recorded occurrences in the region of the project site that have the CNPS designation as List 1A or 1B and would be considered sensitive (see CEQA

Guidelines Section 15380) under the Native Plant Protection Act and California Endangered Species Act. Based on the field reconnaissance and review of the above information, none of these plant species would be expected to occur on the project site or were observed on the project site.

TABLE 3.3-1 SPECIAL STATUS PLANT SPECIES WITH RECORDED OCCURRENCES IN THE PROJECT VICINITY

Species Name	Status Federal/State/CNPS	Habitat Requirements	Potential for Occurrence within Project Site
Aster graetae Greata's aster	None/None/1B.3	Broadleaf upland forest, chaparral, cismontane woodland, lower montane, conifer forest, and riparian woodland/mesic only.	None. No appropriate habitat
Astragalus brauntonii Braunton's milkvetch	FE/None/1B.1	Closed-cone conifer forest, chaparral, coastal scrub, valley and foothill grassland, especially recent burns or disturbed areas, in stiff gravelly clay soils overlying granite or limestone.	None. No appropriate habitat
Carlochortus plummerae Plummer's mariposa lily	FSC/None/1B.2	Coastal scrub, chaparral, valley & foothill grassland, cismontane woodland, lower montane conifer forest. Rocky and sandy sites, granitic or alluvial material.	None. No appropriate habitat
Centromadia parryi ssp. *australis* Southern tarplant	FSC/None/1B.1	Marshes and swamps (margins), valley and foothill grassland, vernal pools, often in disturbed sites near coast; also in alkaline soils sometimes with saltgrass; also vernal pools.	one. No appropriate habitat
Chorizanthe parryi var. *parryi* Parry's spineflower	FSC/None/3.2	Coastal scrub, chaparral, esp. dry slopes & flats, occurring in interface of two vegetation types, such as chaparral abutting oak woodland; dry, sandy soils.	None. No appropriate habitat
Cladium californicum California sawgrass	None/None/2.2	Freshwater and alkali marshes, seeps, moist habitats.	None. No appropriate habitat
Dodecahema leptoceras Slender-horned spineflower	FE/CE/1B.1	Chaparral, coastal scrub (alluvial fan scrub). Historically occurring in Los Angeles, Riverside, and San Bernardino Counties; extirpated from much of range.	None. No appropriate habitat
Galium grande San Gabriel bedstraw	None/None/1B.2	Cismontane woodland, chaparral, broadleaf upland forest, lower montane conifer forest. Open chaparral and low, open oak forest, rocky slopes; probably under collected due to inability to access.	None. No appropriate habitat
Horkelia cuneata ssp. *puberula* Mesa Horkelia	None/None/1B.1	Chaparral, cismontane woodland, coastal scrub/ sandy or gravelly. Many historic occurrences extirpated.	None. No appropriate habitat

Species Name	Status Federal/State/CNPS	Habitat Requirements	Potential for Occurrence within Project Site
Lepidium virginicum var. *robinsonii* Robinson's Pepper-grass	None/None/1B.2	Chaparral, coastal scrub. Dry soils, shrubland.	None. No appropriate habitat
Linanthus concinnus San Gabriel Linanthus	None/None/1B.2	Lower and upper montane conifer forest. Dry rocky slopes, often in Jeffrey pine/canyon oak forest.	None. No appropriate habitat
Linanthus orcuttii Orcutt's Linanthus	None/None/1B.3	Chaparral, lower montane conif forest, sometimes in disturbed areas, often in gravelly clearings.	None. No appropriate habitat
Muhlenbergia californica California Muhly	None/None/4 (1-1-3)	Chaparral, coastal scrub, lower montane conifer forest, meadows and seeps/ mesic, seeps and stream banks.	None. No appropriate habitat
Horkelia cuneata ssp. *puberula* Mesa Horkelia	None/None/1B.1	Chaparral, cismontane woodland, coastal scrub/ sandy or gravelly. Many historic occurrences extirpated.	None. No appropriate habitat
Lepidium virginicum var. *robinsonii* Robinson's Pepper-grass	None/None/1B.2	Chaparral, coastal scrub. Dry soils, shrubland.	None. No appropriate habitat
Linanthus concinnus San Gabriel Linanthus	None/None/1B.2	Lower and upper montane conifer forest. Dry rocky slopes, often in Jeffrey pine/canyon oak forest.	None. No appropriate habitat
Linanthus orcuttii Orcutt's Linanthus	None/None/1B.3	Chaparral, lower montane conifer forest, sometimes in disturbed areas, often in gravelly clearings.	None. No appropriate habitat
Muhlenbergia californica California Muhly	None/None/4 (1-1-3)	Chaparral, coastal scrub, lower montane conifer forest, meadows and seeps/ mesic, seeps and stream banks.	None. No appropriate habitat

Federal (USFWS)
FE Federally-listed, endangered
FSC Federal Special Concern Species

State (CE)
CE State-listed, endangered

CNPS
List 1B Plants rare, threatened, or endangered in California and elsewhere. CEQA consideration mandatory.
List 4 Plants of limited distribution - a watch list. CEQA consideration strongly recommended.
Source: Pacific Southwest Biological Services, Inc. 2008.

Sensitive Wildlife Species

Table 3.3-2 lists 14 special status wildlife species with recorded occurrences in the region of the proposed project site. None of these species were observed during the surveys. Based on the field reconnaissance and review of the above information, only one of these species would be expected to occur on the project site. One sensitive species, the Cooper's hawk, is likely to occur on-site.

TABLE 3.3-2 SPECIAL STATUS ANIMAL SPECIES WITH RECORDED OCCURRENCES IN THE PROJECT VICINITY

Species Name	Status Federal/State/CDFG	Habitat Requirements	Potential for Occurrence within Project Site
Mountain Yellow-legged Frog *Rana muscosa*	FE/None/CSC	Listing for pop's in SGAB, SJAC, & SBD Mtns only; always found within a few feet of water; tadpoles may req up to 2 yrs to complete aquatic development	None. No appropriate habitat
Southern Pacific Pond Turtle *Actinemys marmorata pallida*	FSC/None/CSC	Permanent or nearly permanent water in many habitat types.	None. No appropriate habitat
Coast (San Diego) Horned Lizard *Phrynosoma coronatum* (*blainvillii* population)	None/None/CSC	Wide variety of habitats. Most common in lowlands along sandy washes with scattered low bushes, especially in open areas for sunning, bushes for cover, patches of loose soil for burial and abundant supply of ants and other insects.	None. No appropriate habitat
Coastal Whiptail *Aspidoscelis tigris stejnegeri*	FSC/None/None	Deserts and semiarid areas with sparse vegetation and open areas, also in woodland and riparian areas, especially where ground may be firm soil, sandy, or rocky.	None. No appropriate habitat
Coastal Rosy Boa *Charina trivirgata*	FSC/None/Protected	Desert and chaparral from coast to Mojave and Colorado Deserts, especially in moderate to dense vegetation and rocky cover; habitats with mix of brushy cover and rocky soil like coastal canyons and hillsides, desert canyons, washes and mountains.	None. No appropriate habitat
Two-striped Gartersnake *Thamnophis hammondii*	FSC/None/CSC	Coastal California from Salinas to northwest Baja; found in or near permanent fresh water, often along streams with rocky beds and riparian growths.	None. No appropriate habitat
Western Yellow-billed Cuckoo *Coccyzus americanus occidentalis*	None/CE/None	Riparian forest nester, along broad, lower flood-bottoms of larger river systems, especially nests in riparian jungles of willow, often with cottonwoods	None. No appropriate habitat
Black Swift *Cypseloides niger* (nesting)	FSC/CT/None	Coastal belt of Santa Cruz and Monterey Counties; central and southern Sierra Nevada; San Bernardino and San Jacinto Mountains. Breeds in small colonies on cliffs behind or adjacent to waterfalls in deep canyons and sea-bluffs above surf; forages widely.	None. No appropriate habitat

Species Name	Status Federal/State/CDFG	Habitat Requirements	Potential for Occurrence within Project Site
Southwestern Willow Flycatcher *Empidonax traillii extimus*	FE/CE/None	Extensive thickets of low, dense willows, often near streams	None. No appropriate habitat
Least Bell's Vireo *Vireo bellii pusillus*	FE/CE/None	Summer resident in Southern California inhabits low riparian growth in vic. of water or in dry river bottoms.	None. No appropriate habitat
Coastal California Gnatcatcher *Polioptila californica californica*	FT/None/CSC	Coastal sage scrub, below 2,500 feet in Southern California, especially low coastal scrub in arid washes, mesas and slopes	None. No appropriate habitat
Pallid Bat *Antrozous pallidus*	None/None/CSC	Caves, tunnels, attics, crevices, variety of other locations. Grassland, shrub lands, woodlands, forests, most common in open dry habitats with rocky areas.	None. No appropriate habitat
Western Mastiff Bat *Eumops perotis californicus*	None/None/CSC	Small colonies in rocky cliffs or crevices. Variety of open habitats including woodlands, coastal sage scrub, grasslands, chaparral, desert scrub, and urban.	Moderate. May forage over site. Limited roosting/ breeding habitat
Hoary Bat *Lasiurus cinereus*	None/None/CSC	Most widespread North American bat. Prefers open habitats or habitat mosaics with access to trees for cover and open areas or habitat edges for feeding. Roosts in dense foliage of medium to large trees, feeds primarily on moths, requires water.	Moderate. May forage over site. Limited roosting/ breeding habitat

Federal (USFWS)
FE Federally-listed, endangered
FSC Federal Special Concern Species
FT Federally threatened

CDFG
CSC California Species of Concern

Source: Pacific Southwest Biological Services, Inc. 2008.

Cooper's hawk (*Accipiter cooperi*), a sensitive bird species, has the potential to occur within the proposed project site. Cooper's hawk has declined throughout California as a breeding species due to habitat destruction in lowland riparian areas, as well as direct and indirect human disturbance at nest sites. However, recent personal experience of Pacific Southwest biologists is that this species now readily adapts to urban settings and is known to forage and nest in park-like habitats, such as the proposed project site.

3.3.2 Regulatory Setting

CEQA Guidelines Section 15380

Although threatened and endangered species are protected by specific federal and state statutes, CEQA

Guidelines Section 15380(b) provides that a species not listed on the federal or state list of protected species may be considered rare or endangered if the species can be shown to meet certain specified criteria. These criteria have been modeled after the definition in the federal Endangered Species Act and the section of the California Fish and Game Code dealing with rare or endangered plants or animals, and draw from other sources as well, including the federal Migratory Bird Treaty Act (16 U.S.C 703, Supp. I 1989) and other provisions of the Fish and Game Codes. By implication, impact to any special status species found or presumed to be present on a project site may be significant under CEQA and should be mitigated.

FEDERAL ENDANGERED SPECIES ACT

Under the federal Endangered Species Act, the Secretary of Interior and the Secretary of Commerce jointly have authority to list a species as threatened or endangered (16 U.S.C 1533(c)). The federal Endangered Species Act prohibits the "take" of any fish or wildlife species listed as threatened or endangered, including the destruction of habitat that could hinder species recovery. Under Section 9 of the federal Endangered Species Act, the take prohibition applies only to wildlife and fish species. However, Section 9 does prohibit the removal, possession, damage or destruction of any endangered plant from federal land. Section 9 also prohibits acts to remove, cut, dig up, damage, or destroy an endangered plant species in non-federal areas in knowing violation of any state law or in the course of criminal trespass.

CALIFORNIA ENDANGERED SPECIES ACT

California implemented its own Endangered Species Act in 1984. The state act prohibits the take of endangered and threatened species; however, habitat destruction is not included in the state's definition of take. Section 2090 of the California Endangered Species Act requires state agencies to comply with endangered species protection and recovery to promote conservation of these species. California Department of Fish and Game (CDFG) administers the act and authorizes take through Section 2081 agreements (except for designated "fully protected species").

Regarding rare plant species, California Endangered Species Act defers to the California Native Plant Protection Act of 1977, which prohibits importing of rare or endangered plants into California, taking of rare or endangered plants, and selling of rare or endangered plants. State-listed plants are protected mainly in cases where state agencies are involved in projects under CEQA. In this case, plants listed are rare under the California Native Plant Protection Act are not protected under CEQA, but can be protected under CEQA.

CALIFORNIA FISH AND GAME CODE

Section 3503 and 3503.5 of the California Fish and Game Code prohibits the take, possession, or destruction of birds, nests, and eggs, including those of raptors. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "taking" by CDFG. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest

abandonment would constitute a significant impact.

MIGRATORY BIRD TREATY ACT

The Migratory Bird Treaty Act restricts the killing, taking, collecting, and selling or purchasing of native bird species or their parts, nests, or eggs. Certain gamebird species are allowed to be hunted for specific periods determined by federal and state governments. The intent of the Migratory Bird Treaty Act is to eliminate any commercial market for migratory birds, feathers, or bird parts, especially for eagles and other birds of prey.

Construction of the proposed project is likely to occur during the nesting season. Although no permit is issued under the Migratory Bird Treaty Act, if vegetation removal within the proposed project area occurs during the breeding season for raptors and migratory birds (generally March 1 to September 1, but as early as February 1 and as late as September 15 for raptors), the USFWS requires that surveys be conducted to locate active nests within the construction area. If active raptor or migratory bird nests are detected, proposed project activities may be temporarily curtailed or halted. A qualified biologist would perform the pre-construction surveys and would monitor construction activities that occur within the breeding season.

CITY OF PASADENA TREE PROTECTION ORDINANCE

The City of Pasadena adopted the City Tree Protection Ordinance (Pasadena Municipal Code Chapter 8.52) on May 6, 2002. The ordinance seeks to protect public trees, landmark trees,[1] native trees,[2] and specimen trees[3] in certain parts of the City and requires protection measures for new projects to avoid negative impacts that may occur during construction. A permit is required to remove or injure any tree protected under this ordinance and one of the following findings must be made:

- There is a public benefit or public health safety or welfare benefit to the injury or removal that outweighs the protection of the tree;
- The present condition of the tree is such that it is not reasonably likely to survive;

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[1] "Landmark tree" means a tree designated as a landmark under chapter 2.75 of this code as a tree of historic or cultural significance and of importance to the community due to any of the following factors:
a) It is one of the largest or oldest trees of the species located in the City;
b) It has historical significance due to an association with a historic building, site, street, person or event; or
c) It is a defining landmark or significant outstanding feature of a neighborhood.

[2] "Native tree" means any tree with a trunk size of more than 8 inches and is one of the following species: *Quercus agrifolia* (coast live oak), *Quercus engelmannii* (Englmann oak), *Quercus chrysolepis* (canyon live oak), *Platanus racemosa* (California sycamore), *Juglans californica* (California walnut), *Quercus berveridifolia* (scrub oak), *Quercus lobata* (valley oak), *Umbellularia californica* (California bay laurel), *Populus fremontii* (western cottonwood), *Populus trichocarpa* (black cottonwood), *Alnus rhombifola* (California alder), *Salix lasiolepis* (arroyo willow), and *Aesculus californica* (California buckeye).

[3] "Specimen tree" means any tree meeting the criteria established by resolution of the City Council by species and size of tree which is thereby presumed to possess distinctive form, size, or age, and to be an outstanding specimen of a desirable species and to warrant the protection of this chapter.

- There is an objective feature of the tree that makes the tree not suitable for the protection of this chapter;
- There would be a substantial hardship to a private property owner in the enjoyment and use of real property if the injury or removal is not permitted;
- To not permit injury to, or removal of a tree, would constitute a taking of the underlying real property; or
- The project includes a landscape design plan which will result in tree canopy coverage of greater significance than the one removed within a reasonable time after completion of the project.

3.3.3 ENVIRONMENTAL IMPACTS

THRESHOLDS OF SIGNIFICANCE

As part of the Initial Study (see Appendix A), it was determined that 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. Accordingly, this issue is not further analyzed in the EIR.

Pursuant to the CEQA Guidelines, the proposed project would have a significant effect on biological resources if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFG or USFWS;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFG or USFWS;
- Have a substantial adverse effect of federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

IMPACT ANALYSIS

BIO-1: *The proposed project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFG or USFWS.*

The 24.7-acre proposed project site consists of Urban/Developed land cover, including buildings, pavement, and landscaped areas. The undeveloped portion of the project site is unmaintained and considered feral. It is dominated by exotic or introduced species. There are no sensitive vegetation communities located within or directly adjacent to the proposed project site. The proposed project site does not contain rare, threatened, endangered, endemic, or sensitive plant species. As such, removal of vegetation during construction would not result in direct or indirect impacts to sensitive plant species or vegetation communities.

However, the proposed project site contains approximately 1,032 trees. The trees onsite include a mix of native and non-native species measuring 6 inches DBH or higher. These trees provide potential habitat for raptorial birds (hawks and owls) as foraging perches and nest sites, including Cooper's hawk, which is a sensitive bird species. Tree and vegetation removal for the proposed project could result in direct impacts to nesting birds, including Cooper's hawk and other raptor species. The impact would be significant. Mitigation measure BIO-A requires pre-construction surveys for tree removal and construction work that would occur within the breeding bird season (generally March 1 to September 1, but as early as February 1 and as late as September 15 for raptors) to determine the presence of native birds in the trees to be removed. Construction monitoring would be required to ensure that construction activity does not occur within 500 feet of active raptor nests until the nest is vacated, or within 300 feet of nest for non-raptor species. With implementation of mitigation measures BIO-A, construction impacts to migratory bird species would be avoided and this impact would be reduced to less than significant.

BIO-2: *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, and regulations or by the CDFG or USFWS.*

Riparian habitat is lowland scrub habitat associated with the bed and banks of a river, stream, or wash. There are no rivers or streams located on the proposed project. There are 2 man-made drainage swales located on the proposed project site; however, the beds and banks are maintained by the landscaping staff at Las Encinas Hospital. As such, neither of these drainage swales has any resemblance to riparian or wetland vegetation. Thus, implementation of the proposed project would not adversely affect any riparian habitat. As discussed in above, no native vegetation community or sensitive natural community exists on the proposed project site. Urban/Developed land cover is the only vegetation type/habitat community that occurs within the 24.7-acre project site. Thus, implementation of the proposed project would not adversely affect a sensitive natural community identified in local or regional plans, policies or regulations; or by CDFG or USWFS since these habitats and communities do not exist on the site. No impact would occur, and no mitigation is required.

BIO-3: *The proposed project would not have a substantial adverse effect of federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.*

The 24.7-acre proposed project site consists of Urban/Developed land cover, including buildings, pavement, and landscaped areas. The undeveloped portion of the project site is unmaintained and considered feral. It is dominated by exotic or introduced species. No wetlands, other waters of the United States, or waters of the state occur within the proposed project site boundaries. Therefore, there would be no impact on federal or state protected wetlands or other protected waters. No mitigation measures are required.

BIO-4: *The proposed project would 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 proposed project is located in a developed portion of the City of Pasadena. The project site is surrounded by single-family residential and institutional uses and roadways. Based on field observations, there are no wildlife corridors located within or adjacent to the proposed project site. However, the proposed project site could provide suitable nesting habitat for resident and migratory bird species. Therefore, tree removal and construction of the proposed project could interfere with wildlife migration. The impact would be significant. As discussed in BIO-1 above, compliance with the Migratory Bird Treaty Act (see mitigation measures BIO-A) would be required. With implementation of mitigation, the impacts to migratory bird species would be reduced to a less than significant level.

BIO-5: *The proposed project would conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.*

The proposed project site contains approximately 1,032 trees. The trees onsite include a mix of native and non-native species measuring 6 inches DBH or higher. In the portions of the project site that are not maintained, mature coast live oaks predominate as the over story and have likely matured from volunteer seedlings. The landscaped areas of the project site contain California sycamore, among other species. Coast live oaks and California sycamores are native trees and qualify for protection under the City's Tree Protection Ordinance. Overall, construction of the proposed project would require removal of approximately 250, or 24 percent, of existing trees and relocation of approximately 26, or 3 percent of existing trees. Of the trees to be removed, approximately 61 qualify as protected by the City of Pasadena Tree Protection Ordinance. In addition, 1 of the trees to be relocated qualifies as protected. A total of 214 trees qualifying as protected would remain in place. It is estimated that approximately 165,493 square feet of existing canopy coverage would be removed from the project site during construction, of which approximately 51,000 square feet of canopy is created by protected trees.

Approximately 178 new trees would be planted as part of the conceptual landscape plan (see Figure 2-8). At 5 years, it is estimated that the new canopy coverage would measure approximately 22,600 square feet. The removal of trees from the project site would be conducted in accordance with the Tree Protection

Ordinance. As discussed above, the applicant would be required to make one of 5 findings in order to obtain approval of a tree removal permit. The proposed project would rely on the first finding of the Tree Protection Ordinance, which states that there is a pubic benefit (defined as a "public purpose, service, or use which affects residents as a community and not merely as particular individuals") to the removal that outweighs the projection of the specific tree. Six public benefits have been identified for the proposed project and are listed below.

- A sustainable and healthier urban forest with more native trees and less nonnative and invasive species;
- The provision of senior housing – 160 additional independent living units and 72 assisted living units;
- The construction of a modern, safe, and secure hospital building with 100 beds;
- The conversion of a landmark eligible building to a community resources for community organizations, physician lectures, and support groups such as Narcotic Anonymous and Alcoholics Anonymous;
- The creation of additional medical offices that will expand the outpatient services the hospital provides for psychiatric care; and
- The long-term preservation of the hospital by placing the site on the National Register of Historic Places.

Compliance with the Tree Protection Ordinance would ensure that the proposed project would not conflict with local policies or ordinances protecting biological resources.

However, the proposed project would require construction to occur within the drip lines (outermost edge of the tree's canopy) and root zones of many mature trees. Construction within these areas could result in indirect impacts to trees that are not intended for tree removal. The impact would be significant. Implementation of mitigation measure BIO-B would establish Tree Protection Zones, or an area surrounding a tree where construction activities are strictly controlled. In addition, construction monitoring would be required to ensure that trees are protected during construction activities (see mitigation measure BIO-C). With implementation of mitigation, the indirect impacts to trees would be mitigated to a less than significant level.

3.3.4 MITIGATION MEASURES

BIO-A Should tree or other vegetation clearance and/or construction work need to occur during the breeding season for migratory non-game native bird species (generally March 1-September 1, as early as February 1 and as late as September 15 for raptors), weekly bird surveys shall be performed to detect any protected native birds in the trees to be removed and other suitable nesting habitat within 300 feet of the construction work area (500 feet for raptors). The surveys shall be conducted 30 days prior to the disturbance of suitable nesting habitat by a qualified biologist with experience in conducting nesting bird

surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work. If a protected native bird is found, the construction contractor shall delay all clearance/construction disturbance activities in suitable nesting habitat or within 300 ft. ft of nesting habitat (within 500 feet for raptor nesting habitat) until August 31 or continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) shall be postponed until the nest is vacated, juveniles have fledged, and when there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest shall be established in the field by a qualified biologist with flagging and stakes or construction fencing. Construction personnel shall be instructed on the sensitivity of the area. The results of this measure shall be recorded to document compliance with applicable state and federal laws pertaining to the protection of native birds.

BIO-B During construction, no grading, trenching, material storage, or equipment parking shall be permitted within the tree protection zone. Tree protection zones shall be fenced using a 6-foot tall chain link fence. On each fenced tree protection zone a sign shall be hung noting which trees are located within the area. The Arborist of Record shall be responsible for establishing the tree protection zones. Construction fencing shall be installed prior to demolition activities around the trees to be preserved.

BIO-C During construction, the Arborist of Record shall conduct regular meetings with the construction contractor to assure compliance with Tree Protection Specifications. The Tree Protection Specifications shall be developed by the Arborist of Record and shall include a schedule of different tree protection and maintenance activities, such as mulch application, supplemental watering, and root protection to be employed and maintained throughout the duration of construction. The Tree Protection Specifications shall be approved by the City prior to the receipt of a tree removal permit.

3.3.5 Significance After Mitigation

No impacts to riparian habitat or wetlands would occur as none exist onsite. With implementation of mitigation measures BIO-A through BIO-C, direct and indirect impacts associated with tree and vegetation removal during construction would be mitigated to a less than significant level. Compliance with the City of Pasadena Tree and Tree Protection Ordinance would ensure that the proposed project would not conflict with local policies or ordinances protecting biological resources.