

3C. Biological Resources

3C.1 Introduction

This chapter describes the existing condition of biological resources on and within the vicinity of the proposed project and evaluates the potential for the proposed project to result in any significant adverse environmental impacts to biological resources. The analysis first describes the range of biological resources potentially exposed to effects of the proposed project. Then it determines the proposed project elements that may have measurable impacts on these resources. Finally, it evaluates the impacts to determine if, alone or together, they exceed the stated standards of significance, and if so, whether they can be mitigated to less than significant levels. Feasible mitigation measures are provided to reduce potentially significant impacts to a less-than-significant level.

3C.2 Existing Environmental Setting

Methodology

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

- Reconnaissance-level site surveys conducted by ESA biologists, Michele Budish and David Wolff on August 8, 2007. The purpose of the survey was to describe the habitat types present and observed or potential to support biological resources on the campus;
- A search and review of the California Natural Diversity Database (CNDDDB) records search for the Pasadena quadrangle and eight adjacent quadrangles (Sunland, Hollywood, Los Angeles, Mt. Wilson, Condor Peak, Chilao Flat, Burbank and El Monte) (CDFG 2007);
- California Native Plant Society's (CNPS) Electronic Inventory of Rare and Endangered Plants of California (7th edition 2007);
- Art Center College of Design Master Development Plan, City of Pasadena Planning Department, August 1989;
- Arborists report for the Pasadena Art Center; Cy Carlberg; August 1, 2006; and
- City of Pasadena General Plan Conservation Element, Implementation Strategies and Policies, and Land Use Element.

Campus Setting – Habitat and Vegetation

The Art Center College of Design Hillside Campus is found on hilly terrain in the foothills of the San Rafael Mountain range, with elevations reaching up to 1,280 feet above sea level. The hillside and slopes surrounding the campus support predominantly a coastal sage scrub habitat

mixed with scattered chamise shrubs and several species of oak trees. The campus itself is currently developed with buildings, paved parking lots and recreation facilities, and non-native landscape vegetation composed of trees, shrubs and areas of turf grass.

The City of Pasadena is generally urban and suburban in nature. The California Wildlife Habitat Relationships System, (CWHR) developed by the California Department of Fish and Game (CDFG), describes value of landscape vegetation for wildlife considerations in urban and suburban environments on the presence of tree grove, street strip, shade tree/lawn, lawn, and shrub cover. The Art Center College of Design can be classified as “suburban” according to the CWHR and contains all five of the vegetative structures listed above. The structure of vegetation in this type of setting varies, and the overall mosaic of the five may be more valuable as a wildlife habitat than the individual units in that mosaic.

The campus is surrounded by steep hillsides supporting habitat for native plant and wildlife species best described as coastal sage scrub habitat. The hillsides surrounding the campus support some of the last remaining vestiges of habitat for native plant and wildlife species found within the City of Pasadena. The composition and structure of the coastal sage scrub habitat is characterized by California sagebrush (*Artemisia californica*), lemonadeberry (*Rhus integrifolia*), laurel sumac (*Malosma laurina*), toyon (*Heteromeles arbutifolia*), scrub oak (*Quercus berberidifolia*), coast live oak (*Quercus agrifolia*), chamise (*Adenostoma fasciculatum*), and Mexican elderberry (*Sambucus mexicana*). Several California sycamore (*Platanus racemosa*) trees occur around the perimeter of the campus but likely are not naturally occurring as they are typically riparian (streamside) trees.

The proposed South Parking Structure and Facilities and Operation Offices will be constructed on a portion of the existing South Parking Lot. The South Parking Lot contains non-native, ornamental, landscape trees located within landscape “islands” throughout the lot. These trees are of small stature and have an open canopy that does not provide suitable dense cover typically used by nesting birds. Non-native landscape trees in the South Parking Lot include the Mexican sycamore (*Platanus mexicana*) and Brisbane box (*Tristania conferta*). Trees located around the perimeter of the parking lot adjacent to the hillside coastal scrub habitat include the non-native Texas privet (*Ligustrum lucidum*) and California privet (*Ligustrum ovalifolium*), and the native scrub oak, Coast live oak, and California bay laurel (*Umbellularia californica*).

The proposed Tyler addition is located on top of an existing building of the main campus surrounded by landscaped vegetation and grass lawn. Landscape trees located near the Tyler Addition include non-native ginkgo (*Ginkgo biloba*) and Aleppo pine (*Pinus halepensis*), and native California sycamore.

The proposed Design Research Complex will be constructed primarily on an area of turf grass with landscape trees including Japanese black pine (*Pinus thunbergiana*), Jacaranda (*Jacaranda mimosifolia*), California sycamore, Mexican elderberry, and white alder (*Alnus rhombifolia*). Portions of the Design Research Complex will be located on a hillside below the turf grass in an area supporting coastal sage scrub habitat and oak trees.

Campus Setting – Wildlife

The campus itself and proposed project sites within the developed and landscaped areas of the campus support habitat for common bird, small mammal, and reptile species that likely interact with the surrounding native hillside vegetation. The campus landscaping itself does not support habitat for a diverse array of native wildlife species. The surrounding coastal sage scrub and oak trees support higher habitat values for wildlife than the developed campus. Wildlife observed during the reconnaissance survey indicates that birds and small mammals utilize the area. Three woodrat nests (*Neotoma sp.*) were observed along the fringes of hillside near the south parking structure and scat provided evidence of deer (*Odocoileus sp.*) and rabbits (*Lepus sp.*). Birds observed during the survey include the black phoebe (*Sayornis nigricans.*), the spotted towhee (*Pipilo maculatus*), and the mountain chickadee (*Poecile gambeli*). The coastal sage scrub and oak tree dominated hillsides are part of a small vestige of remaining natural habitat that provides food and cover habitat elements for native wildlife species.

Campus Setting – Special Status Species

Several species known to occur in 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 or state endangered species legislation. Others have been designated as special-status species based on adopted policies and expertise of state resource agencies or 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 are 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 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 Acts;
- Species that are proposed for listing under either federal or state law;
- Species designated by the US Fish and Wildlife Service (USFWS) as species of concern or by the California Department of Fish and Game (DFG) 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 such as candidate 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 California Natural Diversity Database (CNDDDB)¹ with recorded occurrences in the vicinity of the project site, the scientific literature, consultation of United States Fish and Wildlife Service resources (USFWS)², and the California Native Plant Society's (CNPS) electronic inventory of rare and endangered plants of California.³ The following describes the special-status species plant and wildlife species with recorded occurrences in the region that could potentially occur within the project area.

Special-Status Plants

Table 3C-1 lists nine 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 (CESA). Based on the field reconnaissance and review of the above information, none of these plant species would be expected to occur on the developed campus or native habitat fringing the campus.

The southern tarplant (*Centromadia parryi* ssp. *australis*), and Los Angeles sunflower (*Helianthus nuttallii* ssp. *parishii*) are found in marshes and swamps that do not occur on the proposed project site. The Parish's gooseberry (*Ribes divaricatum* var. *parishii*) and Great's aster (*Symphotrichum greatae*) are commonly found in riparian woodlands and riparian habitats that do not exist on the project site. The Nevin's barberry (*Berberis nevinii*), Plummer's mariposa lily (*Calochortus plummerae*), Parry's spineflower (*Chorizanthe parryi* var. *parryi*), slender-horned spineflower (*Dodecahema leptoceras*), mesa horkelia (*Horkelia cuneata* ssp. *puberula*), and Orcutt's linanthus (*Linanthus orcutti*) are found in a wide variety of habitats including chaparral, cismontane woodlands, coastal scrub typically on soils that are granitic, gravelly, or sandy. The habitat present around the fringe of the project site supports coastal scrub habitat and sandy-loam soils. The Plummer's mariposa lily, slender-horned spineflower require rocky or sandy sites usually of alluvial or granitic material. Since alluvial and granitic soils are not present at the project site, there is not suitable habitat to support these species. Orcutt's linanthus is found in chaparral and lower montane coniferous forests that does not exist at the project site and would not be expected to occur. Nevin's barberry, mesa horkelia and Parry's spineflower have the potential to occur but were not observed during the reconnaissance survey and would not be expected to occur.

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- ¹ California Department of Fish and Game (CDFG), California Natural Diversity Database (CNDDDB), species list for U.S. Geological Survey 7.5-minute topographic quadrangles: Pasadena, Sunland, Hollywood, Los Angeles, Mt. Wilson, Condor Peak, Chilao Flat, Burbank, and El Monte. August 6, 2007.
 - ² U.S. Fish and Wildlife Service (USFWS), Unofficial Species List of Federal Endangered and Threatened Species that may be affected by projects in Los Angeles County, August 13, 2007.
 - ³ California Native Plant Society (CNPS), CNPS Electronic Inventory for 7.5-minute topographic quadrangles: Pasadena, information dated 2007

**TABLE 3C-1
SPECIAL-STATUS SPECIES AND NATURAL COMMUNITIES OF SPECIAL
CONCERN WITH RECORDED OCCURRENCES IN
THE VICINITY OF THE PROJECT SITE**

Species	Listing Status (USFWS/CDFG/ CNPS)	General Habitat	Potential for Species Occurrence Within the Project Area
Plants & Natural Communities of Special Concern			
<i>Berberis nevini</i> Nevin's barberry	FE/SE/1B	Chaparral, cismontane woodland, coastal scrub, riparian scrub. Often on steep north facing slopes or on the banks of sandy washes.	Potential. Suitable habitat present in fringe habitat around site but species was not observed during reconnaissance survey.
<i>Calochortus plummerae</i> Plummer's mariposa lily	--/--/1B	Found in coastal scrub, chaparral, valley and foothill grasslands, cismontane woodlands and lower montane coniferous forests; occurs on rocky or sandy sites, usually of alluvial or granitic material.	No Potential. Suitable habitat not present on-site.
<i>Centromadia parryi</i> ssp. <i>australis</i> Southern tarplant	--/--/1B	Found in marshes and swamps, valley and foothill grasslands, and alkali soils within vernal pools. Microhabitat includes disturbed sites near coastal areas.	No Potential. Suitable habitat not present on-site.
<i>Chorizanthe parryi</i> var. <i>parryi</i> Parry's spineflower	--/--/3	Found in coastal scrub and chaparral, sometimes on the interface of two vegetation types. Associated with dry, sandy soils, dry slopes and flats.	Potential. Suitable habitat present in fringe habitat around site but species was not observed during reconnaissance survey.
<i>Dodecahema leptoceras</i> Slender-horned spineflower	FE/SE/1B	Sandy soils of alluvial origin in chaparral, cismontane woodland, alluvial fan coastal scrub.	No Potential. Suitable habitat not present on-site.
<i>Helianthus nuttallii</i> ssp. <i>parishii</i> Los Angeles sunflower	--/--/1A	Found in marshes and swamps (coastal salt and freshwater).	No Potential. Suitable habitat not present on-site.
<i>Horkelia cuneata</i> ssp. <i>puberula</i> Mesa horkelia	--/--/1B	Found in chaparral, cismontane woodland and coastal scrub habitats; found in gravelly or sandy sites.	Potential. Suitable habitat present in fringe habitat around site but species was not observed during reconnaissance survey.
<i>Linanthus orcutti</i> Orcutt's linanthus	--/--/1B	Found in chaparral and lower montane coniferous forests, sometimes in disturbed areas- often in gravelly clearings.	No Potential. Suitable habitat not present on-site.
<i>Ribes divaricatum</i> var. <i>parishii</i> Parish's gooseberry	--/--/1A	Found in riparian woodlands and riparian habitats.	No Potential. Suitable habitat not present on-site.
<i>Symphotrichum greatae</i> Greata's aster	--/--/1B	Mesic (moist) sites in a variety of habitats including chaparral, cismontane woodland, and riparian woodland.	No Potential. Suitable habitat not present on-site.
Riversidian Alluvial Fan Sage Scrub	CNDDDB	N/A	Confirmed absent
Southern Coast Live Oak Riparian Forest	CNDDDB	N/A	Confirmed absent
Southern Sycamore Alder Riparian Woodland	CNDDDB	N/A	Confirmed absent
Walnut Forest	CNDDDB	N/A	Confirmed absent

**TABLE 3C-1 (CONT.)
 SPECIAL-STATUS SPECIES AND NATURAL COMMUNITIES OF SPECIAL
 CONCERN WITH RECORDED OCCURRENCES IN
 THE VICINITY OF THE PROJECT SITE**

Species	Listing Status (USFWS/CDFG/ CNPS)	General Habitat	Potential for Species Occurrence Within the Project Area
Animals			
<i>Antrozous pallidus</i> Pallid bat	--/SC/--	Found in deserts, grasslands, woodlands, and forests. Most common in open, dry habitats with rocky areas for roosting.	Potential. Suitable habitat not present on-site.
<i>Athene cunicularia</i> Burrowing owl	--/SC/--	Found in open, dry, annual or perennial grasslands, deserts and scrublands characterized by low-growing vegetation.	No Potential. Suitable habitat not present on-site.
<i>Empidonax traillii extimus</i> Southwestern willow flycatcher	FE/SE/--	Associated with dense riparian woodlands in southern California.	No Potential. Suitable habitat not present on-site.
<i>Eumops perotis californicus</i> Western mastiff bat	--/SC/--	Found in open, semi-arid to arid habitats, including conifer and deciduous woodlands, coastal scrub, grasslands and chaparral, etc. Roosts in crevices in cliff faces, high buildings, trees and tunnels.	Potential. Suitable habitat present in native habitat fringe around project site.
<i>Lasiurus xanthinus</i> Western yellow bat	CNDDDB	Found in valley foothill riparian, desert riparian, desert wash and palm oasis habitats.	No Potential. Suitable habitat not present on-site.
<i>Onchomys torridus ramona</i> Southern grasshopper mouse	--/SC/--	Found in desert areas, especially scrub habitats with friable soils for digging, prefers low to moderate shrub cover.	No Potential. Suitable habitat not present on-site.
<i>Phrynosoma coronatum blainvillei</i> Coast (San Diego) horned lizard	--/SC/--	Found in chaparral, coastal sage scrub grassland, and wash habitats. Sandy, rocky or gravelly soils; friable soils.	Potential. Suitable habitat present in fringe habitat around site but species was not observed during reconnaissance survey.
<i>Rana muscosa</i> Mountain yellow-legged frog	FE/SC/--	Federal listing refers to populations in the San Gabriel, San Jacinto and San Bernardino Mtns. Only. Always encountered within a few feet of water.	No Potential. Suitable habitat not present on-site.
<i>Taricha torosa torosa</i> Coast range newt	--/SC/--	Found in coastal drainages from Mendocino to San Diego county; lives in terrestrial habitats and will migrate over 1km to breed in ponds, reservoirs and slow moving streams.	No Potential. Suitable habitat not present on-site.
<i>Taxidea taxus</i> American badger	--/SC/--	Most abundant in drier open stages of most shrub, forest and herbaceous habitats with friable soils.	No Potential. Suitable habitat present in fringe habitat around site but species was not observed during reconnaissance survey.

Status Codes:

Federal (USFWS)
 FE = federally endangered
 FT = federally threatened

CNPS
 1A = Plants presumed extinct in California
 1B = Plants rare, threatened, or endangered in the state and elsewhere.

State (CDFG)
 SE = state endangered
 SC = state species of special concern
 CNDDDB = Tracked by the CNDDDB, but with no other special regulatory or management status.

3 = Plants where more information is needed, (3.2) fairly threatened in CA.

SOURCES: CNDDDB, 2007; CNPS Electronic Inventory of Rare and Endangered Plants.

Wildlife

Table 3C-1 lists ten special-status wildlife species with recorded occurrences in the region of the project site. Seven of these species do not have the potential to occur. The western yellow bat (*Lasiurus xanthinus*) and southern grasshopper mouse (*Onychomys torridus ramona*) are found in desert riparian and desert wash habitats. These habitats do not occur on the project site. The mountain yellow-legged frog (*Rana mucosa*) and coast range newt (*Taricha torosa torosa*) require a water source (ie. pond, stream, or reservoir) nearby that does not exist on or near the project site. The southwestern willow flycatcher (*Empidonax traillii extimus*) is an endangered bird associated with dense riparian woodlands in southern California that does not occur on the project site. The pallid bat (*Antrozous pallidus*) and burrowing owl (*Athene cunicularia*) are associated with deserts, grasslands, forests and scrublands that do not occur on the project site. None of these species are expected to occur on the project site do to the lack of suitable habitat.

Three wildlife species potentially occurring in or around the project area are the coast (San Diego) horned lizard (*Phrynosoma coronatum blainvillei*), western mastiff bat (*Eumops perotis californicus*), and American badger (*Taxidea taxus*). The coast horned lizard occurs in coastal sage scrub habitats with friable soils and its primary food source is ant colonies. The western mastiff bat is found in open, semi-arid to arid habitats including conifer and deciduous woodlands, grasslands, coastal scrub, chaparral, and urban settings. Suitable roost locations are provided by crevices in rock outcrops, buildings, trees and tunnels. The yearlong range of the western mastiff bat includes southern parts of central California⁴. The American badger is found in dry, open stages of most shrub, forest or herbaceous habitats and requires friable soils for digging. While none of these species were observed during field reconnaissance, the fringes of habitat surrounding the campus represent suitable habitat for these species.

3C.3 Regulatory Environment

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 Federal Endangered Species Act (FESA) 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., Sec. 703, Supp. I 1989) and other provisions of the Fish and Game Codes. By implication, impact to any Special Status species found or presumed present on a project site may be significant under CEQA and should be mitigated.

Federal Endangered Species Act

Under FESA, the Secretary of the Interior and the Secretary of Commerce jointly have the authority to list a species as Threatened or Endangered (16 U.S.C. 1533(c)). FESA prohibits the

⁴ California Wildlife Habitat Relationships (CWHR), on-line information on the western mastiff bat- habitat and range; accessed on September 4, 2007.

“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 FESA, 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 nonfederal 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 California Endangered Species Act (CESA) requires state agencies to comply with endangered species protection and recovery to promote conservation of these species. The CDFG administers the act and authorizes take through Section 2081 agreements (except for designated “fully protected species”).

Regarding rare plant species, CESA defers to the California Native Plant Protection Act of 1977, which prohibits importing of rare and endangered plants into California, taking of rare and Endangered plants, and selling of rare and Endangered plants. State-listed plants are protected mainly in cases where state agencies are involved in projects under CEQA. In this case, plants listed as rare under the California Native Plant Protection Act are not protected under CESA 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 DFG. Any loss of fertile eggs, nesting raptors or any activities resulting in nest abandonment would constitute a significant impact.

Other Statutes, Codes and Policies Affording Limited Species Protection

The federal Migratory Bird Treaty Act⁵ (MBTA) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. The federal Bald-Eagle Protection Act prohibits persons within the U.S. (or other places subject to U.S. jurisdiction) from “possessing, selling, purchasing, offering to sell, transporting, exporting, or importing any bald eagle or golden eagle, alive or dead, or any part, nest, or egg thereof.”

⁵ 16 United States Code, Sec. 703, Supp. I, 1989

Local or Regional Ordinance, Codes, and Policies

City of Pasadena General Plan

The City of Pasadena General Plan Land Use and Conservation Elements provide goals, objectives and policies that direct development projects towards preservation and conservation of native habitats, vegetation, and wildlife. Specifically considered in this analysis are the following:

General Plan Land Use Element Objective 9 – Open Space Preservation and acquisition: Preserve and acquire open space in Pasadena in order to enhance the quality of Pasadena life.

General Plan Land Use Element Policy 9.5 – Stewardship of the Natural Environment: Encourage and promote the stewardship of Pasadena’s natural environment, including water conservation, clean air, natural open space protection, and recycling. Encourage the use of native, water conserving and regionally appropriate landscaping.

General Plan Conservation Element Goal 2.0 – Provision of a physical environment which contributes to and enhances the quality of life. Objectives:

2.4. Retention of Pasadena's image and heritage of mature trees and plant life.

2.5. Preservation of remaining vestiges of native plant life found within the City.

Pasadena Tree Protection Ordinance

The City of Pasadena adopted the City Trees and Tree Protection Ordinance (Pasadena Municipal Code Chapter 8.52) on May 6, 2002, and amended its standards to include a total of 158 species on June 2, 2003. The ordinance seeks to protect public trees, landmark trees⁶, native trees⁷, and specimen trees⁸ 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; or

The Tree Protection Ordinance defines “landmark,” “native” and “specimen” trees as:

6 “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.

7 “Native tree” means any tree with a trunk size of more than eight inches in and is one of the following species: *Quercus agrifolia* (coast live oak), *Quercus engelmannii* (Engelmann oak), *Quercus chrysolepis* (canyon live oak), *Platanus racemosa* (California sycamore), *Juglans californica* (California walnut), *Quercus berberidifolia* (scrub oak), *Quercus lobata* (valley oak), *Umbellularia californica* (California bay laurel), *Populus fremontii* (western cottonwood), *Populus trichocarpa* (black cottonwood), *Alnus rhombifolia* (California alder), *Salix lasiolepis* (arroyo willow), and *Aesculus californica* (California buckeye).

8 “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.

- The present condition of the tree is such that it is not reasonably likely to survive; or
- There is an objective feature of the tree that makes the tree not suitable for the protection of this chapter; or
- 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; or
- 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.

3C.4 Impacts and Mitigation

3C.4.1 Significance Criteria

Based on the *CEQA Guidelines*, a project may be deemed to have a significant effect on the environment with respect to 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, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance; and/or
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or approved local, regional, or state habitat conservation plan.

3C.4.2 Project Impacts

Impact 3C.1: The proposed project could have a substantial adverse affect, 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 (less than significant with mitigation).

The majority of the proposed project would be located on the existing developed or landscaped areas of the Art Center College of Design campus, which is found nestled in the hilly foothill terrain the San Rafael Mountains. Potential direct impacts on biological resources would involve the removal of approximately one-hundred trees throughout the project site comprised mostly of non-native landscape trees (see arborist report Appendix C), and new grading of approximately half an acre adjacent to the sculpture garden and lawn. In addition, in accordance with the City Fire Department's guidelines, vegetation up to 20 feet from structures shall be cleared (any trees within this area should have been documented within the tree inventory). An irrigated zone up to 100 feet from structures, and a thinned native vegetation zone up to 200 feet from structures will also be maintained for fuel modification in accordance with the City Fire Department's guidelines. These fuel modification practices could also impact native vegetation downslope and northeast of the Design Research Center. Implementation of **Mitigation Measure 3C.3** would reduce potentially significant impacts to native vegetation to a less than significant level. Given the size of the area of impact and the nature of the impact, revegetation is considered sufficient.

Immediately east of the bridge of the Ellwood building, under which MacMinn Road travels, a temporary parking area for overflow parking is planned for the construction phase of the project. No impacts to native vegetation or trees in the area are anticipated, as parking would occur only in the flat areas. These areas are vegetated primarily with non-native grass. However, should additional clearing or grading be proposed in order to accommodate temporary overflow construction parking, or any other temporary use, implementation of **Mitigation Measure 3C.3** would reduce potentially significant impacts to native vegetation to a less than significant level. Also, the removal of any trees not specified in the Tree Survey for the Master Plan would require a Tree Removal Permit, and would follow protocol as specified by the Pasadena Tree Protection Ordinance. **Mitigation Measure 3C.4** would also reduce tree losses to a less than significant level.

Based on the field reconnaissance of the project site and review of the CNDDDB records there is the potential for occurrence of nesting birds, including raptors in the native and landscape trees. Additionally, the native oak trees and surrounding coastal sage scrub habitat could support the American badger, coast horned lizard, and western mastiff bat. Tree and vegetation removal for the proposed project could result in direct impacts on nesting birds, and direct impacts and/or loss of available habitat for the American badger, coast horned lizard, western mastiff bat, as well as other common wildlife species of the coastal sage scrub habitat. This would be a considered to be a potentially significant impact. Implementation of **Mitigation Measures 3C.1, 3C.2, 3C.3, and 3C.4** would reduce potentially significant impacts to nesting birds, special-status species, and general loss of wildlife habitat to a less than significant level.

Mitigation Measures

Mitigation Measure 3C.1: To avoid potential impacts on nesting birds, tree removal for the proposed project shall be conducted outside of the typical breeding season for birds generally determined to be March 1 through August 31. If tree removal outside the breeding season for birds is not feasible, then the following mitigation measures shall be implemented:

A qualified biologist approved by the City shall conduct a breeding bird survey of all trees to be removed. If no active nesting birds are observed no further mitigation would be required. If an active bird nest is located in a tree to be removed, then the tree removal shall be deferred and the impacts to the nest tree avoided until the adults and young are no longer reliant on the nest tree. The qualified biologist shall determine if additional non-disturbance buffer zones around the nest tree are required to allow for the successful completion of the nesting cycle. Avoidance buffer zones shall be determined by the qualified biologist based on the species and any other protections afforded it, details of the nest site, the nest stage, types and levels of ongoing disturbances, the relevant project actions, and distances involved.

Mitigation Measure 3C.2: To avoid potential direct impacts on American badger, coast horned lizard, or western mastiff bat, a qualified biologist approved by the City shall survey the areas of disturbance within 30 days of the start of construction. If none of these species are observed, no further mitigation shall be required. If any American badgers or coast horned lizards are observed, they shall be relocated out of harms way by the qualified biologist by hand excavation or similar measures to allow these ground dwelling animals to escape into the surrounding coastal sage scrub habitat. If western mastiff bats are observed, the qualified biologist shall determine the use of the site (natal roost, transient day/night roost, etc.). If feasible, disturbance to the roost site shall be avoided until the bats no longer use that location. If avoidance is not feasible, the bats shall be passively relocated by a California licensed contractor registered with Bat Conservation International.

Mitigation Measure 3C.3: To compensate for the loss of coastal sage scrub habitat for special-status and common wildlife species, a landscape plan shall be submitted for Design Review showing all disturbed project areas adjacent to the surrounding native habitat hillsides to be revegetated with a native plant species palette consisting of coastal sage scrub species. In addition, to preserve the integrity of the surrounding native vegetation, landscaping around the new structures shall not contain invasive species identified by the California Invasive Plant Council or otherwise known to invade native habitats. The City shall review and approve the native plant revegetation plan, including the tree and plant palette to be used, and the landscape plans to ensure implementation of this mitigation measure.

Revegetation shall, to the extent possible, replace an area equal to the tree canopy volume and coverage removed. No mass tree removals shall be permitted until an approved final landscape plan has been approved by the City of Pasadena. Individual tree removals may be approved by the Planning Director subject to a Tree Removal Permit.

Mitigation Measure 3C.4: To compensate for the canopy loss of trees, a qualified arborist or landscape architect shall evaluate the canopy volume for each tree that is proposed for removal and depict said trees in a site survey of existing conditions. The site survey of existing conditions shall be attached to the landscape plan submitted for Design Review.

The landscape plan presented for Design Commission approval shall clearly demonstrate through new plantings the replacement of the removed canopy noted in the site survey of existing conditions. The landscape plan shall contain the size, type, and location of each new tree that is proposed to compensate for the canopy loss. The plan shall also indicate the estimated amount of growth time needed for each tree to reach the desired replacement canopy size.

Significance After Mitigation: Less than significant.

Impact 3C.2: The project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service (no impact).

Riparian habitat is lowland scrub habitat associated with the bed and banks of a river, stream, or wash. The CNDDDB identified the Riversidian alluvial fan sage scrub, southern coast live oak riparian forest, southern sycamore alder riparian woodland, and the walnut forest as sensitive natural communities occurring in the region. The campus and proposed project site are currently developed with buildings, paved parking lots, and landscape vegetation. None of these sensitive natural communities are present on the proposed project site. Therefore, the proposed project will have no impact on any riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations or by the CDFG or USFWS since these habitats and communities do not exist on the site.

Mitigation: None required.

Impact 3C.3: The project could have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means (no impact).

The campus and proposed project site are currently developed with buildings, paved parking lots, and landscaping. The surrounding steep hillsides support upland coastal sage scrub habitat. No wetlands, other waters of the U.S. or waters of the State occur on the proposed project site. Therefore, there would be no impact on federal or state protected wetlands or other waters.

Mitigation: None required.

Impact 3C.4: The 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. (Less than significant with mitigation).

The proposed project site is in and around the developed campus surrounded by native coastal sage scrub habitat and residential development that do not represent part of a wildlife corridor or linkage to wildlife movement. Based on field observations of the proposed project area, it does not appear to support a native wildlife nursery site, but does support habitat for common wildlife and resident and migratory birds. Therefore, the proposed project may impact locally occurring species but 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. While this is considered to be a less-than-significant impact, implementation of Mitigation Measures 3C.1, 3C.2 and 3C.3 would further reduce the impact by avoiding direct impacts on wildlife and compensating for the loss of coastal sage scrub habitat supporting local wildlife species.

Mitigation Measures

Implement Mitigation Measures 3C.1, 3C.2, 3C.3, and 3C.4, above.

Significance After Mitigation: Less than significant.

Impact 3C.5: The project could conflict with local policies or ordinances protecting biological resources, such as tree preservation policy/ordinance or conservation goals and policies (less than significant with mitigation incorporated).

The Conservation Element (Goal 2.0, Objective 2.4 & 2.5) and Land Use Element (Objective 9) of the City of Pasadena's General Plan⁹ identify the retention of Pasadena's image and heritage of mature trees as well as the preservation of remaining vestiges of native plant life and open space found within the City. In addition, the City of Pasadena Tree Protection Ordinance¹⁰ requires a permit to remove or injure any tree protected under this ordinance. The native trees and specimen trees listed below fall under this ordinance.

The Design Research Complex will result in the construction of a new building on land that is already developed. The Design Research Complex will replace the grass lawn that currently exists and will result in the removal of eleven landscape trees. Nine of these landscape trees are considered native trees and two of these trees are considered specimen trees. Another tree documented in the tree inventory, a white alder, has since been removed. Native trees proposed for removal include white alder and California sycamore. Non-native trees proposed for removal include the Japanese black pine and Jacaranda. Any tree identified as a "native tree" or "specimen tree" under the City of Pasadena Tree Protection Ordinance¹¹ is subject to the provisions in the ordinance.

⁹ City of Pasadena General Plan EIR, Conservation Element & Land Use Element, accessed on August 22, 2007.
<http://www.ci.pasadena.ca.us/planning/deptorg/commplng/GenPlan/conservation.asp>

¹⁰ http://www.ci.pasadena.ca.us/planning/deptorg/commplng/GenPlan/pdf/LandUseElement_110804.pdf
¹¹ City of Pasadena Tree Protection Ordinance, Pasadena Municipal Code Chapter 8.52, accessed on August 22, 2007.
<http://cityofpasadena.net/publicworks/PNR/TreeOrdinance/summary.asp>

¹¹ Op. cit.

The arborist report documents a total of 53 non-native trees to be removed in the existing South Parking Lot. These are strictly non-native, ornamental, landscape trees located along islands in the South Parking Lot. These non-native species proposed for removal include 41 Mexican sycamore trees and 12 Brisbane box trees. The Brisbane box is considered a “specimen tree” under the City of Pasadena Tree Protection Ordinance and subject to the provisions within. There are six native trees to be removed on these hillsides that include one coast live oak, one scrub oak, three California sycamore trees, and one Mexican elderberry. The arborist report documents a total of 29 non-native trees to be removed on the fringes of the native habitat outside of the existing South Parking Lot. In addition, there are seven native trees proposed for removal around the new parking structure that includes two California bay laurel, one California sycamore, three Scrub oak, and one Coast live oak trees. These native trees are subject to the provisions of the City of Pasadena Tree Protection Ordinance. Other non-native trees proposed for removal on these fringes include one Shamel ash tree (*Fraxinus uhdei*), five Texas privet trees, and one California privet tree.

There are no habitat impacts associated with the Tyler Addition which includes creating a two-story addition on top of a portion of the existing Ellwood building. The arborist report indicates that there will not be any removal of trees for this portion of the proposed project

As discussed in the setting section, the campus is surrounded by sloping hillsides supporting native coastal sage scrub habitat. These hillsides supporting native plant and wildlife species habitat comprise a part of the last remaining vestiges of native plant life found within the City of Pasadena. Proposed project construction would impact some of the areas of native habitat that fringe the campus.

Objective 2.5 of the City of Pasadena’s General Plan Conservation Element suggests the importance of preserving the remaining vestiges of native plant life found within the City. In addition, the Pasadena General Plan Land Use Element, Policy 9.5 encourages and promotes the stewardship of Pasadena’s natural environment, including water conservation, clean air, natural open space protection, and recycling. It also encourages the use of native, water conserving, and regionally appropriate landscaping. The removal of trees and native vegetation for project construction and fire management would impact the native plant life along the hillsides that represent remaining vestiges native habitat within the City. This would be considered to be a potentially significant.

Compliance with the Pasadena Tree Protection Ordinance would reduce the impact from tree removal to a less than significant impact. Implementation of **Mitigation Measures 3C.1, 3C.2, 3C.3 and 3C.4** would reduce impacts on the native coastal sage scrub plant community and associated wildlife species by avoiding direct impacts on wildlife, and compensating for the loss of coastal sage scrub habitat through restoring disturbed areas adjacent to the areas of native habitat around the campus.

Mitigation Measures

Implement Mitigation Measures 3C.1, 3C.2, 3C.3 and 3C.4, above.

Significance After Mitigation: Less than significant.

3C.4.3 Cumulative Impacts

Impact 3C.6: The proposed project could result in adverse cumulatively considerable impacts on biological resources including loss of habitat for native plant and wildlife species (less than significant).

The proposed project footprint is to be largely located within the Art Center's previously graded 33-acre "island" of development. An additional adjacent area of less than half an acre of grading is proposed for the project. The existing plus proposed area of development is surrounded by open space natural coastal sage scrub habitat, oak trees, and areas of suburban residential development. The existing environment in the project area is almost completely developed with buildings and landscape vegetation with native habitats on the surrounding hillsides. Current and foreseeable future planned developments are limited in number and would be subject to the requirements for preservation of existing open space areas and goals, policies and objectives set out in the Pasadena General Plan to protect areas of native plants and animals, as well as environmental review under CEQA and other protective laws described in the regulatory discussion earlier in this chapter. The related projects are not located adjacent to the project area. They are all located in suburban or urban areas (i.e., a school site just east of the Rose Bowl, an apartment project southwest of West Colorado Boulevard and South Orange Grove Boulevard on Green Street, and an apartment project on North Orange Grove Boulevard east of Lincoln Avenue). As the related project sites are in developed areas and are not adjacent to natural open space, the related project impacts are likely to be less than significant, particularly if mitigation is applied as needed on individual project level.

The proposed project would result in the removal of native and non-native trees and a small portion of habitat around the fringe of the project areas that would not be considered a substantial cumulative contribution to the loss of habitat within the geographic context of this analysis. Implementation of the required mitigation measures to avoid direct impacts on wildlife to the extent feasible, and the restoration with native plants areas of disturbance adjacent to the native habitat would reduce this projects contribution to the cumulative loss of habitat in the region. As such, the proposed project would not provide a cumulatively considerable significant impact.

Mitigation: None required.