

## C. BIOLOGICAL RESOURCES

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### 1. INTRODUCTION

This section describes applicable regulations and biological resources that occur or have potential to occur on the site or in the vicinity, and presents an analysis of potential impacts to biological resources that could occur with implementation of the proposed project. The analysis in this section is based on a Biological Resources Assessment (BRA) performed by PCR Services Corporation in January 2011, and is supplemented by additional technical studies and records searches previously prepared for the site. The BRA and related technical information is included as Appendix C of this EIR.

### 2. ENVIRONMENTAL SETTING

#### a. Regulatory Framework

The following provides an overview of regulations that are relevant to the assessment of the proposed project's potential effects on biological resources.

#### (1) Federal Clean Water Act, Section 404

Section 404 of the federal Clean Water Act (CWA) established a program regulating the discharge of dredged and fill material into waters of the United States (WoUS), including wetlands. The United States Army Corps of Engineers (USACE) is authorized to issue permits to allow for such discharges in compliance with and consistent with the CWA. WoUS are generally defined under the CWA as rivers, creeks, streams, and lakes extending to their headwaters and any associated wetlands. The permit review process entails an assessment of potential adverse impacts to USACE jurisdictional WoUS and wetlands. The basic premise of the program is that no discharge of dredged or fill material should be permitted if a practicable alternative exists that is less damaging to the aquatic environment or if the nation's waters would be significantly degraded. Project proponents must first show that they have taken steps to avoid and reduce where practicable, potential impacts to wetlands and WoUS, with compensation provided for any remaining, unavoidable impacts through activities to restore, enhance, or create WoUS.

Regulated activities are controlled by a permit review process administered by the USACE. For those projects that have the potential to produce significant impacts, an individual permit may be required. For many projects, however, the USACE administers a nationwide permit (NWP) program establishing an expedited permit process for particular categories of activities (e.g., minor road crossings, utility line backfill, and bedding). Generally, an individual permit is required if over 0.5 acres of WoUS or if over 300 linear feet of jurisdictional non-ephemeral waters will be affected. In the absence of wetlands, the limits of USACE jurisdiction in non-tidal waters (such as rivers, lakes, and intermittent streams) extends to the ordinary high water mark (OHWM). Unless otherwise exempt under a NWP, project proponents for federal permits that involve dredge or fill activities in surface waters (including wetlands) are required to obtain certification from the State verifying that the proposed activity will comply with applicable State water quality standards.

No wetland habitat is located on the project site. However, Section 404 of the federal CWA is identified as a relevant regulation due to the proximity of the project to the Los Cerritos Wetland and the potential for indirect effects on that biological resource.

## **(2) Migratory Bird Treaty Act**

The Migratory Bird Treaty Act (MBTA) and Fish and Game Code Section 3503 protect most native bird species from destruction or harm. This protection extends to individuals as well as any part, nest, or eggs of any bird listed as migratory. Most native North American bird species are on the MBTA list. The requirements of the MBTA apply to all species on the MBTA list irrespective of geographic location, property ownership, or jurisdiction in which they are located. However, given the large number and extensive geographic range of species on the list, enforcement often is difficult. As such, in practice, federal or State resource agency permits for activities potentially impacting migratory birds may serve to implement the provisions of the MBTA, as such permits often have conditions that require pre-disturbance surveys for nesting birds, and, in the event nesting is observed, a buffer area with a specified radius must be established, within which no disturbance or intrusion is allowed until the young have fledged and left the nest. The size of the buffer area varies with species and local circumstances (e.g., presence of busy roads), and is based on the professional judgment of the monitoring biologist.

The MBTA applies to the project site given the number of migratory bird species found in the surrounding area and the potential for migratory birds to utilize the site for limited foraging or nesting.

## **(3) City of Long Beach Tree Regulations**

The proposed project is subject to the guidelines set forth in the City of Long Beach Municipal Code (LBMC), Title 14, Streets and Sidewalks, Chapter 14.28: Trees and Shrubs. The purpose of the regulation is to preserve street trees; regulate the maintenance and removal of such trees; and to establish the varieties, minimum size, methods, and locations for the planting of street trees. Trees located adjacent to the project site are subject to the provisions of Chapter 14.28 of the LBMC, namely the palm trees along Marina Drive.

### **b. Existing Conditions**

#### **(1) Project Site Conditions**

The project site is a fully built-out commercial property surrounded by major roadways and other large-scale commercial developments. Areas along the perimeter of the site are landscaped with ornamental plants, such as turf grass, low-growing shrub species, and ornamental trees. Given that the site has been fully developed for over 40 years, it does not support native vegetation. The absence of native vegetation on the site was documented during a site reconnaissance undertaken by a qualified biologist in January 2011.

The northeastern and southwestern perimeters of the project site are lined with Mexican fan palms (*Washingtonia robusta*), with nearly 60 palms along Marina Drive and nearly 20 palms along PCH. In addition, over 80 palms are located throughout the site's interior. Various other non-native ornamental trees and shrubs are also located within the site's interior, including ficus trees (*Ficus* sp.), olive trees (*Olea* sp.), bird of paradise (*Strelitzia reginae*), Italian cypress (*Cupressus sempervirens*), and queen palm (*Syagrus romanzoffiana*). It should be noted that the palm trees along Marina Drive are located within the public street right-of-way, and therefore are subject to the City of Long Beach street tree regulations.

Wildlife species observed within the project site include black phoebe (*Sayornis nigricans*), house finch (*Carpodacus mexicanus*), rock dove (*Columba livia*), American crow (*Corvus brachyrhynchos*), and the non-native European starling (*Sturnus vulgaris*). In addition, one California gull (*Larus californicus*) was observed

flying over the project site during PCR's site assessment. None of these species are considered sensitive by the resource agencies. In addition, all of these species are highly adapted to urban environments and are seen frequently in urban settings.

## (2) Surrounding Urban Uses

The project site is surrounded by urban development, including commercial and residential uses, surface parking lots, and major roadways. To the immediate northwest, south, and southeast are commercial and residential uses on fully developed properties that do not support native habitat. Southwest of the project site is a large surface parking lot that serves the Alamitos Bay Marina waterfront and associated boat slips. Pacific Coast Highway is parallel to the project site's northeastern boundary, and 2<sup>nd</sup> Street is parallel to its northwestern boundary. **Figure IV.C-1, Aerial Photograph With Surrounding Uses**, shows the project site and surrounding uses.

## (3) Surrounding Biological Resources

The project site is located between the San Gabriel River, Los Cerritos Channel, Alamitos Bay Marina, and the Los Cerritos Wetlands, which support a variety of marine and terrestrial species. The project site does not discharge to the San Gabriel River or the Los Cerritos Channel. Runoff from the project site drains to Alamitos Bay located approximately 400 feet southwest of the project site.

Also shown in Figure IV.C-1, the Los Cerritos Wetlands are located to the northeast of the project site. Intervening urban development between the project site and the Los Cerritos Wetlands includes PCH, 2<sup>nd</sup> Street, a fast food restaurant, and the Marketplace shopping center. As confirmed through a site reconnaissance conducted by a qualified biologist, the southwestern portion of the Los Cerritos Wetlands, closest to the project site (approximately 400 feet), is degraded due to past and current oil extraction activities in the area. The Los Cerritos Wetlands in this area are characterized by active oil extraction activities and associated oil wells, pipelines, power poles/lines, large oil storage tanks, oil field-related structures, and other infrastructure. The majority of vegetation within this portion of the Los Cerritos Wetlands consists of ruderal plant species, with very limited native vegetation. Given the disturbed nature of this area and limited native vegetation, this area of the wetlands most proximate to the site provides limited low quality habitat for wildlife. The less disturbed areas of the Los Cerritos Wetlands, which are more functional and provide higher quality habitat, are located over 2,000 feet from the project site. The Los Cerritos Wetlands are located up-gradient from the site and runoff at the site flows away from the Los Cerritos Wetlands.

Approximately 106 species of birds have been observed within the Los Cerritos Wetlands.<sup>1</sup> Three bird species known to occur in the Los Cerritos Wetlands are considered sensitive, including the State endangered Belding's savannah sparrow (*Passerculus sandwichensis beldingi*), State protected California brown pelican (*Pelicanus occidentalis californicus*), and federal and State endangered least tern (*Sterna antillarum browni*). These species are described below.

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<sup>1</sup> *Los Cerritos Wetlands Project. Birds of the Los Cerritos Wetlands.* [http://www.intoloscerritoswetlands.org/wetland\\_birds.php](http://www.intoloscerritoswetlands.org/wetland_birds.php). Accessed November 4, 2010.

### ***Belding's Savannah Sparrow***

Belding's savannah sparrow inhabits grassland, saline emergent wetland, and wet meadow habitats along the coast. This species breeds in saline emergent wetlands and requires dense ground cover during breeding season, as this species nests in a hollow on the ground, usually concealed by overhanging vegetation. This species scratches and gleans on the ground and picks food directly from low plants consisting mostly of grass, seeds, and small invertebrates. Although this species has been observed within the vicinity of the project site, the Belding's savannah sparrow is not expected to utilize the project site itself for foraging or nesting, given the developed nature of the site and lack of suitable habitat.

### ***California Brown Pelican***

The California brown pelican is found in estuarine, marine subtidal, and marine pelagic waters along the coast. This species usually rests on water or inaccessible rocks, either offshore or on land, but also uses mudflats, sandy beaches, wharfs, and jetties. This species does not roost overnight on water, but concentrates at a few traditional roosts on the mainland or islands. The California brown pelican builds small mounded nests of sticks and other debris on the slopes of undisturbed islands that are rocky or covered with low brush. This species forages almost entirely by diving for fish, particularly in the early morning or late afternoon, or when the tide is rising.

The California brown pelican has been observed in the vicinity of the project site, within the nearby Los Cerritos Wetlands. This species was not observed on the site and is not expected to utilize the project site for foraging or nesting. It would likely utilize preferred routes via the San Gabriel River, Los Cerritos Channel, and Alamitos Bay Marina movement corridors for access to offshore foraging areas.

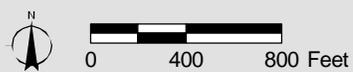
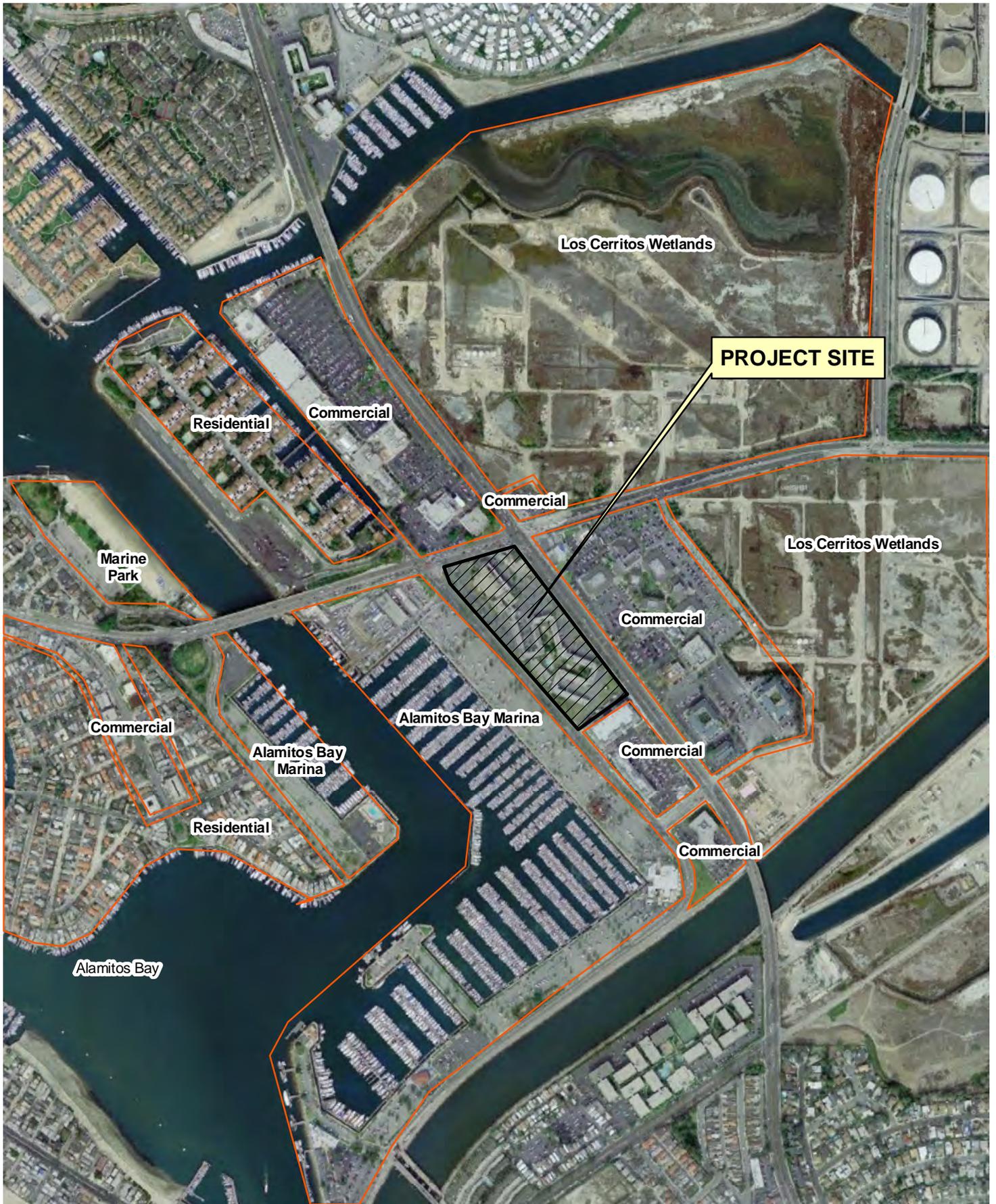
### ***Least Tern***

Breeding colonies of the least tern inhabit marine and estuarine shores. Adults primarily roost on the ground. This species nests on barren to sparsely vegetated sites near water, usually on gravelly or sandy substrate, and will abandon nesting areas readily if disturbed. After breeding, family groups of least terns frequent lacustrine waters near the coast. This species feeds in shallow estuarine waters where small fish are abundant, particularly near the shore in the open ocean where lagoons are found nearby, or at mouths of bays.

The least tern has been observed in the vicinity of the project site, within the nearby Los Cerritos Wetlands. This species is not expected to utilize the project site itself for foraging or nesting, given the lack of necessary habitat, and would likely utilize preferred routes via the San Gabriel River, Los Cerritos Channel, and Alamitos Bay Marina movement corridors for access to coastal foraging areas.

## **(4) Surrounding Jurisdictional Features**

The project site does not support "waters of the U.S./State" as regulated under the jurisdiction of the USACE, CDFG, Regional Water Quality Control Board (RWQCB); or, coastal wetlands as regulated by the California Coastal Commission (CCC) under the California Coastal Act (§30121 and §13577(b) Code of Regulations). The closest waters of the U.S./State to the project site are located within Alamitos Bay, approximately 300



**Aerial Photograph With Surrounding Uses**

Second+PCH Development  
Source: ESRI, 2009.

FIGURE

**IV.C-1**

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feet to the southwest in the Marina, while the closest federally regulated wetlands are located within the Los Cerritos Wetlands approximately 400 feet north of the project site at the closest point. The project site and Los Cerritos Wetlands are separated by urban development including 2<sup>nd</sup> Street, PCH, and commercial uses, and since the project site is down-gradient from the Los Cerritos Wetlands, the project site and Los Cerritos Wetlands are not hydrologically connected.

### **3. ENVIRONMENTAL IMPACTS**

#### **a. Significance Thresholds**

A project may have a significant impact on biological resources if it would exceed the significance thresholds included in Section IV, Biological Resources, in Appendix G of the CEQA *Guidelines*. As such, the proposed project would result in a significant impact to biological resources if it would:

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

All of these significance thresholds were preliminarily evaluated in the proposed project's Initial Study, which is included as Appendix A of this EIR. The Initial Study determined that the proposed project would have no impact with respect to threshold No. 6 and therefore no further study of that threshold was required in the EIR. Below, the remaining thresholds (i.e., Nos. 1-5) are used to further analyze the severity of the proposed project's potential impacts on biological resources.

#### **b. Methodology**

PCR's approach to evaluating potential impacts on biological resources entailed research and site reconnaissance to characterize existing resources in the project area and an assessment of project features and operational aspects of the project with the potential to adversely affect biological resources. Characterization of existing conditions involved a literature review, which included sensitive resources account database searches of the California Department of Fish and Game (CDFG), California Natural

Diversity Database (CNDDDB); and Federal register listings, protocols, and species data provided by the U.S. Fish and Wildlife Service (USFWS) for all pertinent information regarding the locations of known observations of sensitive species and habitats in the vicinity of the project site. In addition, the project site was assessed utilizing current aerial photography. Furthermore, in November 2010, PCR biologists conducted a site assessment to characterize the existing biological resources, if any, within the project site. The investigation included documenting existing vegetation, land uses, and the current use of the project site by wildlife species. Although access is restricted, PCR biologists also observed the nearby Los Cerritos Wetlands to determine conditions within the portion of the Los Cerritos Wetlands closest to the project site. The general survey and vegetation mapping were facilitated by the use of current color aerial photography. Binoculars and regional field guides were utilized for the identification of wildlife, as necessary. The results of site assessment are included in Appendix C of this EIR.

Given the developed nature of the project site and the absence of native habitat or sensitive species on the site, the evaluation of biological resources focused on potential impacts to nesting migratory birds due to tree removal and construction activities and potential for structures proposed on the site to interfere with bird migration or cause an increase in bird strikes. Evaluation of potential indirect impacts to sensitive species, riparian habitat, sensitive natural communities, and wetland habitat (i.e., the Los Cerritos Wetlands) focused on project-related improvements and operational characteristics associated with stormwater pollution, lighting, noise, traffic, invasive plant species (landscaping), domestic pet predation, and physical obstructions to wildlife movement.

Evaluation of consistency with the MBTA was performed by identifying what potential nesting habitat currently exists on the project site and determining the extent to which removal of on-site vegetation could have an adverse effect on nesting migratory birds. Similarly, evaluation of consistency with the City's street tree regulation was undertaken by identifying street trees within the public right-of-way that would be subject to removal, and addressed consistency with the provisions of the regulation.

### c. Project Design Features

Various design features to be implemented as part of the proposed project that would serve to reduce or avoid adverse impacts to biological resources include:

- As discussed in Section II, *Project Description*, of this EIR, the building materials to be utilized for the proposed structures, and particularly the 12-story residential tower, would include colored and textured glass, which have lower reflectivity and serve to break up otherwise large areas of clear glass with higher reflectivity. Additionally, the proposed 12-story residential tower would be characterized by curved vertical surfaces on the exterior, rather than large continuous flat surfaces. The absence of highly reflective glass, differentiation in structural massing through varied setbacks and building heights, integration of flat and curved surfaces, as well as use of a combination of wood, textured glass, and matte metal finishes would reduce the potential for the risk of bird collisions.
- The proposed project would provide extensive landscaping on-site, particularly on the ground and podium levels of the project, which would provide visual relief and also serve to reduce the reflectivity of building materials. Such landscaping, as noted in the project's Composite Landscape Plan (see Figure II-16 in Section II, *Project Description*, of this EIR) would largely include native plant species, which are compatible with the surrounding environment, and may also serve to support foraging or nesting of native wildlife species.

- As required by City of Long Beach development standards and as indicated in Section II, *Project Description*, of this EIR, outdoor project lighting would be directed and shielded to avoid excessive light generation to minimize off-site light spill, which can result in adverse effects on sensitive wildlife species; specifically, bright beams of light can disorient birds flying at night and result in collisions. The lack of highly concentrated or bright lighting (e.g., spotlights) associated with the proposed project, as well as containing project-generated light within the project site, would serve to avoid indirect impacts to wildlife foraging, nesting, or breeding in the project area.
- With regard to water quality, and associated indirect impacts to downstream water bodies and related habitats and wildlife, a number of water quality features (or Best Management Practices [BMPs]) would be implemented as part of the proposed project, as discussed under Subsection 3.c., Project Design Features, in Section IV.G, *Hydrology and Water Quality*, of this EIR. Such features include, but are not limited to, erosion controls, sediment controls, tracking controls, non-storm water management, materials & waste management, good housekeeping practices during construction activities, as well as site design, source control, and treatment control BMPs. By minimizing the generation of stormwater pollutants, as well as the off-site transport of such pollutants to receiving waters (e.g., Alamitos Bay), potential indirect impacts to biological resources would be minimized or avoided.

#### **d. Analysis of Project Impacts**

Project-related impacts to biological resources take two forms: direct and indirect. Direct impacts involve the loss, modification or disturbance of natural habitats (i.e., vegetation or plant communities), which in turn, directly affect plant and wildlife species dependent on that habitat. Direct impacts also include the destruction of individual plants or wildlife, which is typically the case in species of low mobility (i.e., plants, amphibians, reptiles, and small mammals). The collective loss of individuals may also directly affect regional population numbers of a species or result in the physical isolation of populations thereby reducing genetic diversity and, hence, population stability.

Indirect impacts involve the effects of increases in ambient levels of sensory stimuli (e.g., noise, light), unnatural predators (e.g., domestic cats and other non-native animals), and competitors (e.g., exotic plants, non-native animals). Indirect impacts may also include increased pollutant discharges to receiving water bodies, such as wetlands or marine environments. Indirect impacts can be associated with construction and/or eventual habitation/operation of a project; and therefore, may be short-term and long-term in duration. These impacts are commonly referred to as “edge effects” and may result in changes in the behavioral patterns of wildlife and reduced wildlife diversity and abundance in habitats adjacent to project sites. Such impacts

**(1) Would the project have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations by the CDFG or USFWS?**

**(a) Direct Impacts**

The project site is a fully developed commercial lot that contains an existing hotel and several paved surface parking lots. The site does not contain native habitat areas and landscaping is comprised of non-native ornamental plants. Given that the site is located in a highly urbanized area, is fully developed, and does not include native habitat, there is no evidence that the site supports sensitive wildlife species. The absence of

candidate, sensitive and special status wildlife species on the site was confirmed through a site reconnaissance survey conducted by a qualified biologist in November 2010.

The potential for sensitive species to reside on the site is further limited by surrounding high volume roadways and urban development. The site is bounded by PCH to the northeast, Marina Drive to the southwest, and 2<sup>nd</sup> Street to the northwest. In addition, there are several commercial uses and parking lots around the site including a retail center and gas station across PCH, commercial buildings across 2<sup>nd</sup> Street, expansive parking lots across Marina Drive, a fast food restaurant with associated drive-thru and parking facilities across the PCH and 2<sup>nd</sup> Street intersection between the site and disturbed portions of the Los Cerritos Wetlands, and the Marina Shores shopping center adjacent to the site's southwest boundary. Areas of the Los Cerritos Wetlands that are less degraded and have higher quality habitat are located over 2,000 feet from the project site with areas of intervening urban development.

The project would involve demolition of existing structures and improvements on a fully developed site, followed by redevelopment of the proposed project site. As noted above, there are no sensitive biological resources on or adjacent to the site and it is surrounded by urban development. Thus, development of the proposed project on the site would not have a direct substantial adverse effect on candidate, sensitive, or special status species.

### **(b) Indirect Impacts**

Indirect impacts to candidate, sensitive, or special status species can result from lighting effects, noise, vehicular collisions, domestic pet predation, water quality degradation, invasive species proliferation or physical obstructions. These indirect effects can impact the species population and result in habitat modifications. Potential for such indirect impacts are discussed below.

#### ***(i) Stormwater Drainage and Water Quality***

Adverse indirect impacts to sensitive species and habitats in downstream receiving water bodies could be caused by elevated pollutant loads in stormwater flows leaving the project site. Such pollutants, which are typically associated with urban development, include oil, grease, and vehicle-related fluids from parking areas, pesticides or nutrients from landscaping, pet wastes, and detergents and other household materials. However, as discussed in Section IV.G, *Hydrology and Water Quality*, of this EIR, a number of Best Management Practices (BMPs) have been incorporated into the project design to protect water quality, including but not limited to erosion controls, sediment controls, tracking controls, non-storm water management, materials & waste management, good housekeeping practices during construction activities, as well as site design, source control, and treatment control BMPs. Specifically, BMPs that would reduce pollutant loads to Alamitos Bay would include the following:

- **Erosion Control.** BMPs such as hydraulic mulch, soil binders, and geotextiles and mats, protect the soil surface by covering and/or binding the soil particles. Temporary earth dikes or drainage swales may also be employed to divert runoff away from exposed areas and into more suitable locations. If implemented correctly, erosion controls can effectively reduce the sediment loads entrained in storm water runoff from construction sites. Additionally, stabilization of all construction entrance/exit points to reduce the tracking of sediments onto adjacent streets and roadways. Wind erosion controls should be employed in conjunction with tracking controls.

- **Sediment Controls.** These BMPs are designed to intercept and filter out soil particles that have been detached and transported by the force of water. All storm drain inlets on the project site or within the project vicinity (i.e., along streets immediately adjacent to the project boundary) should be adequately protected with an impoundment (e.g., gravel bags) around the inlet and equipped with a sediment filter (e.g., fiber roll). They should also be placed around areas of soil disturbing activities, such as grading or clearing.
- **Non-Stormwater Management BMPs.** These BMPs prohibit the discharge of materials other than storm water, as well as reduce the potential for pollutants from discharging at their source. Examples include avoiding paving and grinding operations during the wet season where feasible, and performing any vehicle equipment cleaning, fueling and maintenance in designated areas that are adequately protected and contained.
- **Waste Management.** Waste management consists of implementing procedural and structural BMPs for collecting, handling, storing and disposing of wastes generated by a construction project to prevent the release of waste materials into storm water discharges.
- **Impervious Surface Reduction.** Minimization of impervious surfaces including roads and parking lots; preservation of native vegetation and root systems; minimization of erosion and sedimentation from susceptible areas such as slopes; incorporation of water quality wetlands, biofiltration swales, etc., where such measures are likely to be effective and technically and economically feasible; and minimization of impacts from storm water and urban runoff on the biological integrity of natural drainage systems and water bodies.
- **Efficient Landscaping.** Common area landscape management that includes use of drought-tolerant, native landscaping, minimizing fertilizer and pesticide application, use of slow-release fertilizers, maintenance activities, providing education to homeowners/tenants (via project owner, HOA and/or POA), and providing education and training for employees on management of landscape materials and storm water management.
- **Efficient Irrigation.** Installing and maintaining efficient irrigation systems designed to minimize water by eliminating overspray to hardscape areas, and setting irrigation timing and cycle lengths in accordance with water demands, given time of year, weather, and day and night temperatures.
- **Stormdrain Stenciling.** The phrase “No Dumping – Only Rain In Drain” or equally effective phrase will be stenciled on catch basins and/or area drains to alert the public as to the destination of pollutants discharged into the storm water.
- **Media Filtration.** In accordance with SUSMP requirements, three media filtration units will be implemented to treat on-site flows and a portion of the off-site flows prior to discharging into the existing storm drain. Four media roof drain filter BMPs will also be implemented (e.g., Filterra Roof Drain) to provide treatment of flows from the rooftops for the three proposed laterals that will connect directly into the proposed storm drain line in Marina Drive.

These BMPs would be required as conditions under the project’s stormwater permits for construction and long-term operation of proposed uses. These state-of-the-art water quality BMPs, which would be implemented, as appropriate, during construction and throughout operation of the proposed project, would minimize pollutant loads flowing from the site into receiving waters (i.e., Alamitos Bay) during storm events. It should be noted that few, if any, of these water quality features currently exist on the project site; therefore, although the proposed project would increase urban development and associated activities on-site, the water quality effects of the project would be minimal. With implementation of these BMPs, potential

indirect impacts to candidate, sensitive, or special status species or their habitats are considered less than significant.

Regarding potential water quality impacts on the Los Cerritos Wetlands, the Los Cerritos Wetlands are separated from the site by intervening streets and urban development, and are located up-gradient from the site. As such, the project site is not hydrologically connected to the Los Cerritos Wetlands. Since stormwater flows leaving the project site flow to the southwest away from the Los Cerritos Wetlands, no indirect impacts on water quality within the Los Cerritos Wetlands would occur with implementation of the proposed project.

***(ii) Lighting***

Lighting of structures at night can attract many species of nocturnal migrating birds. A large proportion of migrating birds affected by human-built structures are songbirds, apparently because of their propensity to migrate at night, their low flight altitudes, and their tendency to be disoriented by artificial light, making them vulnerable to collisions with obstructions. Birds migrating at night are attracted to sources of artificial light, particularly during periods of inclement weather. Approaching the lights of tall buildings, they can become vulnerable to collisions with the structures. Although the proposed project would intensify development on-site, with a proportionate increase in artificial lighting, such lighting would be designed and installed according to the City of Long Beach's lighting standards, and as such all lighting would be directed and shielded to avoid excessive lighting and minimize off-site light spill. Project-related lighting would be typical of other development in the area and is not expected to create a hazard to birds due to unusually bright or concentrated lighting. As a result, and given requirements for shielding of project lighting, indirect impacts to candidate, sensitive, or special status species from project-related lighting would be less than significant (refer to Section IV.A, *Aesthetics and Views*, of this EIR for a detailed discussion of project-related light and glare impacts relative to surrounding urban uses).

The Los Cerritos Wetlands are located a minimum of 400 feet from the project site with intervening urban development, including major roadways, commercial development, and associated landscaping and other vegetation between the project site and the Los Cerritos Wetlands.<sup>2</sup> Existing lighting at the project site is characterized by architectural lighting for structures, as well as pole-mounted, non-shielded parking lot lighting, the majority of which is concentrated in the existing hotel's main parking lot on the northeast side of the site along PCH. The parking lot light poles are approximately twelve feet in height and have circular lenses that generally emit light 360 degrees around the bulb. The parking lot lights are not shielded to direct light downward onto the project site, and therefore currently lighting from the site is visible from and effects adjacent off-site areas. Additionally, existing pole-mounted street lighting is located along PCH in the project area, as well as along 2<sup>nd</sup> Street west of Shopkeeper Road. The street lighting along 2<sup>nd</sup> Street in the vicinity of Shopkeeper Road, includes lights that are adjacent to and effect the area of the Los Cerritos Wetlands that are most proximate to the project site. Furthermore, existing off-site commercial development east of the project site includes parking lot and architectural lighting that adds to the ambient nighttime light levels in the intervening areas between the project site and Los Cerritos Wetlands.

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<sup>2</sup> *The area of the wetlands in closest proximity to the site has been subject to disturbance and has limited habitat of value.*

Light intensity lessens (attenuates) with distance, as is the case with noise (discussed below). Based on established methods for calculating the brightness of lighting at a given distance,<sup>3</sup> light intensity or brightness of a light source (e.g., light bulb) decreases rapidly as the observer moves away from the light source. For example, a standard 100-watt light bulb has a brightness level of approximately 136 “lux” when viewed at a distance of one meter (one lux is defined as one lumen per square meter and is a unit of illuminance or brightness), while the same 100-watt light bulb has a brightness of only 0.0136 lux at a distance of 100 meters (or 328 feet), which represents only 0.01-percent of the brightness at the one-meter distance.<sup>4,5</sup> Similarly, a 1000-watt high-pressure sodium light bulb, which is typical of lighting for outdoor parking areas, would have a brightness level of approximately 10,345 lux at one meter and only 1.0345 lux at 100 meters, which again is only 0.01-percent of the brightness at one meter. For comparison purposes the following are typical lighting sources and associated brightness<sup>6</sup>: nighttime starlight (0.002 lux), moonlight (0.4 lux), public areas in buildings (300 lux), reading areas (500 lux), indoor merchandise display (1,000 lux), cloudy day (1,000 lux), and direct sunlight (102,000 lux).

Project-related lighting would be typical of urban developments, and would therefore have lighting types and intensities necessary to provide adequate visibility and safety, and would not include unusually bright lights or lights directed off-site. Given that light intensity, irrespective of the brightness of the source, is reduced by over 99-percent as an observer moves away from the light source between a distance of one and 100 meters, project-related light intensity one hundred meters beyond the site boundaries would be imperceptible. Although the proposed project would provide additional land use intensity on-site, as well as increased building heights and associated lighting, such lighting would be predominantly architectural lighting, with limited street lighting, all of which would be directed and shielded to contain light on the project site, as indicated under Project Design Features in Section II, *Project Description*, of this EIR. While new light sources would be placed on-site and would be visible from farther distances given the increased building heights, the intensity of project-related lighting would not result in perceptible or material changes in the overall light levels in the project area. Furthermore, given the non-shielded parking lot lighting on the site, existing lighting may have greater intensity and effects on off-site areas than lighting for proposed uses, which would be shielded and directed on the site.

<sup>3</sup> Georgia State University, Department of Physics and Astronomy. *Hyperphysics Website*. “Inverse Square Law, Light.” <http://hyperphysics.phy-astr.gsu.edu/hbase/vision/isql.html#c1>. Accessed March 2011.

<sup>4</sup> Light Intensity at Distance “r” from source = Source Surface Intensity (in lumens)/4π\*(distance “r” from source)<sup>2</sup>  
 (1) For 100-watt bulb with 1,710 max lumens: Intensity at one meter = 1,710/4π\*(1)<sup>2</sup> = 1,710/4π\*1 = 1,710/4π = 136.077 lux  
 (2) For 100-watt bulb with 1,710 max lumens: Intensity at 100 meters = 1,710/4π\*(100)<sup>2</sup> = 1,710/4π\*10,000 = 1,710/40,000π = 0.0136077 lux  
 (3) For 1000-watt bulb with 130,000 max lumens: Intensity at one meter = 130,000/4π\*(1)<sup>2</sup> = 130,000/4π\*1 = 130,000/4π = 10,345.071 lux  
 (4) For 1000-watt bulb with 130,000 max lumens: Intensity at 100 meters = 130,000/4π\*(100)<sup>2</sup> = 130,000/4π\*10,000 = 130,000/40,000π = 1.0345 lux

<sup>5</sup> Light bulb intensity is based on product data for standard 100-watt incandescent light bulb and 1000-watt high pressure sodium bulb manufactured by General Electric. Home Products: <http://genet.gelighting.com/LightProducts/Dispatcher?REQUEST=RESULTPAGE&CHANNEL=Consumer&FILTER=FT0010:General+Purpose+Standard&CATEGORY=lamps&BREADCRUMP=General+Purpose+Standard%230> Commercial Products: <http://genet.gelighting.com/LightProducts/Dispatcher?REQUEST=PRODUCTS&PRODUCTLINE=Lamps&CHANNEL=Commercial>. Accessed March 2011.

<sup>6</sup> Georgia State University, Department of Physics and Astronomy. *Hyperphysics Website*. “Lux.” <http://hyperphysics.phy-astr.gsu.edu/hbase/vision/areance.html#c3>. Accessed March 2011.

Therefore, since the project site is located over 400 feet from the Los Cerritos Wetlands at the closest point, project-related light is not expected to result in adverse effects on sensitive species or habitats in the area, even within degraded wetland areas most proximate to the project site, as light intensity would be reduced to negligible levels at a distance of 100 meters (328 feet) from the source. Furthermore, given the distance of the project site from viable habitat areas within the Los Cerritos Wetlands (i.e., over 2,000 feet) and the use of shielded and focused lighting on the site, lighting impacts on the Los Cerritos Wetlands would be less than significant and would not affect the function or value of habitat areas within the Los Cerritos Wetlands.

**(iii) Noise**

As discussed in Section IV.I, *Noise*, of this EIR, the ambient noise level of 63 dBA  $L_{eq}$  was recorded along 2<sup>nd</sup> Street. Due to proximity and similar traffic flows, this measurement location (location R4) is representative of ambient noise levels at the nearby Los Cerritos Wetlands since street traffic is the dominant noise source in the area (typical of the urban noise environment) along 2<sup>nd</sup> Street corridor.

Noise impacts from construction activities are generally a function of the noise generated by construction equipment, the equipment location, the sensitivity of nearby land uses, and the timing and duration of the noise-generating activities. A summary of the construction noise impacts at the nearby sensitive receptors is provided in Table IV.I-10, *Estimate of Construction Noise Levels (Leq) at Off-Site Sensitive Receptor Locations*, in Section IV.I, *Noise*, of this EIR (refer to Section IV.I for a detailed discussion of construction-related noise impacts). As shown in Table IV.I-10, construction noise levels would exceed the 5-dBA significance threshold at the nearest sensitive receptor (location R4) during site grading activities. Both sensitive receptor location R4 and the most proximate portion of the Los Cerritos Wetlands are approximately 400 feet from the project site boundary at the closest point. Therefore, like sensitive receptor location R4, construction-related noise impacts at the Los Cerritos Wetlands, while temporary, would be potentially significant. However, noise level reductions attributable to Mitigation Measures I-1 through I-4 would reduce construction noise impacts at the Los Cerritos Wetlands to less than significant levels throughout construction activities.

Sources of urban noise associated with the project (e.g., construction activities, outdoor dining areas, daily traffic) could create a nuisance to nearby sensitive wildlife resources depending on the increase in noise and its proximity to such resources. For the proposed project, operational noise impacts would be minimal when compared to existing noise generated on site and in the vicinity by commercial development and traffic along 2<sup>nd</sup> Street and PCH since the project mechanical design documentation would be required to ensure that HVAC/mechanical noise levels do not exceed 55 dBA at any point on a neighboring property line. In addition, operational noise along 2<sup>nd</sup> Street between PCH and Shopkeeper Road (i.e., the closest roadway segment to the project site that is adjacent to the Los Cerritos Wetlands) would increase by a maximum of 0.7 dBA on weekdays and 1.0 dBA on weekends, which is well below the 3.0-dBA noise increase significance threshold.<sup>7</sup> The incremental increase in on-site stationary noise and off-site mobile source noise associated with the proposed project would be imperceptible in the context of the existing noise environment in the

<sup>7</sup> The 3.0-dBA threshold is also the level at which a noise increase is generally considered to become perceptible.

project area. As such, indirect impacts to candidate, sensitive, or special status species from noise are considered less than significant.<sup>8</sup>

Regarding the Los Cerritos Wetlands, given the distance from the site and the imperceptible increase in noise associated with the proposed project in the context of the existing noise environment, noise impacts on the Los Cerritos Wetlands would be less than significant.

***(iv) Invasive Species***

Various invasive (non-native) plant species that are used as ornamental landscaping in development projects have the potential to proliferate in native habitat areas, thereby displacing native plant species and adversely affecting potentially sensitive habitats and resident species. As such, these invasive species can result in potentially significant adverse impacts to sensitive species and habitats if allowed to spread into native habitats. Because there are no native habitats adjacent to or in close proximity to the site, indirect impacts to habitat for sensitive species from invasive plants, including habitat areas within the Los Cerritos Wetlands, are considered less than significant.

***(v) Vehicular Hazards***

Vehicles traveling along local roadways can incidentally collide with wildlife species near natural habitat areas potentially increasing the incidence of “road kills,” including potential collisions with candidate, sensitive, or special status species. While the project would increase the number of vehicles on local roadways, natural habitat areas are not located adjacent to the site and road kills of sensitive wildlife species in areas surrounding the site are not prevalent. Incremental increases in traffic along 2<sup>nd</sup> Street and PCH with implementation of the proposed project would not meaningfully increase vehicular collisions with sensitive species and any such increase would not affect regional population numbers or population stability. As such, indirect impacts related to candidate, sensitive, or special status species mortality from vehicular collisions would be less than significant.

***(vi) Predation***

Unnatural predation by domestic pets on candidate, sensitive, or special status species can occur when residential development occurs adjacent to, or in close proximity to, natural habitat areas. While the proposed project would include residential uses, which would increase the number of on-site domestic pets, leash laws and the distance from the site to sensitive natural areas would preclude significant impacts associated with domestic pet predation on candidate, sensitive, or special status species.

***(vii) Physical Hazards (Bird Collisions)***

Potential hazards associated with bird collisions are discussed below under Impacts to Wildlife Movement.

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<sup>8</sup> *Noise effects during construction would generally be limited to areas proximate to the project site; the portion of the Los Cerritos Wetlands closest to the project site is considered degraded and does not contain habitat areas of value or support substantial numbers of sensitive wildlife species.*

In conclusion, the proposed project would have a less than significant impact, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations by the CDFG or USFWS.

**(2) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in the City or regional plans, policies, or regulations by the CDFG or USFWS?**

**(a) Direct Impacts**

As verified by qualified biologists, including a survey of the project site and surrounding area, the proposed project is not located on or adjacent to any riparian habitat or sensitive natural community. In addition, no portion of the site is considered riparian habitat or a sensitive natural community. While the Los Cerritos Wetlands, which contains both riparian and associated sensitive natural communities, is located in the project area, the proposed project does not involve activities that would materially affect the condition or function of the Los Cerritos Wetlands. All project-related construction activities would be limited to the project site, and due to distance and intervening development, operational activities at the site would not have a direct physical effect on the Los Cerritos Wetlands. As such, the proposed project would not have a substantial direct adverse effect on any riparian habitat or other sensitive natural community identified in City or regional plans, policies, or regulations by the CDFG or USFWS.

**(b) Indirect Impacts**

As discussed above under Impacts to Candidate, Sensitive, and Special Status Species, indirect impacts to habitat areas within the Los Cerritos Wetlands (the only riparian or sensitive natural community in the immediate area) could occur due to project operation. Specifically, effects associated with project-related lighting, noise, and invasive landscaping species could have adverse impacts on the Los Cerritos Wetlands. However, based on the limited nature of lighting, noise, and invasive species effects given the distance of viable habitat areas from the project site and existing background conditions, these indirect impacts would not be substantial. The location of the site down-gradient from the Los Cerritos Wetlands would also avoid hydrology or water quality-related impacts. As such, the proposed project would not have a substantial indirect adverse impact on riparian habitat or other sensitive natural community identified in City or regional plans, policies, or regulations by the CDFG or USFWS.

In conclusion, the project would have a less than significant adverse effect on riparian habitat or other sensitive natural community identified in the City or regional plans, policies, or regulations by the CDFG or USFWS?

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

**(a) Direct Impacts**

As verified by qualified biologists, including a survey of the project site and surrounding area, the proposed project is not located on or adjacent to any federally protected wetlands, and no portion of the site is considered wetland habitat. While the Los Cerritos Wetlands, which contains wetland habitat is located in

the project area, but the proposed project does not involve activities that would materially affect the condition or function of the Los Cerritos Wetlands. All project-related construction activities would be limited to the project site, and due to distance and intervening development, operational activities at the site would not have a direct physical effect on the Los Cerritos Wetlands. As such, the proposed project would not have a substantial adverse effect on the Los Cerritos Wetlands

The project site does not contain any wetland features and the site is not hydrologically connected to a federally protected wetlands. Neither the project's grading activities, nor any other construction related activities, would create export materials that would deposited or filled in any wetland areas. Therefore, the proposed project would not have a substantial direct adverse effect on federally protected wetlands.

### **(b) Indirect Impacts**

As discussed above under Impacts to Candidate, Sensitive, and Special Status Species, less than significant indirect impacts to wetland habitat areas within the Los Cerritos Wetlands could occur due to project operation. Specifically, effects associated with project-related lighting, noise, and invasive landscaping species could have indirect adverse impacts on the Los Cerritos Wetlands. However, based on the limited nature of lighting, noise, and invasive species effects given the distance of viable habitat areas from the project site and existing background conditions, these indirect impacts would not be either direct or substantial. The location of the site down-gradient from the Los Cerritos Wetlands would also avoid hydrology or water quality-related impacts.

In conclusion the project would have a less than significant impact on federally protected wetlands as defined by Section 404 of the Clean Water Act.

### **(4) Would the project 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?**

Generally, wildlife corridors link together areas of suitable habitat that are otherwise separated by rugged terrain, changes in vegetation, inhospitable environments, human disturbance, etc. The fragmentation of open space areas by urbanization creates isolated "islands" of wildlife habitat. Wildlife movement activities usually fall into one of three movement categories: (1) dispersal (e.g., juvenile animals from natal areas, individuals extending range distributions); (2) seasonal migration; and, (3) movements related to home range activities (e.g., foraging for food or water, defending territories, searching for mates, breeding areas, or cover).

As previously discussed, the site is a fully-developed commercial lot that contains an existing hotel and several paved surface parking lots, and it is surrounded by existing urban uses that do not contain native habitat areas or linkages to such areas. The site does not support any biologically significant wildlife movement nor does it contain or support native wildlife nursery sites.

Due to its coastal location, however, the project site is located within the Pacific Flyway, which is a major north-south route for travel by migratory birds in the Americas. Additionally, the Los Cerritos Wetlands has

been identified by the National Audubon Society as an Important Bird Area (IBA) and an important stopping point for migrating bird species as they move through the region.<sup>9</sup> As such, the development of a structure up to 12 stories in height within the vicinity of the Pacific Flyway could, depending on design and location, pose a hazard to migrating bird species as they move through the area.

However, there are extensive unobstructed flight paths in the surrounding area, including the San Gabriel River channel, Los Cerritos Wetlands, Los Cerritos Channel, and areas of low-scale urban development. Development of the project would not funnel migrating birds into existing or proposed structures. The project would not otherwise constrain the flight paths within the extensive open air space surrounding the project site. Thus, the proposed project would not substantially interfere with movement or migration of any native or migratory wildlife species.

In addition, the project's design features would further reduce the likelihood of potential for bird collisions. Specifically, highly reflective glass would not be used and the curvilinear design of project structures and associated glass panes would break up reflective surfaces. Also, a variety of glass types and textures would be employed for visual differentiation. In addition, project-related lighting would be located, directed, and shielded to minimize adverse effects on nearby land uses and would also avoid or reduce light "trapping" or other potentially harmful light-related effects on migrating or resident bird species in the area.

Nonetheless, the proposed development could incrementally increase bird mortality from collisions with project structures. Any incremental mortality increase is expected to be small in the context of the existing urbanized area, particularly in light of project design features that would reduce potential for such incidents. Any incremental increase in bird mortality is not expected to be of a magnitude that would affect regional population numbers or population stability.

In conclusion, the project 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. Project impacts would therefore be less than significant.

**(5) Would the project conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance (e.g., oak trees or California walnut woodlands)?**

The following discussion addresses consistency with plans, policies, ordinances, or other regulations intended to protect biological resources. With regard to the proposed project, relevant regulations include the Migratory Bird Treaty Act (MBTA) and the Long Beach Street Tree Regulation. There are not other policies or ordinances applicable to the site that protect biological resources.

**(a) Migratory Bird Treaty Act**

Given the developed nature of the existing project site and immediate surrounding vicinity, it is unlikely that the project site supports a significant number of nesting songbirds or raptors within ornamental plantings on the site. During the biological assessment site visit, qualified biologist observed black phoebe (*Sayornis*

<sup>9</sup> National Audubon Society. *Important Bird Areas Program*.  
<http://iba.audubon.org/iba/viewSiteProfile.do?siteId=205&navSite=state>. Accessed February 9, 2011.

*nigricans*), house finch (*Carpodacus mexicanus*), rock dove (*Columba livia*), American crow (*Corvus brachyrhynchos*), the non-native European starling (*Sturnus vulgaris*), and one California gull. Thus, these species have the potential to nest on the project site.

Disturbing or destroying active nests is a violation of the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 et seq.) and CDFG Code Sections 3503, 3503.5 and 3513. The statutes make it unlawful to pursue, hunt, take, capture, kill or sell birds listed therein ("migratory birds"); and the statutes do not discriminate between live or dead birds; and the statutes also grant full protection to any bird parts including feathers, eggs and nests. In addition, nests and eggs are protected under Fish and Game Code Section 3503.

Nesting activity typically occurs from February 15 to August 31. If any migratory birds are nesting on-site at the time of site clearance and construction activities, the removal of on-site vegetation would conflict with the provisions of the MBTA and project impacts could be considered potentially significant. As stated below, however, the project has incorporated Mitigation Measure C-1, which minimizes impacts to nesting birds protected by the MBTA through preconstruction habitat surveys (if needed during nesting season) and avoidance procedures if nesting birds are discovered. Therefore, the proposed project would not conflict with the biological resource protections of the MTBA, and potential impacts to on-site nesting migratory birds are considered less than significant with mitigation.

#### **(b) Long Beach Street Trees Ordinance**

As discussed above under Regulatory Framework, Chapter 14.28, *Trees and Shrubs*, of the Long Beach Municipal Code is intended to preserve street trees, regulate the maintenance and removal of such trees, and to establish the varieties, minimum size, methods, and locations for the planting of street trees. The Director of Public Works has authority to issue permits for the planting, trimming, or removing of street trees within the public street right-of-way. As noted above under existing conditions, a number of Mexican fan palm trees line Marina Drive along the southwest edge of the project site, which may be subject to the Chapter 14.28 of the LBMC. In the event trees within the public right-of-way would be removed as part of the proposed project, the project would require issuance of a permit from the Director of Public Works. With issuance of a street tree removal permit from the Director of Public Works, conflicts with City street tree regulations would be avoided and impacts would be less than significant.

## **4. MITIGATION MEASURES**

The following mitigation measure addresses the potentially significant impact of the proposed project on nesting migratory birds.

**Mitigation Measure C-1** The developer or a designated representative shall ensure that impacts to migratory raptor and songbird species are avoided through one or more of the following methods: (1) vegetation removal activities shall be scheduled outside the nesting season for raptor and songbird species (nesting season typically occurs from February 15 to August 31) to avoid potential impacts to nesting species (this will ensure that no active nests will be disturbed and that habitat removal could proceed rapidly); and/or (2) Any construction activities that occur during the raptor and songbird nesting season shall require that all suitable habitat be thoroughly surveyed for the presence of nesting raptor and songbird species by a qualified biologist before commencement of clearing. If any active nests are detected, a buffer of at least 300 feet (500 feet for

raptors) shall be delineated, flagged, and avoided until the nesting cycle is complete as determined by the qualified biologist to minimize impacts. The developer or designated representative shall submit proof of compliance with this measure to the City of Long Beach Department of Development Services prior to tree removal activities on-site.

## 5. CUMULATIVE IMPACTS

As discussed previously, the proposed project would not have a significant adverse effect on any candidate, sensitive, or special status species or their habitats. Also, project-related impacts to riparian habitat, sensitive natural communities, federally protected wetlands, and wildlife movement would be indirect and less than significant. Conflicts with plans, policies, and regulations protective of biological resources would be less than significant with implementation of applicable mitigation.

As illustrated in Figure III-1 in Chapter III, *Basis for Cumulative Analysis*, of this EIR, all of the related projects are located in developed areas, which would generally preclude substantial or significant impacts relative to biological resources. Given the urbanized nature of, and associated lack of habitat at the project site and related project sites, the potential for cumulative adverse effects on candidate, sensitive, or special status species or their habitats is considered less than significant. Similarly, the lack of riparian or wetland habitat and associated sensitive natural communities on the project site or related project sites would likely preclude potential adverse effects on such resources, however, if impacts could occur and not be avoided on certain sites, mitigation to offset such impacts would be required through compliance with the California Environmental Quality Act and other applicable State or federal regulations.

Additionally, given the nature of the related project development (i.e., low to moderate intensity low-rise urban development within an already heavily urbanized area), the related projects would not create barriers to terrestrial wildlife movement or create impediments to bird movement with high-rise structures. Based on this lack of physical barriers to wildlife movement, and less than significant project-related impacts, cumulative impacts related to wildlife movement are also considered less than significant. With regard to conflicts with plans, policies, or regulations that are protective of biological resources, the proposed project and related projects would be required to comply with the provisions of those laws applicable to each project site, which would include the MBTA and any other relevant regulations. Given compliance with applicable laws protecting biological resources on a project-by-project basis, no conflicts with such plans, policies, or regulations would occur and therefore cumulative impacts would be less than significant.

## 6. LEVEL OF SIGNIFICANCE AFTER MITIGATION

Direct and indirect impacts to candidate, sensitive, or special status species would be less than significant, as would impacts related to riparian habitat, sensitive natural communities, federally protected wetlands and impacts to wildlife movement.

Impacts to conflicts with plans, policies, or regulations regarding protection of biological resources would be less than significant with regard to the City's street tree regulation, while impacts regarding conflicts with the MBTA would be less than significant with implementation of Mitigation Measure C-1, which minimizes effects on nesting migratory bird species.