

February 28, 2017

Nicole Morse, Esq.
PlaceWorks
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Re: Review of bird-safe measures in the SEASP and associated Draft EIR; Long Beach, California

Dear Ms. Morse:

As requested by PlaceWorks, this letter provides an assessment of bird-safe design and related requirements in the Draft Southeast Area Specific Plan (SEASP) and associated Draft Environmental Impact Report (DEIR) for proposed future re-development in a portion of Long Beach, Los Angeles County, California. In a previous letter to PlaceWorks dated January 16, 2017, WRA provided responses to public comments made regarding the bird-safe design elements of the SEASP.

Author Qualifications

I (Jason Yakich) have over 14 years of experience as a professional wildlife biologist with a particular focus on avian biology. I am broadly familiar with the avifauna of western/coastal California, including the natural history of many species in urban environments, and the regulatory framework that protects birds. Relevant work includes a diverse array of field activities (ornithological research and field support for such, special-status bird surveys, nesting bird surveys) as well as authoring or otherwise contributing to a variety of types of biological assessments/reports covering both special-status birds and avifauna in general. I have also conducted “bird-safe assessments” for several projects/building designs in the San Francisco Bay area over the last three years.

Materials Reviewed

Materials reviewed for this letter include the SEASP (Hearing Draft prepared for the City of Long Beach Development Services Department, July 2016), and relevant portions of the associated DEIR (July 2016), specifically sections 5.4.3 to 5.4.8 within the Biological Services portion of Chapter 5.

Site Description

As described in the SEASP, the defined “Southeast Area” (SEA) includes 1,472 acres in the southeast portion of the City of Long Beach. The SEA is dominated by urban development, including industrial, commercial and residential areas. However, the SEA also includes waters and undeveloped areas, i.e. portions of the Los Cerritos Channel, San Gabriel River, and Los Cerritos Wetlands Complex (LCWC). The SEASP would represent the first zoning alterations

within the SEA) since the Planned Development District 1 was established in 1977, allowing for an increased density of commercial development in two discrete portions of the SEA. Notably, the portions of the SEA within which increased commercial development is proposed are already almost entirely developed.

Analysis of SEASP Project Design Features and DEIR Measures

My review of the SEASP specifically focused on the bird-safe elements of future development designs within the SEA. These elements are primarily located in Chapter 7, and summarized as follows:

- Restrictions on the use of large unaltered glass wall segments in building design.
- Lighting standards that require or encourage bird-friendly lighting design and use practices such as shielded exterior lighting, minimal interior lighting at night, a “Light’s Out for Bird Program”.
- Landscape requirements that prevent reflections of vegetation onto glass facades or place opaque glass next to vegetation.
- Specific building requirements for future development within 100 feet of delineated wetlands.

Along with the aforementioned SEASP, I reviewed DEIR Mitigation Measures BIO-1 through BIO-8. In summary, these measures require the following:

- Biological resources reporting and agency consultation, permitting, and mitigation for all future development, as needed (BIO-1, BIO-2).
- Preparation of a construction management plan and contractor training program for development within or adjacent to any areas where biological resources are identified (BIO-3).
- Noise reduction measures to reduce noise impacts to wildlife during construction, including listed species and nesting birds (BIO-4).
- Nighttime lighting must be no greater than 0.10 foot-candles when adjacent to jurisdictional waters and/or special-status species habitat, e.g. the LCWC (BIO-5).
- Educational materials addressing responsibilities related to the urban/open space interface, including signage to be placed at all pedestrian access points (BIO-6) and distribution of a relevant brochure for tenants and residents (BIO-7).
- Nesting bird surveys to be conducted if construction is proposed between January 15 and September 1, as well as the protection of all active nests within or adjacent to the construction areas via setback zones (BIO-8).

In summary, I find the bird-safe design measures in the SEASP and the draft Mitigation Measures to be appropriate and adequate overall in terms of affording protection to the adjacent LCWC and related biological resources (including birds), as future re-development of the SEA proceeds. These measures are especially important given that wetland/habitat restoration and enhancement goals exist for the LCWC, and natural/semi-natural undeveloped areas are scarce

in Long Beach. The bird-safe requirements in the SEASP and DEIR recognize and are appropriately tailored to this context.

More specifically, the bird-safe elements in the SEASP are adequate because they include restrictions for exterior facades and artificial night lighting, generally the two primary design elements that influence the likelihood of bird collisions with buildings (SEASP p. 166, Sheppard 2011 and references therein [hereafter Sheppard 2011]). Regarding facades, generally speaking, the most hazardous areas of buildings for birds are the lower stories, specifically ground level up to 60 feet in height or approximately the lower 4.5 (average-height) building stories (San Francisco Planning Department [SFPD] 2011 and references therein [hereafter SFPD 2011]). Most bird migration (both diurnal and nocturnal) occurs at altitudes of 500 feet or greater (approximately 38 average-height building stories), and thus the risk of collisions is usually greatest when the birds descend to rest/forage or during inclement weather (Sheppard 2011, SFPD 2011). As such, the birds most susceptible to potential collisions in the SEA are 1) locally resident species present throughout the year, and 2) migratory species that are using the SEA as stopover and/or wintering habitat, and may transit to/from and between habitat patches such as the LCWC. The SEASP requires that building facades incorporate bird-safe treatments above the ground floor such that less than no more than 10% of the total area is untreated glazing (SEASP page 166). Most bird-safe guidance documents (e.g., SFPD 2011) recommend that such treatments occur up to a minimum of 60 feet in height, so the SEASP requirements not only fulfill this recommendation but actually go further (higher), i.e., to the maximum height of the proposed buildings.

Regarding lighting, among other requirements, the SEASP stipulates that all building lighting be designed to minimize spillage, and that interior lighting be minimized through the use of automated on/off systems (SEASP p. 166). The SEASP also encourages building owners to follow bird-safe best practices and a “Light’s Out for Birds” regimen (SEASP page 167). Such requirements conform to general bird-safe design guidelines (e.g., SFPD 2011, Sheppard 2011). Birds present locally are presumably at least somewhat adapted to the artificial light emanating from the current developments and surrounding areas, which are highly urban/suburban and have been developed for decades. As is known, existing developments within the relevant portions of the SEA have not implemented bird-safe design elements and are not currently required to. It is recognized that additional development within these areas has the potential to increase the extent of lighting in the area on a localized scale, and the relevant requirements in the SEASP (related to lighting types, direction of illumination, etc.) are in accordance with general bird-safe recommendations.

In the DEIR, Mitigation Measures BIO-5 through BIO-7 sufficiently reinforce the bird-safe design elements in the SEASP for future development of the planning area. Moreover, the other DEIR Mitigation Measures, including reporting and agency consultation, construction management plans, noise reduction, and pre-construction nesting bird surveys (and the avoidance of active nests), augment the SEASP requirements such that impacts to birds and other wildlife are avoided and minimized to the extent feasible during future construction activities. These measures conform to standard CEQA/EIR practices regarding protecting biological resources in urban areas.

Recommendations

To further promote best practices as relates to reducing the potential for bird collisions, I suggest consideration of the following additions/revisions to the SEASP and/or DEIR:

1. The SEASP requires that bird-safe design treatments be installed above the ground floor of new buildings, such that no more than 10% of the total surface area is untreated glazing. To further reduce the likelihood of bird collisions, I suggest that bird-safe treatments be required or strongly encouraged for the portions of ground floors that face the LCWC (this would not be relevant to the portions that do not directly face the LCWC, and are presumably less likely to impact wildlife there). Examples of such treatments are provided in the draft SEASP (p. 166) and outlined in more detail by SFPD (2011; pp. 18-21). An alternative to façade treatments would be to simply recess ground floors “behind” the floors above, which would generate shadowing on the exterior of the ground floor under average lighting conditions, and overall reduce the reflectivity of areas with untreated glazing.
2. The draft SEASP encourages building owners to participate in a “Light’s Out for Birds” program during the peak migratory periods (Feb. 15 –May 31 and Aug. 15 – Nov. 30). To further encourage participation, the program could be promoted through mandatory educational outreach efforts such as written materials (brochures) and/or workshops/presentations; the written component could be incorporated in materials prepared and disseminated under Mitigation Measure BIO-7.

Conclusion

Following a review of the SEASP and DEIR, I conclude that the bird-safe elements within the SEASP and Mitigation Measures within the DEIR are generally adequate for purposes of protecting biological resources in the context of proposed urban re-development within the SEA. Additionally, in order to further promote best practices relating to bird-safety, I recommend consideration of requiring bird-safe treatments for the ground floors of developments that face the LCWC, and further promotion of the “Light’s Out for Birds” program as described in the SEASP.

Please feel free to contact me if you have any questions or require additional information.

Sincerely,



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Ec: Wendy Nowak, PlaceWorks

References

[SFPD] San Francisco Planning Department. 2011. Standards for Bird-Safe Buildings. July. 41 pp.

Sheppard, C. 2011. Bird-Friendly Building Design. American Bird Conservancy, The Plains, VA, 60 pp.



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Years of Experience: 15

Education

MS, Biology (Marine Biology),
San Francisco State University

BA, Biology,
University of California, Santa Cruz

**Professional Affiliations/
Certifications**

Federal Recovery Permit for California
Ridgway's (clapper) rail (active surveys),
California tiger salamander (larval
surveys), and vernal pool branchiopods

California Department of Fish and Game
Scientific Collecting Permit, with MOU for
California black rail (active surveys)

Western Field Ornithologists

Western Chapter of the Wildlife Society

Specialized Training

Airport Wildlife Hazard Management
Workshop, Embry-Riddle Aeronautical
University (2011)

Fairy Shrimp of California Identification
Course (2010)

California Tiger Salamander Workshop,
Alameda County Resource Conservation
District (2008)

PADI Open Water Certified SCUBA Diver
(1995)

Jason Yakich received an MS in Biology from San Francisco State University, and a BA in Biology from UC Santa Cruz. He has over 15 years of experience as a wildlife biologist with a particular focus in avian biology, including direct field experience with most special-status birds in northern California and a working knowledge of the regulatory framework that protects these species.

At WRA, Jason is responsible for managing and participating in and diverse field activities including site assessments, surveys and habitat assessments for special-status species, nesting bird surveys, and biological monitoring. He prepares and oversees a variety of work products and technical reports, and assures permit compliance for a wide array of public and private projects that range from construction of single-family residences to broad-scale development and mitigation projects. Jason has permit authorizations from the U.S. Fish and Wildlife Service and/or California Department of Fish and Wildlife to conduct active (call-playback) surveys for California Ridgway's (formerly clapper) rail (CRR) and California black rail (CBR), larval surveys for California tiger salamander, and surveys for listed vernal pool branchiopods (fairy shrimps, tadpole shrimp).

Representative Projects

Sherman Island Whale's Mouth Wetland Restoration Project, Sacramento County, California

As part of continued collaboration with Ducks Unlimited, Inc. and the California Department of Water Resources (DWR), WRA provided biological services during the construction phase of a large-scale habitat restoration project on Sherman Island, located in the western Delta near the confluence of the Sacramento and San Joaquin Rivers. The project will ultimately restore approximately 600 acres of palustrine wetlands on lands owned by DWR which were previously managed as flood-irrigated pastures. During 2015 Jason managed a nesting bird survey effort across the restoration site prior to and during ground disturbance, which involved close coordination with Ducks Unlimited and the construction contractors. A variety of bird nests were found throughout the work area, and protected from disturbance during construction. Jason also handed reporting duties related to these surveys.

Redwood City Saltworks Biological Baseline Study, Redwood City, California

Jason has participated in a broad, ongoing avian survey effort at a salt production facility in South San Francisco Bay from 2009 to 2013. The purpose of the survey effort is to document existing conditions in wildlife utilization. The survey effort has included: 1) waterbird surveys focused on species identification, enumeration, and activity; 2) breeding bird surveys in tidal marsh habitats using point-count methodology; 3) a habitat assessment for western snowy plover; 4) a habitat assessment for California clapper rail; and, 5) general documentation of use of the site by other wildlife including special-status and non-special-status species. Jason is responsible for the waterbird and tidal marsh breeding bird survey designs, and has participated in all aspects of field work at the site to date as well as analysis of all survey data.

Young Ranch Biological Surveys, Santa Clara County, California

Young Ranch is an approximately 2,100-acre ranch in the Coyote Hills just southeast of San Jose, California. WRA is managing a biological resources assessment of the property, including a butterfly-specific habitat suitability analysis for the federal listed Bay checkerspot butterfly (BCB), as well as annual surveys for both BCB and burrowing owl. Jason's chief involvement in this project has been to lead and participate in adult BCB and burrowing owl surveys in an effort to document on-site habitat use and provide information for the development of a land use plan. During surveys, he has identified many individual BCBs, trained other field surveyors, and provided GPS data which are being used in the plan. In 2014, Jason also led a nesting golden eagle survey effort at the site that followed USFWS survey guidelines.

Sear's Point Tidal Marsh Restoration Project, Sonoma County, California

Ducks Unlimited is currently working with the Sonoma Land Trust and the USFWS to restore approximately 955 acres of former agricultural land to tidal marsh along the northern shore of San Pablo Bay. Existing tidal marshes adjacent to the restoration area support known populations of SMHM and CRR. Jason was responsible for overseeing biological monitoring during certain phases of construction, as well as nesting bird surveys during spring-summer for two consecutive years. Biological monitoring was conducted in accordance with SMHM avoidance and minimization measures developed specifically for this project by the USFWS, and Jason routinely coordinated these activities with biologists from both Ducks Unlimited and the USFWS. Due in part to WRA's efforts, the project proponents achieved their critical initial levee breach in October 2015.

Elsie Gridley Mitigation Bank, Solano County, California

The Elsie Gridley Mitigation Bank is the largest mitigation bank in California at more than 1,800 acres, and is a central component of the largest contiguous vernal pool preserve in the United States. The bank is approved by five different agencies and covers two different Army Corps Districts. In addition, the bank sells both numerous species credits such as California tiger salamander, vernal pool crustaceans, Swainson's hawk, and burrowing owl, as well as wetland credits to offset impacts under the Clean Water Act. As part of the ongoing annual monitoring requirement Jason has co-led the monitoring efforts for CTS and vernal pool branchiopods. During 2013 and 2014 surveys over 2,500 CTS larvae were captured, enumerated and measured, and monitoring will continue in subsequent years. Jason also conducts annual monitoring for burrowing owl and Swainson's hawk.

MOTCO California Black Rail Surveys, Concord, California

Jason conducted population-level surveys for state-listed California black rail on a property containing tidal and brackish marsh habitats along the Suisun Bay shoreline, including the use of active (i.e., call-playback) techniques. The surveys were initiated for site planning purposes and the results were detailed in a report presented to the client.

California Least Tern Nesting Colony Monitoring and Habitat Management, Pittsburg, California

Jason has participated in annual monitoring and habitat management of a four-acre California least tern nesting site located in the cooling canal complex at the Pittsburg Power Plant, in Contra Costa County, California since 2008. Jason supervises weekly visits to monitor adult breeding pairs, nests, and fledglings, as well as predation, competition, and management needs; all data is recorded and submitted to the USFWS and CDFG annually.

Soquel Canyon Stream Mitigation and Wildlife Conservation Bank, Chino Hills, California

Soquel Canyon is a 300+ acre stream mitigation and wildlife conservation bank serving Los Angeles, Orange and western San Bernardino counties. Jason conducted field surveys and habitat assessments for special status bird species on the property during the initial study phase, and co-authored the proposed bank's Biological Resources Inventory. The bank was approved for credit sales in 2014.