

4.3 BIOLOGICAL RESOURCES

This section evaluates the potential for significant impacts on Biological Resources due to the proposed project. Consistent with the discussion in Section 4.0 (Introduction to the Analysis), based on a preliminary environmental analysis of the proposed project prepared prior to commencement of this EIR and analysis previously completed for the BECSP Program EIR, substantial additional analysis of Biological Resource impacts is not required. Rather, this section includes a discussion of the current environmental setting, the proposed project and its relationship to the BECSP, where applicable; a discussion of consistency with the environmental analysis prepared for the BECSP, where applicable; any new information or analysis pertinent to the current analysis and identification of impacts; identification of mitigation measures required to address potential impacts of the proposed project; and significance conclusions regarding the proposed project after mitigation incorporation. Mitigation measures include applicable measures from the BECSP EIR as well as any new or additional mitigation measures required to reduce potential impacts. All impacts are considered to be less than significant with incorporation of mitigation.

Data used to prepare this section were obtained from the BECSP EIR and City of Huntington Beach General Plan. Full bibliographic entries for all reference materials are provided in Section 4.3.5 (References) at the end of this section.

4.3.1 Environmental Setting

The proposed project site is developed with office, retail and restaurant uses, as well as a gas station. The project site is largely covered with buildings or paved surfaces, with the exception of a grassy area located at the entrance to the existing restaurant, on the southwest corner of the project site. Vegetation on the project site is limited to trees and landscaping associated with the paved parking lot, and the entrance to the existing restaurant.

■ Field Survey

As part of the BECSP EIR, PBS&J performed a general survey on January 21, 2009, to assess the biological resources within the entire BECSP area. The general survey concluded that the BECSP area is entirely developed, paved, landscaped, and/or graded, and as an urban community supports primarily, if not exclusively, nonnative plant species. Only common species that are typically present in developed areas were observed during the reconnaissance survey or are anticipated to be present.

■ Special-Status Biological Resources

A total of 77 special-status species were identified as having been recorded or having the potential to be impacted in the BECSP area located within the United States Geological Survey (USGS) 7.5-minute quadrangle map for the Seal Beach and three surrounding quadrangles according to the California Natural Diversity Database (CNDDDB), California Native Plant Society (CNPS), and United States Fish and Wildlife Service (USFWS).

■ Federally and State-Listed Species

Based on the literature review, thirty-one state- and/or federally listed threatened or endangered species were identified as potentially occurring within the BECSP area, or reported by the CNDDDB, USFWS or CNPS as occurring within the USGS 7.5-minute quadrangle map for the Seal Beach and three surrounding quadrangles. Each of the State and/or federally listed species and its probability of occurrence was described in detail in the BECSP EIR and it was determined that all of these species were considered to be *absent* due to lack of suitable habitat within the BECSP area, including the proposed project site, and/or distance from closest known occurrence.

■ Other Sensitive Biological Resources

The CNDDDB database review resulted in the identification of eighteen sensitive plant species in addition to state and/or federally listed threatened or endangered species mentioned above, that have a potential to occur on, or within the vicinity of, the BECSP area. Taking into account habitat, elevation, and blooming periods of each species, none of the eighteen sensitive plant species have a potential to occur within the BECSP area, or the proposed project site, due to the developed nature of the area and the lack of suitable habitat. Although nonlisted, special-status species carry no official state or federal listing, the California Environmental Quality Act (CEQA) requires consideration of them during the environmental documentation process due to their limited distribution and/or declining numbers.

In addition to individual plant species, special-status habitats are considered important because of their high species diversity, high productivity, limited distribution, declining status, or a combination of these qualities. Based on the recorded occurrences in CNDDDB, and the distance from the project site to the coast, none of these sensitive habitats or any other sensitive habitats occur within the project site.

■ Wildlife Movement

The BECSP area does not function as an important regional wildlife corridor because it has been developed, paved, landscaped, and/or graded. This is true of the proposed project site. The proposed project site and areas immediately surrounding the project site are highly urbanized, and are considered to be fully built out with commercial and residential development. As such, with the possible exception of migratory birds, the BECSP area and the proposed project site do not fit into an identified wildlife movement category (travel route, wildlife corridor, or wildlife crossing).

4.3.2 Regulatory Framework

Refer to Section 4.3.5 (Regulatory Framework) in the Program EIR, for applicable federal, state, and local regulations that would apply to the proposed project. No new regulations have been implemented since the certification of the Program EIR.

The BECSP Development Code which includes development standards, development regulations and guidelines, governs all development actions with the BECSP area, including the proposed project site. The proposed project would be subject to development standards specific to the proposed project site's

BECSP designation as Town Center Neighborhood, included as BECSP Section 2.1.4 (Town Center Neighborhood).

■ General Plan and BECSP Consistency Analysis

The proposed project would be consistent with the goals and policies of the City of Huntington Beach General Plan. As discussed below, migratory avian species protected under the Migratory Bird Treaty Act (MBTA) may use trees on the proposed project site or in the immediate vicinity for nesting during breeding season. Implementation of mitigation measure BECSP MM4.3-1 would ensure the protection of migratory bird species/habitat. As such, compliance with BECSP MM4.3-1 would ensure that implementation of the proposed project would not conflict with any local policies or ordinances protecting biological resources (e.g., Policies LU 5.1.1, LU 14.1.1, ERC 2.1.9 and ERC 2.1.10 of City's General Plan—Environmental Resource/Conservation Element), which are designed to protect sensitive species and their habitats within the City from development and related construction activities.

4.3.3 Project Impacts and Mitigation

This section provides a discussion of impacts related to biological resources based on the thresholds of significance provided in Appendix G of the 2011 CEQA Guidelines, as follows:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or 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 a tree preservation policy or ordinance
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan

■ Species Identified As a Candidate, Sensitive, or Special-Status Species

According to the Generalized Habitat Area map, Figure ERC-2 of the Huntington Beach General Plan Environmental Resources/Conservation Element, no riparian habitat, sensitive habitats, or natural communities are located within the project site. As a result, no suitable habitat for sensitive mammal, reptile, amphibian, or fish species exists within the project site. Furthermore, the BECSP EIR concluded that no endangered, rare, threatened, or special-status plant or wildlife species, or their associated habitats

designated by the USFWS Endangered and Threatened Species List, California Department of Fish and Game's (CDFG), or CNPS are known to occur within the BECSP area. As the proposed project site is included within the BECSP area, this condition would apply to the project site. Therefore, *no impact* would occur to special-status species as a result of the proposed project, either directly or indirectly.

Vegetation on the project site is limited to trees and landscaping associated with the existing commercial uses. Within the parking lot trees located on the project site, there is the potential for birds protected under the MBTA to nest. Prior to any construction activities occurring between February 15 and August 31 annually (breeding season), a nesting bird survey would be conducted as required by mitigation measure BECSP MM4.3-1. In the event that active nests are identified within 250 feet of the construction site, a 100-foot no work buffer would be maintained between the nest and construction activity. Consultation with the CDFG and USFWS is also encouraged. This survey would be submitted to the City of Huntington Beach prior to issuance of a grading permit. As such, implementation of mitigation measure BECSP MM4.3-1 would ensure protection of migratory bird species and habitat through focused surveys and the proposed project would result in a *less than significant* impact.

■ Riparian Habitat or Other Sensitive Natural Community

According to the Generalized Habitat Area map, Figure ERC-2 of the Huntington Beach General Plan Environmental Resources/Conservation Element, no sensitive natural communities are located in the BECSP area. No riparian habitat exists within the BECSP area, including the proposed project site. Further, the proposed project site is developed and could not support riparian habitat or other sensitive natural communities. As such, the proposed project would not have a direct effect upon any riparian habitat or other sensitive natural communities. This is considered a *less than significant* impact.

■ Federally Protected Wetlands

There are no wetlands within the project site, as defined by the Clean Water Act or the Fish and Game Code of California. The proposed project would result in *no impact* to federally protected wetlands.

■ Local Policies or Ordinances Protecting Biological Resources

Biological resources on the project site are limited to trees and landscaping. The City of Huntington Beach Tree Ordinance (Chapter 13.50 of the Huntington Beach Municipal Code) requires the applicant to obtain a permit from the Public Works Department for any activity that may disturb trees of any kind. The City's Tree Ordinance requires submittal of a landscape plan demonstrating compliance with current code requirements and the replacement of existing mature healthy trees to be removed at a minimum of 2:1 ratio with 36-inch box or palm equivalent. Approval of trimming, removing, or replacing trees by the Director of Public Works in association with replacement requirements would ensure that the proposed project would not conflict with any local policies or ordinances protecting biological resources.

Further, no habitat conservation plan or natural community conservation plan is applicable to the BECSP area, including the proposed project site, and *no impact* would occur due to conflict with a plan.

Potentially significant impacts related to biological resources have been mitigated through implementation of mitigation measure BECSP MM4.3-1 and all impacts were determined to be less than significant in this or the BECSP EIR analysis.

Applicable Mitigation of the BECSP EIR

BECSP MM4.3-1 Nesting avian species protected by the MBTA:

- a. Prior to any construction or vegetation removal between February 15 and August 31, a nesting bird survey shall be conducted by a qualified biologist of all habitats within 250 feet of the construction area. Surveys shall be conducted no less than 14 days and no more than 30 days prior to commencement of construction activities and surveys will be conducted in accordance with CDFG protocol as applicable. If no active nests are identified on or within 250 feet of the construction site, no further mitigation is necessary. A copy of the pre-construction survey shall be submitted to the City of Huntington Beach. If an active nest of a MBTA protected species is identified on site (per established thresholds) a 100-foot no-work buffer shall be maintained between the nest and construction activity. This buffer can be reduced in consultation with CDFG and/or USFWS. Completion of the nesting cycle shall be determined by qualified ornithologist or biologist.*
- b. Completion of the nesting cycle shall be determined by qualified ornithologist or biologist.*

4.3.4 Cumulative Impacts

Project-related impacts for environmental issue areas that did not require substantial additional analysis from what was provided in the BECSP EIR are considered to be less than significant with mitigation. In addition, the proposed project would not result in impacts different from or greater than previously analyzed in the BECSP EIR. Therefore, additional cumulative impact analysis is not required for these issue areas, including Biological Resources.

4.3.5 References

Huntington Beach, City of. *Beach and Edinger Corridors Specific Plan Environmental Impact Report*, August 2009.

———. *City of Huntington Beach General Plan*, May 13, 1996.

