

Appendix FEIR-C



Biological Resources Document Review—
Draft EIR for 2nd & PCH Project

July 21, 2017

30010

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Subject: Biological Resources Document Review—Draft EIR for 2nd & PCH Project

Dear Ms. Rogers:

Dudek is pleased to submit this technical memo/document review in support of the 2nd & PCH Project EIR (SCH No. 201431059). The Project Site is located at 6400 East Pacific Coast Highway in Long Beach, California. For purposes of this technical memo, Dudek has reviewed the following information provided by Eyestone Environmental: (1) the June 5, 2017 comment letter from Chatten-Brown & Carstens LLP on behalf of the Los Cerritos Wetlands Land Trust, (2) the 2016 Initial Study Biological Resources Section prepared for the currently proposed Project, (3) PCR's February 11, 2011 Biological Resources Assessment (BRA) prepared for a previous development proposal on the Project Site (which was used to support and appended to the 2016 Initial Study Biological Resources Section), (4) a Biological Resources Section (based on the 2011 BRA) from a 2011 Draft EIR regarding a previous development proposal on the Project Site, and (5) the Project Description from the same 2011 Draft EIR regarding a previous development proposal on the Project Site.

A Review of Biological Resources Potentially Affected by the Proposed Project

Existing Conditions and Background Information

The Project Site is currently occupied by the two-story, approximately 165,000 square foot, 248-room SeaPort Marina Hotel and associated surface parking areas providing a total of 457 parking spaces. Until recently, commercial uses within the SeaPort Marina Hotel included a rental car company, a limousine service, a fitness studio, and a café.¹ The former project analyzed in the 2011 BRA and the 2011 Biological Resources Draft EIR Section included a mix of residential, restaurant, hotel, retail, and entertainment uses, generally ranging from two to six stories. One of the residential towers associated with that project was proposed to have 12 stories (136 feet). In

¹ Since the time of the Notice of Preparation of an EIR for the Project (November 2016), these uses have ceased all operations, and the existing buildings on-site are now vacant.

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contrast, the currently proposed Project includes a mix of hotel, retail, grocery store, gym, and restaurant uses and associated parking, with one- and two-story building heights of up to 35 feet, similar to existing development on-site and the surrounding low-scale development.

Based on a review of the documents listed above, no special-status biological resources are known to occur on-site. The nearby Los Cerritos Wetlands are located approximately 400 feet to the northeast of the Project Site, and the Alamitos Bay and Marina are approximately 800 feet to the west of the Project Site. Of the approximately 106 bird species observed at the Los Cerritos Wetlands, the following are considered to be special-status in the context of CEQA Guidelines Appendix G: state-listed endangered Belding's savannah sparrow (*Passerculus sandwichensis beldingi*), state fully protected California brown pelican (*Pelicanus occidentalis californicus*), and federally and state-listed endangered least tern (*Sterna antillarum browni*). These species are considered to have a low to moderate potential to fly over the site while traveling from the Los Cerritos Wetlands to foraging areas within the Pacific Ocean and/or Alamitos Bay. Despite the proximity of portions of Los Cerritos Wetlands, viable habitats within the wetlands are located over 2,000 feet from the Project Site.

The Chatten-Brown & Carstens LLP comment letter submitted on behalf of the Los Cerritos Wetlands Land Trust, specifically addresses direct impacts to nesting birds; indirect impacts to off-site wetlands from stormwater runoff, noise, nighttime lighting, construction, and non-native plants; and wildlife movement. With respect to direct impacts to nesting birds, the comment letter indicates that the mitigation measure identified to avoid and minimize impacts to nesting birds is not included in the Project's Draft EIR and that the Draft EIR and Initial Study documents are inconsistent. With respect to indirect impacts to off-site wetlands from stormwater runoff, noise, nighttime lighting, construction, and non-native plants, the comment letter indicates that substantial evidence has not been provided in the 2016 Initial Study to substantiate the determination that the impacts would be less than significant. With respect to wildlife movement, the comment letter indicates that the currently proposed Project may impede wildlife movement across the Project Site through physical barriers and/or sensory stimuli (e.g., light and noise).

The purpose of this letter is to review how these impacts were addressed in the 2011 BRA, 2011 Biological Resources Section, and the more recent 2016 Initial Study for the current Project.

Direct Impacts to Nesting Birds

2011 BRA

The 2011 BRA identified potentially significant impacts to nesting birds and provided mitigation measure BIO-1 to reduce those impacts to a less-than-significant level. Mitigation measure BIO-1 required that vegetation removal activities occur outside of the nesting season (February 15-August 31); or if vegetation removal was to occur during the nesting season, it required nesting bird surveys and buffers of 300 to 500 feet.

2011 Draft EIR Biological Resources Section

The 2011 Draft EIR Biological Resources Section (the analysis based on the 2011 BRA) identified potentially significant impacts to nesting birds and provided mitigation measure C-1 to reduce those impacts to a less-than-significant level. Mitigation measure C-1 mirrored mitigation measure BIO-1 from the 2011 BRA and established the same requirements.

2016 Initial Study

The 2016 Initial Study for the current Project, which made use of and appended the 2011 BRA given its relevance to the Project Site, identified potentially significant impacts to nesting birds and provided mitigation measure IS-1 to reduce those impacts to a less-than-significant level. Mitigation measure IS-1 requires that vegetation removal activities occur outside of the nesting season (February 15-August 31); or if vegetation removal is to occur during the nesting season, it requires nesting bird surveys and buffers of 300 to 500 feet.

Thus, the findings of the 2016 Initial Study (which is included as Appendix A to the current Project's Draft EIR) are consistent with the 2011 BRA and the 2011 Biological Resources Section with respect to nesting birds. Moreover, Mitigation Measure IS-1 is incorporated into the 2016 Draft EIR and will be included in the Project's Mitigation Monitoring and Reporting Plan (MMRP) appended to the Final EIR.

Indirect Impacts Due to Non-native Plants, Lighting, Noise, and Stormwater Runoff

2011 BRA

The 2011 BRA identified indirect impacts due to non-native plants, lighting, noise, and stormwater runoff, and concluded these impacts would be less than significant, as summarized below.

Non-native Plants. The nearby Los Cerritos Wetlands are located approximately 400 feet to the northeast of the Project Site, and Alamitos Bay and Marina are approximately 800 feet to the west. Moreover, viable habitats within the wetlands are over 2,000 feet away. There are no native habitats on-site or immediately adjacent. Given the distance between on-site non-native landscaping and the off-site wetlands, the 2011 BRA concluded impacts from the incorporation of non-native plants in the Project landscape would be less than significant.

Lighting. While the proposed Project would include an increase in artificial lighting, the artificial lighting would be implemented in accordance with City of Long Beach's lighting standards: all lighting would be directed downward and away from off-site open space areas, which range from 400 to 800 feet away (while the closest viable wetlands habitats are over 2,000 feet distant). In addition, project-related lighting would be similar to other existing development in the area. The Project analyzed in the 2011 BRA also included a variety of project design features (e.g., shielding of project lights, shielding windows with drapery, shielding windows with textured or colored glass) to limit the effects of lighting. Based on the City's lighting standards, the distance to off-site open space areas, and project design features for lighting, the 2011 BRA concluded that Project lighting impacts to wildlife species would be less than significant.

Noise. Based on the characteristics of the previous development proposal evaluated in the 2011 BRA, operational noise would increase 0.7 dBA on weekdays and 1.0 dBA on weekends along Second Street between Pacific Coast Highway (PCH) and Shopkeeper Road. This segment of Second Street is the closest roadway segment adjacent to the Los Cerritos Wetlands. These noise increases would be well below the City's 3.0 dBA noise increase significance threshold. Moreover, these noise impact increases would be minimal compared to existing noise levels. Noise impacts to wildlife species would be less than significant due to the small incremental increase, and the distance from the Project Site to the off-site open space areas, which range from 400 to 800 feet away (while the closest viable wetlands habitats are over 2,000 feet distant).

Stormwater. The Los Cerritos Wetlands are located upstream from the Project Site, while Alamitos Bay is located downstream e. The 2011 BRA describes a variety of Best Management Practices (BMPs) that would reduce on-site stormwater pollutants prior to the stormwater leaving the Project Site. These BMPs include animal waste collection, exposure reduction, recycling, parking lot and street cleaning, infiltration and exfiltration devices, oil and grease traps, sand filters, filter strips, grass swales, and regular/routine maintenance of the BMPs. Implementation of these BMPs would result in an improvement to stormwater quality leaving the site compared to existing conditions. Therefore, implementation of these BMPs would result in less-than-significant stormwater quality impacts to the downstream Alamitos Bay and would avoid impacts to the upstream, off-site Los Cerritos Wetlands.

2011 Draft EIR Biological Resources Section

The 2011 Biological Resources Section (which is based on the 2011 BRA) concluded indirect impacts due to non-native plants, lighting, noise, and stormwater runoff would be less than significant, as summarized below.

Non-native Plants. The 2011 Biological Resources Section provides a similar analysis of non-native plant impacts compared to the 2011 BRA. The nearby Los Cerritos Wetlands are located approximately 400 feet to the northeast of the Project Site, and the Alamitos Bay Marina and Bay are approximately 800 feet to the west of the Project Site. Moreover, viable habitats within the wetlands are over 2,000 feet distant. There are no native habitats on site or immediately adjacent. Given the distance between on-site non-native landscaping to the off-site wetlands, the 2011 Biological Resources Section concluded impacts from the incorporation of non-native plants in the project landscape would be less than significant.

Lighting. The 2011 Biological Resources Section provides a similar analysis of lighting impacts compared to the 2011 BRA. While the proposed project would include an increase in artificial lighting, the artificial lighting would be implemented in accordance with City of Long Beach's lighting standards: all lighting would be directed downward and away from off-site open space areas, which range from 400 to 800 feet distant (while the closest viable wetlands habitats are over 2,000 feet distant). The 2011 Biological Resources Section includes an assessment of existing lighting conditions: currently parking lights are not shielded or downturned. Therefore, existing lighting conditions may be of greater intensity and have greater effects on off-site areas compared to proposed lighting conditions. Based on the City's lighting standards, the distance to off-site open space areas, and project design features for lighting, the 2011 Biological Resources Section concluded that project lighting impacts to wildlife species would be less than significant.

Noise. The 2011 Biological Resources Section references the Noise Section from the 2011 Draft EIR and indicates that construction noise levels are expected to exceed the 5-dBA significance threshold at the nearest sensitive receptor (location R4) as well as the Los Cerritos Wetlands, both located approximately 400 feet from the Project Site. Viable habitats within the Los Cerritos Wetlands are over 2,000 feet distant. The 5-dBA increase, while temporary, would be potentially significant. Noise Mitigation Measures I-1 through I-4 would reduce construction noise impacts to a less-than-significant level at the Los Cerritos Wetlands.

Ambient noise levels of 63 dBA were recorded along Second Street between the Pacific Coast Highway (PCH) and Shopkeeper Road. This segment of Second Street is the closest roadway segment adjacent to the Los Cerritos Wetlands. Project mechanical design is required to ensure that HVAC/mechanical noise levels stay at 55 dBA or below along the property boundaries. In

addition, the Project's operational noise experienced along Second Street would increase 0.7 dBA on weekdays and 1.0 dBA on weekends, which is considered minimal. These noise increases would be well below the City's 3.0 dBA noise increase significance threshold. On-site operational noise and off-site traffic noise impacts to wildlife species would be less than significant due to the imperceptible increase, and the distance from the Project Site to the off-site open space areas.

Stormwater. The 2011 Biological Resources Section provides a similar analysis of stormwater impacts as the 2011 BRA. As previously discussed, the Los Cerritos Wetlands are located upstream from the proposed Project Site and are physically separated from the Project Site by surface streets and urban development. Therefore, the proposed project would not result in impacts to water quality within the Los Cerritos Wetlands.

Alamitos Bay is located downstream from the proposed Project Site. The 2011 Biological Resources Section describes a variety of BMPs that would reduce on-site stormwater pollutants, prior to the stormwater leaving the Project Site. These BMPs include erosion control, sediment controls, non-stormwater management BMPs, waste management, impervious surface reduction, efficient landscaping, efficient irrigation, stormdrain stenciling, and media filtration. Implementation of these BMPs would result in an improvement to stormwater quality leaving the site compared to existing conditions. Therefore, the Project would result in less-than-significant stormwater quality impacts to off-site wetlands.

2016 Initial Study

The 2016 Initial Study identified indirect impacts due to non-native plants, lighting, noise, and stormwater runoff, and concluded these impacts would be less than significant, as summarized below.

Non-Native Plants. The 2016 Initial Study provides a similar analysis of non-native plant impacts compared to the 2011 BRA and the 2011 Biological Resources Section. The nearby Los Cerritos Wetlands are located approximately 400 feet to the northeast of the Project Site, and Alamitos Bay and Marina are approximately 800 feet to the west. Moreover, viable habitats within the wetlands are over 2,000 feet away, separated by intervening urban development and city streets. There are no native habitats on-site or immediately adjacent. Given the distance between on-site non-native landscaping to the off-site wetlands, the 2016 Initial Study concluded impacts from the incorporation of non-native plants in the Project landscape would be less than significant.

Lighting. The 2016 Initial Study provides a similar analysis of lighting impacts compared to the 2011 Biological Resources Section and 2011 BRA. While the proposed Project would result in an increase in artificial lighting, the artificial lighting would be implemented in accordance with City of Long Beach’s lighting standards: all lighting would be directed downward and away from off-site open space areas, which range from 400 to 800 feet distant (while the closest viable wetlands habitats are over 2,000 feet distant). Based on the City’s lighting standards, the distance to off-site open space areas, and the Project’ lighting characteristics, the 2016 Initial Study concluded that Project lighting impacts to wildlife species would be less than significant.

Noise. The 2016 Initial Study indicates that construction noise levels may have indirect effects on wildlife. Construction noise from the proposed project would be temporary and intermittent and standard practices would be used to reduce off-site construction noise to the extent feasible. Viable habitats within the Los Cerritos Wetlands are over 2,000 feet distant, separated by intervening urban development and city streets. Therefore, construction noise impacts to special-status species would be less than significant. However, as a precaution and in recognition of the sensitivity of the wetlands, the temporary sound barrier proposed along the northwestern Project Site property line during demolition (i.e., the loudest construction phase) would be extended to border the northeastern corner of the Project Site, thus shielding land uses to the northeast, including the nearest portion of the Los Cerritos Wetlands, from construction-related noise. As detailed in revised Mitigation Measure I-1, this sound barrier would be designed to provide a 5 decibel reduction in noise emanating from the Project Site.

Operational noise would be similar to existing noise types and levels in the vicinity. Wildlife in the Project Site vicinity is already acclimated to these existing noise types and levels. Operational noise impacts to wildlife species would be less than significant due to the similar nature of the proposed project noise types and levels and the distance from the Project Site to the off-site open space areas.

Stormwater. The 2016 Initial Study provides a similar analysis of stormwater impacts compared to the 2011 Biological Resources Section and 2011 BRA. The Los Cerritos Wetlands are located upstream from the Project Site and are physically separated from the Project Site by surface streets and urban development. Therefore, the proposed Project would not result in impacts to water quality within the Los Cerritos Wetlands. The Alamitos Bay is located downstream from the proposed Project Site. The 2016 Initial Study indicates that BMPs that would reduce on-site stormwater pollutants prior to the stormwater leaving the Project Site. The proposed Project would also comply with the National Pollutant Discharge Elimination System (NPDES) permit. Implementation of these BMPs would result in less than significant stormwater quality impacts to off-site wetlands.

The findings of the 2016 Initial study, which is an element of the Draft EIR, with respect to non-native plants, lighting, noise, and stormwater runoff, are consistent with the 2011 BRA and the 2011 Biological Resources Section. The 2016 Initial Study includes sufficient information to substantiate the determination that impacts associated with non-native plants, lighting, noise, and stormwater runoff are less than significant.

Impacts to Wildlife Movement

2011 BRA

The 2011 BRA addresses three types of wildlife movement: dispersal (e.g., juveniles moving away from natal areas), local home range movement (e.g., foraging, searching for mates or cover), and seasonal migration.

On the local scale, many of the wildlife species (e.g., insects, amphibians, reptiles, fish, amphibians, small mammals, birds) within the Los Cerritos Wetlands, San Gabriel River, Los Cerritos Channel, and Alamitos Bay may move daily within wetlands areas as they search for shelter, food, water and/or mates, with further movement constrained by the existing surrounding urban development. However, some local wildlife movement may occur between these wetlands and the Pacific Ocean, primarily bird species that forage along the coast.

The Project Site is located within the Pacific Flyway, a north-south migratory route for birds in the Americas. Moreover, the Los Cerritos Wetlands have been identified as an Important Bird Area (IBA) by the National Audubon Society. While some resident and migratory bird species may fly over the Project Site, the 2011 BRA indicates that it is unlikely that high levels of movement occur over the Project Site. It is more likely that both local wildlife and migrating birds are moving and flying along the San Gabriel River and Los Cerritos Channel that connect the Los Cerritos Wetlands and Alamitos Bay. These connections and expansive areas provide resources to support wildlife species with fewer obstacles and deterrents (e.g., noise, lighting) than the surrounding urban areas. For these reasons, the 2011 BRA determined that the Project was unlikely to impact dispersing and/or locally moving wildlife, including birds.

The 2011 BRA found that the 12-story structure included as part of the previous development proposal could result in increased threats to migrating birds through bird collisions with the building (other buildings were two to six stories in height). With incorporation of that project's design features such as low reflection surfaces and textures, curvilinear design, light shielding, etc., and taking into account the fully developed conditions of the Project Site and surrounding development, the 2011 BRA found that bird mortality would not be substantial and that impacts to wildlife movement would be less than significant.

2011 Draft EIR Biological Resources Section

Similarly, the 2011 Biological Resources Section addressed the same three types of wildlife movement. The 2011 Biological Resources Section found that the Project would not directly result in significant impacts to dispersing or locally moving wildlife as the Project Site is currently fully developed and surrounded by existing streets and urban development. Moreover, while some resident and migratory bird species may fly over the Project Site, the 2011 Biological Resources Section pointed out that it is more likely that both birds would fly over the San Gabriel River, Los Cerritos Channel, Los Cerritos Wetlands and Alamitos Bay, and the surrounding low-scale urban development.

The 2011 Biological Resources Section did find that the 12-story structure included as part of the previous development proposal could result in increased threats to migrating birds through bird collisions with the building, given the proximity to the IBA and Pacific Flyway. However, with incorporation of that project's design features such as low reflection surfaces and textures, curvilinear design, light shielding, etc., and taking into account the fully developed conditions of the Project Site and surrounding development, the 2011 Biological Resources Section found that bird mortality would not be substantial and that impacts to wildlife movement would be less than significant.

2016 Initial Study

The 2016 Initial Study found that because the Project Site is fully developed and surrounded by development, the proposed Project would not directly result in significant impacts to dispersing or resident wildlife. Because the Project is located within the Pacific Flyway and designated IBA, the 2016 Initial Study did find that the proposed project could be a hazard to migrating birds. The 2016 Initial Study notes that San Gabriel River, Los Cerritos Channel, Los Cerritos Wetlands and Alamitos Bay, and the surrounding low-scale urban development provide unobstructed flight paths; the Project consists of buildings of up to 35 feet in height (similar to existing development on-site and the surrounding low-scale development); and the Project would not funnel migrating birds into existing or proposed structures. For these reasons, the 2016 Initial Study found that increased bird mortality from collisions would not result from the proposed Project, and that impacts to wildlife corridors would be less than significant. The current Project no longer includes mid- to high-rise structures of up to 12 stories in height, compared with the 2011 Project.

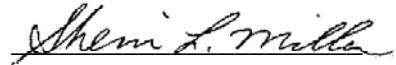
With respect to wildlife movement, the findings of the 2016 Initial Study, which is included as part of the Draft EIR, are consistent with the 2011 BRA and the 2011 Biological Resources

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Section. The 2016 Initial Study includes sufficient information to substantiate the determination that impacts associated with wildlife corridors are less than significant.

Sincerely,



Sherri Miller

Principal