# BIOLOGICAL CONSTRAINTS ANALYSIS

## COURTYARD & TOWNEPLACE SUITES
## APN: 2061-004-030
## AGOURA HILLS, CALIFORNIA

## LOS ANGELES COUNTY, CALIFORNIA

**(USGS Thousand Oaks, CA Quad.; Township 1 North, Range 18 West, Section 20)**

*Prepared for:*

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**Project No: RCA#2015-64**

**September 30, 2015**

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## SECTION 1 - INTRODUCTION

Biological surveys were conducted on September 28, 2015 on the Courtyard & Towneplace Suites project site located in the City of Agoura Hills in Los Angeles County, California (Section 20, Township 1 North, Range 18 West). As part of the assessment, a compendium of plants and animals observed on the site or those species likely to inhabit the site was prepared. The site was also evaluated for the presence of any sensitive habitats (e.g., blueline channels, etc.). The results of the field investigations, the impacts that may be associated with the proposed development, and potential mitigation measures are also included.

### 1.1 Project Location

The property is located in the City of Agoura Hills south of the 101 Freeway (U.S. Highway 101) off of Agoura Road between Kanan Road (east) and Reyes Adobe Road (west). The site is about 5.5-acres in size and is located at an elevation ranging from about 950 to 1,000 feet (MSL) (Appendix A, Figures 1, 2, and 3). The site is bordered on the north by U.S. Highway 101, vacant lands to the east, Agoura Road and vacant lands to the south, and a commercial development to the west (Figure 4).

### 1.2 Project Description

The project proponent is proposing to construct a commercial development (i.e., Courtyard & Towneplace Hotel) on the property. The project will consist of a single 3-story structure approximately 50,673 square feet in size with an adjacent parking lot and two entrances/exits to the site. The total building area is approximately 136,334 square feet.

### 1.3 Regulatory Overview

For the purpose of this report, potential impacts to biological resources were analyzed based on the following statues:

- California Environmental Quality Act (CEQA)
- Federal Endangered Species Act (ESA)
- California Endangered Species Act (CESA)
- Federal Clean Water Act (CWA)
- California Fish and Game Code (CFGC)
- Migratory Bird Treaty Act (MBTA)
- The Bald and Golden Eagle Protection Act
- Porter-Cologne Water Quality Control Act
- Los Angeles County General Plan

The site is located outside of any existing critical habitats or any Wildlife Management Area (DWMA)

### 1.4.1 Significance Criteria

The following threshold criteria were used to evaluate potential environmental effects. The proposed project could have a significant effect on biological resources if any of the following issues are determined to be applicable to the project.

1. 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 Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS).

2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS.

3. Have a substantial adverse effect on federal 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.

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 a tree preservation policy or ordinance.

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.

## SECTION 2 - METHODOLOGY

Biological surveys were conducted on September 28, 2015 to evaluate the existing biological resources on the property, and methodologies utilized for the field investigations are summarized below.

### 2.1 Literature Review

Prior to the start of the field surveys, RCA Associates LLC reviewed literature on biological resources that could potentially occur on the project site and in the surrounding area. The literature review included information available in peer-reviewed journals and standard reference materials (e.g. Holland 1986, Hickman 1993, Stebbins 2003, American Ornithologists Union 2010, USACE 2008, etc.). In addition, databases which provide distribution data on sensitive species were reviewed, and these sources included the CDFG California Natural Diversity Data Base (CNDDB), Biogeographic Information and Observation System (BIOS – www.bios.dfg.ca.gov), USFWS Critical Habitat Portal (http;//criticalhabitat.fws.gov), and the California Native Plant Society (CNPS) online Inventory of Rare and Endangered Plants of California (California Native Plant Society 2012). Additionally, the U.S. Fish and Wildlife Service (USFWS) website was reviewed for the presence of any federally listed plant or animal species occurring near the site.

Sensitive species which have been documented within approximately 10-15 miles of the site are presented in Table 1 (Appendix A). Other sources of information utilized included aerial photographs, topographic maps, soil survey maps, geologic maps, climatic data, and project plans.

### 2.2 Focused Surveys

Based on the review of existing biological data and a preliminary review of the site conditions, focused surveys were conducted for the burrowing owl (*Athene cunicularia*); however, no owls or owl sign (i.e., whitewash, castings, etc.) were observed during the September 2015 surveys, nor were any suitable burrows identified.

#### 2.2.1 Special Status Plant Species

Prior to conducting the field surveys, a CNDDB search of the Thousand Oaks, California USGS quadrangle was conducted for recorded occurrences of special status plant and animal taxa within an approximately 10-15-mile radius of the study area. A 10-15-mile radius encompasses a sufficient distance to provide adequate information on the potential presence of sensitive species on the site. Based on this review, seventeen (17) sensitive plant species have been observed in the area within 10-15-miles of the property (Appendix A: Table 1).

### 2.2.2 Burrowing Owl

The property is located within the known distribution of the burrowing owl (*Athene cunicularia*) and several documented observations have been noted within several miles (~10-15 miles) of the site. Although there are no known owl colonies within 5-miles, a focused burrowing owl survey was conducted in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG, 2012). The survey was conducted on September 28, 2015 to determine if suitable habitat was present on the site for the species. Burrowing owls are typically found in a wide variety of habitats including disturbed grassland, agricultural areas, and open desert plant communities. Following completion of the initial habitat assessment, a protocol survey was performed utilizing parallel belt transects. Transects were walked in a north-south direction until the property had been checked for owls and/or owl sign (burrows, tracks, scats, etc.). The survey protocol also requires that zone of influence (ZOI) surveys be conducted in the surrounding area out to a distance of 500-feet; however, ZOI surveys were unable to be performed due to the adjacent property being fenced.

All transects were walked at a pace that allowed careful observations along the transect routes and in the immediate vicinity. Field notes were recorded regarding native plant assemblages, wildlife sign, and human affects in order to determine the presence or absence of suitable owl habitat. Surveys were performed on the site from about 0900 to about 1230 hours. Focused surveys combined with identification of the habitat on the site and in the surrounding area typically provide sufficient data to determine the presence or absence of burrowing owls. Temperatures during the September 2015 survey were in the mid-70's to mid-80's (°F), wind speeds of about 0 to 5 mph, and 0 to 5 percent cloud coverage. No precipitation was recorded during the survey.

### 2.2.3 Special Status Raptors

No focused surveys were performed for any special status raptors; however, the existing trees on the property were surveyed for any raptor nests. Binoculars were also used to aid in the identification of any soaring hawks over the site and nearby areas.

## 2.3 Special Status Wildlife Species

There are eighteen (18) sensitive wildlife species that occur in the general region and these species are compiled in Appendix A (Table 1). Although these species occur in the area, the probability of any of these species inhabiting the site is very low given the low population levels in the region of these species, the level of past disturbance which has occurred on the site, and the absence of suitable habitat foe many of these species (See Appendix A: Table 1 for specific habitat requirements.). However, during the surveys performed for the general vegetation and wildlife resources, the site was evaluated for the potential presence of the various sensitive wildlife species as well as their habitats.

## 2.4 Jurisdictional Waters Evaluation

RCA Associates LLC conducted an evaluation of the site for the presence of any potential jurisdictional resources on the site and in immediately adjacent areas. The evaluation consisted of a general characterization of the vegetative and any drainages noted. The evaluation was conducted in accordance with:

- USACE Wetlands Delineation Manual (1987)
- USACE Guidelines for Jurisdictional Determinations for Waters of the United States in the Arid Southwest (2001)
- USACE Jurisdictional Determination Form Instructional Guidebook (2007)
- USACE Regional Supplement to the Corps Wetland Delineation Manual: Arid West Region (2008)
- USACE A Field Guide to the Identification of the Ordinary High Water mark (OHWM) in the Arid West Region of the Western United States (2008)
- Section 1602(a) of the California Fish and Game Code
- Porter-Cologne Water Quality Control Act

## SECTION 3.0 - RESULTS

### 3.1 General Biological Resources

The site supports a disturbed, non-native grassland dominated by brome grasses (*Bromus* sp.), ricegrass (*Oryzopsis* sp.), erodium (*Erodium texanum*), fiddleneck (*Amsinckia tessellata*) and wild oats (*Avena fatua*). Other species observed included California buckwheat (*Eriogonum fasciculatum*), matchweed (*Gutierrezia sarothrae*), and common sunflower (*Helianthus annuus*) (Figure 3). Table 2 (Appendix A) provides a compendia of plants observed on the site and in the surrounding area. No stream channels or other drainage features were observed nor was any riparian vegetation noted during the field investigations. Oak trees (*Quercus agrifolia*) and eucalyptus trees (*Eucalyptus globulus*) are located along the edge of the property boundaries.

The only bird species identified during the surveys were ravens (*Corvus corax*), and California ground squirrels (*Spermophilus beecheyi*) were the only mammals observed during the field investigations. Reptile observations were limited to the common side-blotched lizards (*Uta stansburiana*). No distinct wildlife corridors were identified on the site or in the immediate surrounding area, and no breeding activities were observed among any of the wildlife. Table 3 (Appendix A) provides a compendia of wildlife species.

### 3.2 Special Status Plant Species

There are seventeen (17) sensitive plant species documented within a 10-15-mile radius of the site; however, none of the 17 species were observed on the site during the general field investigations nor are any of these plants expected to occur on the site based on the absence of suitable habitat (See Appendix A: Table 1).

### 3.3 Burrowing Owl

The site supports marginal habitat for burrowing owls based on the results of the initial survey, and the focused/protocol survey conducted on the site did not identify any owls or occupiable burrows on the site. Owls typically utilize burrows which have been excavated by other animals (e.g., coyotes, dogs, etc.) and the absence of occupiable burrows significantly limits the potential for the species occurring on the site in the future. Based on the absence of any owl sign or occupiable burrows, no additional surveys (i.e., owl surveys, census, and mapping during nesting season survey and winter survey) were conducted as per the survey protocol outlined in the Staff Report on Burrowing Owl Mitigation (CDFG, 2012).

### 3.4 Special Status Wildlife Species

No sensitive wildlife species which have been documented in the surrounding region (See

Appendix A: Table 1) were observed on the property during the field investigations conducted on September 28, 2015. In addition, no raptor nests were observed in any of the trees present on the site and there is a low probability of any raptors nesting on the site in the near future.

### 3.5 Jurisdictional Waters

No blueline channels or jurisdictional waters are present on the site according to the USGS Thousand Oaks, CA quadrangle, nor were any drainage channels observed during the field investigations (Figure 2).

## SECTION 4.0 – MITIGATION MEASURES

Based on current site conditions, no mitigation measures are recommended; however, if any sensitive species are observed during future activities, the following mitigation measures may be required by various State and Federal agencies, as well as Los Angeles County. The potential measures may be required to ensure adverse effects to sensitive biological resources are avoided and/or minimized where necessary, to achieve an impact level of less than significant. Also, the resources agencies (CDFW, etc.) may require all construction and operations personnel undergo environmental awareness training provided by a qualified biologist prior to the start of site clearing/construction activities.

### 4.1 Special Status Plant Species

As discussed in Section 3.2, no special status plant species were observed during the field investigations, and no sensitive plants are expected to occur on the site in the future and on current site conditions and the absence of suitable habitat. No mitigation measures are recommended for the site; however, if sensitive plants are observed on the site during future construction activities, CDFW should be contacted to discuss mitigations which may be required.

### 4.2 Burrowing Owl

No owls or suitable (i.e., occupiable) burrows are present on the site at the present time; therefore, no mitigation measures are recommended. However, additional surveys may be required by CDFW 30-days prior to the start of future site clearing and construction activities as per CDFW regulations to determine if this mobile species has moved onto the site since the September 28, 2015 surveys. If burrowing owls are observed in the future, the following mitigation measures may apply and will follow the guidelines developed by CDFW (2012). However, mitigation requirements under CEQA are established at the discretion of the lead agency.

1. If burrowing owls are found during the 30-day clearance surveys, a burrowing owl Mitigation and Monitoring Plan will be developed. The plan shall provide the framework for implementing the following tasks:

   a. Unless otherwise authorized by CDFW, avoid disturbance within 50 meters (164 feet) of occupied burrows during the non-breeding season (September 1 through January 31) or within 75 meters (246 feet) during the breeding season (February 1 through August 31).

   b. Passively relocate burrowing owls during non-breeding season owls to a suitable off-site location. Passive relocation is defined as encouraging owls to move from occupied burrows to alternate natural or artificial burrows that are beyond 50 meters from the impact zone and that are within or contiguous to a minimum of 6.5 acres of foraging habitat for each pair of owls.

c. A minimum of one natural or artificial burrow shall be provided for each active burrow that will be excavated in the project area.

d. The project area shall be monitored daily for one week to confirm owl use of the alternate burrows before excavating burrows in the impact zone.

e. Burrows shall be excavated using hand tools and refilled to prevent re-occupation.

f. Provide compensatory mitigation if the project will reduce the amount of suitable foraging habitat contiguous to occupied burrows on or adjacent to the site below the 6.5 acre threshold (per pair or individual owl).

### 4.3 Special Status Raptors and Nesting Birds

No sensitive raptors were observed on the property or in adjacent areas and no raptor nests were identified in any of the trees on the site. However, if sensitive raptors (e.g., coopers hawk, etc.) are identified on the site during future activities, the following measures may be required by CDFW to ensure that potential direct or indirect impacts to nesting raptors, as well as nesting birds, are avoided and/or minimized:

If construction activities occur during the breeding season (February – August), a qualified biologist shall conduct a nesting bird/raptor survey immediately prior to the start of construction to determine the presence/absence, location, and status of any active nests on the project site. The survey methodology established by CDFW and USFWS will be utilized.

### 4.4 Jurisdictional Waters

No blueline channels or jurisdictional waters are present on the site according to the USGS Thousand Oaks, CA quadrangle and no channels were observed during the field surveys (Figure 2).

## SECTION 5.0 – SUMMARY AND CONCLUSIONS

No special status plant or animal species were observed on the site during the field investigations, and the site is not expected to support any populations of special status species given the level of past disturbance to on-site habitats and the absence of suitable habitat for the species (Appendix A: Table 1). The site does support marginal habitat for the burrowing owl; although, no owls or owl sign were seen on the site during the field investigations. In addition, no occupiable burrows were observed which significantly reduces the potential use of the site in the future by burrowing owls.

No sensitive raptors were identified and no raptor nests were observed in any of the trees on the site. Raptors are not expected to nest on the site in the near future; although, some raptors may be seen occasionally flying over the site during hunting activities. The site does support habitat for various passerine birds (e.g., sparrows, etc.) and some nesting activities may occur during early spring; although, the site supports limited habitat. If development activities occur during the nesting period (Feb – August) CDFW may require a nesting bird survey as outlined in Section 4.3.

## REFERENCES


Baldwin, Bruce G, et. al.
2002. The Jepson Desert Manual. Vascular Plants of Southeastern California. University of California Press, Berkeley, CA.

California Department of Fish and Game
2012. Staff Report on Burrowing Owl Mitigation. CDFG. 32 pp.

California Burrowing Owl Consortium
1993. Burrowing Owl Survey Protocol and Mitigation Guidelines

California Department of Fish and Game
1990. California Wildlife: Volume 1 (Amphibians and Reptiles), Volume II (Birds), and Volume III (Mammals).

California Department of Fish and Game
1995. Staff Report on Burrowing Owl Mitigation.

California Department of Fish and Game
2015. Rarefind 3 Natural Diversity Database. Habitat and Data Analysis Branch. Sacramento, CA.

California Native Plant Society
2001. Inventory of Rare and Endangered Plants of California (sixth edition). Rare Plant Scientific Advisory Committee, David P. Tibor, Convening Editor. California Native Plant Society. Sacramento, CA x + 388 pp.

Ehrlich, P., Dobkin., Wheye, D.
Birder's Handbook. A Field Guide to the Natural History of North American Birds. Simon & Schuster Building Rockefeller Center 1230 Avenue of the Americas. New York, New York 10020.

Hickman, James C.
The Jepson Manual Higher Plants of California. University of California Press. Berkeley, CA. 3rd Edition. 1996.

Jaeger, Edmund C.
1969. Desert Wild Flowers. Stanford University Press, Stanford, California. 321 pp.

Kays, R. W. & Wildson, D. E.
Mammals of North America. Princeton University Press, Princeton, New Jersey. 2002.

Munz, Philip A.
1974. A Flora of Southern California. University of California Press, Berkeley, California. 1086 pp.

Sibley, David Allen.
National Audubon Society. The Sibley guide to Birds. Alfred A Knopf, Inc. 2000.

Stebbins, Robert C.
A Field Guide to Western Reptiles and Amphibians. Houghton Mifflin Company. 2003.

Whitaker, John O.
The Audubon Society Field Guide to North American Mammals. Alfred A Knopf, Inc. 1980.

# APPENDIX A

## Tables and Figures

**TABLE 1 – SPECIAL STATUS SPECIES WHICH OCCUR WITHIN 10-15 MILES OF THE SITE (CNDDB 2015).**

| SCIENTIFIC NAME | COMMON NAME | STATUS | HABITAT PREFERENCE | OCCURRENCE ON SITE |
|---|---|---|---|---|
| *Athene cunicularia* | burrowing owl | None | Disturbed grasslands, desert scrub | Species not present on site. Not expected to occur on site. |
| *Astragalus brauntonii* | Braunton's milk-vetch | FE | Valley & foothill grassland | Species not present on site. Not expected to occur on site. |
| *Calochortus plummerae* | Plummer's mariposa-lily | None | Valley & foothill grassland | Species not present on site. Not expected to occur on site. |
| *Dudleya parva* | Conejo dudleya | FT | Valley & foothill grassland | Species not present on site. Not expected to occur on site. |
| *Emys marmorata* | western pond turtle | None | Aquatic Artificial flowing waters | Species not present on site. No suitable habitat on site. |
| *Vireo bellii pusillus* | Least Bell's vireo | FT<br>ST | Riparian habitat | Species not present on site. Not expected to occur on site. |
| *Phrynosoma blainvilliii* | Coast horned lizard | SSC | Desert scrub habitat | Species not present on site. Not expected to occur on site. |
| *Rana draytonii* | California red-legged frog | FT<br>SSC | Near ponds and permanent waters | Species not present on site. Not expected to occur on site. |
| *Anniella pulchra pulchra* | Silvery legless lizard | SSC | Gravelly banks along streams | Species not present on site. Not expected to occur on site. |
| *Nolina cismontana* | chaparral nolina | None | Chaparral, Coastal scrub | Species not present on site. Not expected to occur on site. |
| *Pentachaeta lyonii* | Lyon's pentachaeta | FE<br>SE | Chaparral Coastal scrub Valley & foothill grassland | Species not present on site. Not expected to occur on site. |
| *Elanus leucurus* | white-tailed kite | None | Riparian woodland Valley & foothill grassland | Species not present on site. Not expected to occur on site. |
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|---|---|---|---|---|
| *Polioptila californica californica* | coastal California gnatcatcher | FT | Coastal sage scrub communities | Species not present on site. Not expected to occur on site. |
| *Streptocephalus woottoni* | Riverside fairy shrimp | FE | Vernal pools | Species not present on site. Not expected to occur on site. |
| *Calochortus clavatus var. gracilis* | slender mariposa-lily | None | Chaparral Coastal scrub Valley & foothill grassland | Species not present on site. Not expected to occur on site. |
| *California macrophylla* | round-leaved filaree | None | Cismontane woodland Valley & foothill grassland | Species not present on site. Not expected to occur on site. |
| *Aspidoscelis tigris stejnegeri* | coastal whiptail | None | Desert scrub | Species not present on site. Not expected to occur on site. |
| *Atriplex coulteri* | Coulter's saltbush | None | Coastal scrub Valley & foothill grassland | Species not present on site. Not expected to occur on site. |
| *Dudleya cymosa ssp. marcescens* | marcescent dudleya | FT Rare | Chaparral communities | Species not present on site. Not expected to occur on site. |
| *Dudleya cymosa ssp. ovatifolia* | Santa Monica dudleya | FT | Chaparral Coastal scrub | Species not present on site. Not expected to occur on site. |
| *Falco peregrinus anatum* | American peregrine falcon | Delisted | Wetlands, lakes, rivers | Species not present on site. No suitable habitat on site. |
| *Accipiter cooperii* | Cooper's hawk | None | Riparian forest Riparian woodland | Species not present on site. Not expected to occur on site. |
| *Taxidea taxus* | American badger | None | Alkali marsh Alkali playa Alpine, Chaparral | Species not present on site. Not expected to occur on site. |
| *Tortula californica* | California screw moss | None | Chenopod scrub Valley & foothill grassland | Species not present on site. Not expected to occur on site. |
| *Monardella hypoleuca ssp. hypoleuca* | white-veined monardella | None | Chaparral Cismontane woodland | Species not present on site. Not expected to occur on site. |
| *Dudleya blochmaniae ssp. blochmaniae* | Blochman's dudleya | None | Valley & foothill grassland | Species not present on site. Not expected to occur |

| | | | | |
|---|---|---|---|---|
| | | | | on site. |
| *Dudleya verityi* | Verity's dudleya | None | Chaparral<br>Cismontane woodland<br>Coastal scrub | Species not present on site. Not expected to occur on site. |
| *Eriogonum crocatum* | conejo buckwheat | Rare | Chaparral<br>Coastal scrub<br>Valley & foothill grassland | Species not present on site. Not expected to occur on site. |
| *Monardella hypoleuca ssp. hypoleuca* | white-veined monardella | None | Chaparral<br>Cismontane woodland | Species not present on site. Not expected to occur on site. |
| *Oncorhynchus mykiss irideus* | steelhead | FE | Aquatic<br>South coast flowing waters | Species not present on site. No suitable habitat on site |
| *Pentachaeta lyonii* | Lyon's pentachaeta | FE<br>SE | Chaparral<br>Coastal scrub<br>Valley & foothill grassland | Species not present on site. Not expected to occur on site. |
| *Thamnophis hammondii* | two-striped garter snake | None | Marsh & swamp<br>Riparian scrub<br>Riparian woodland<br>Wetland | Species not present on site. Not expected to occur on site. |
| *Catostomus santaanae* | Santa Ana sucker Fish | FT | Aquatic<br>South coast flowing waters | Species not present on site. Not expected to occur on site. |
| *Empidonax traillii extimus* | southwestern willow flycatcher | FE<br>SE | Riparian woodland | Species not present on site. Not expected to occur on site. |
| *Gasterosteus aculeatus williamsoni* | unarmored threespine stickleback Fish | FE<br>SE | Aquatic<br>South coast flowing waters | Species not present on site. No suitable habitat on site |

ST = State threatened
FT = Federal threatened
FE = Federally endangered
SE = State Endangered
CNPS = California Native Plant Society
SSC = Species of special concern
S = Sensitive

## TABLE 2 – PLANT COMPENDIA LIST

| Scientific Name | Common Name | Location |
|---|---|---|
| *Quercus agrifolia* | Oak tree | On-site |
| *Eucalyptus globulus* | Eucalyptus tree | " |
| *Amsinckia tessellata* | Fidleneck | " |
| *Bromus sp.* | Brome grasses | " |
| *Schismus barbatus* | Schismus | " |
| *Erodium texanum* | Erodium | " |
| *Oryzopsis sp.* | Ricegrass | " |
| *Eriogonum fasciculatum* | Buckwheat | " |
| *Helianthus annuus* | Common sunflower | " |
| *Encelia farinose* | Encelia | " |
| *Erodium texanum* | Erodium | " |
| *Gutierrezia sarothrae* | Yellow-green matchweed | " |
| *Avena fatua* | Wild oats | " |

Note: The above plant list is not a comprehensive list of every plant that may occur on the site. The very dry conditions that have existed over the last several months prevent a full compilation of all plants which may occur on the property.

## TABLE 3 – ANIMAL COMPENDIA LIST

| Scientific Name | Common Name | Location |
|---|---|---|
| *Corvus corax* | Raven | Observed on site |
| *Zenaida macroura* | Mourning dove | May occur on site |
| *Melospiza melodia* | Song sparrow | " |
| *Corvus brachyrhynchos* | Crow | " |
| *Anna's hummingbird* | Calypte anna | " |
| *Callipepla californicus* | California quail | " |
| *Eremophila alpestris* | Horned lark | " |
| *Aphelocoma californica* | Western scrub jay | " |
| *Buteo jamaicensis* | Red-tailed hawk | " |
| *Cnemidophorus tigris* | Western whiptail lizard | " |
| *Uta stansburiana* | Side-blotched lizard | Observed on site |
| *Canis latrans* | Coyote | Occurs in area |
| *Ammospermophilus leucurus* | Antelope ground squirrel | May occur on site |
| *Lepus californicus* | Jackrabbit | " |
| *Sylvilagus auduboni* | Cottontail rabbit | " |

Note: The above animal list is only a partial list of wildlife which may occur on the site. Numerous other species may occur on the site during early spring months when migrations occur.

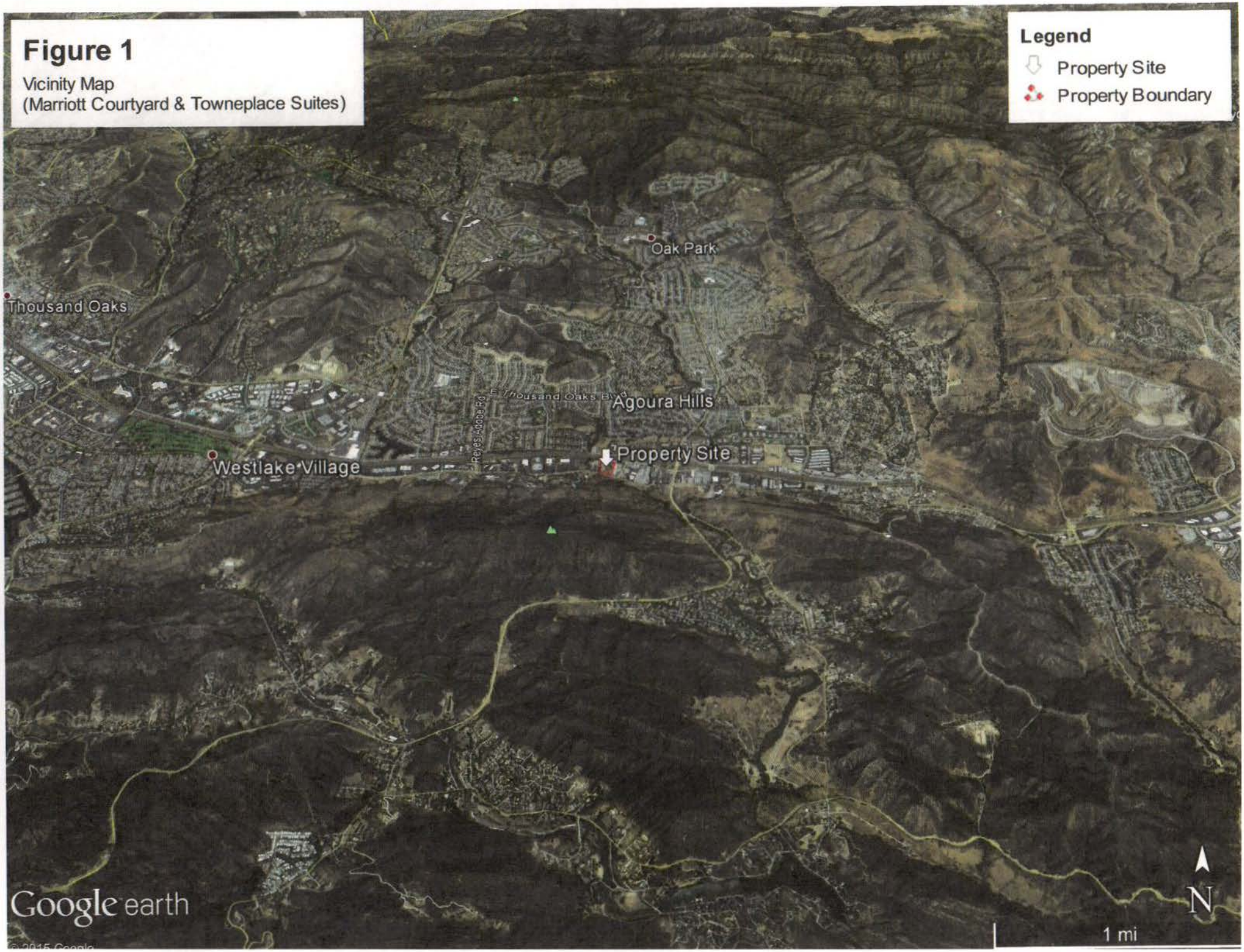
Figure 1
Vicinity Map
(Marriott Courtyard & Towneplace Suites)
Legend
Property Site
Property Boundary
Oak Park
Thousand Oaks
E Thousand Oaks Blvd
Agoura Hills
Peyes Adobe Rd
Westlake Village
Property Site
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UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
STATE OF CALIFORNIA
DIRECTOR OF PUBLIC WORKS
THOUSAND OAKS QUADRANGLE
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7.5 MINUTE SERIES (TOPOGRAPHIC)
SIMI VALLEY
S I M I
H I L L S
SANTA MONICA MOUNTAINS
NAT REC AREA
Simi Peak
E L C O N E J O
THOUSAND OAKS
PROJECT SITE
RUSSELL VALLEY
L A S V I R G E N E S
S A N T A M O N I C A M O U N T A I N S
Mapped, edited, and published by the Geological Survey
THOUSAND OAKS, CALIF.
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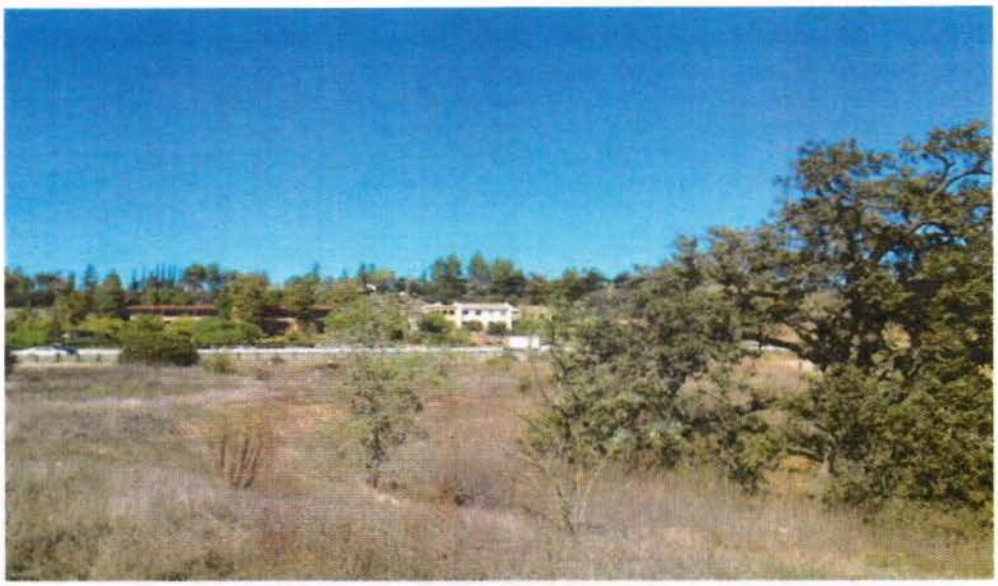
FIGURE 2

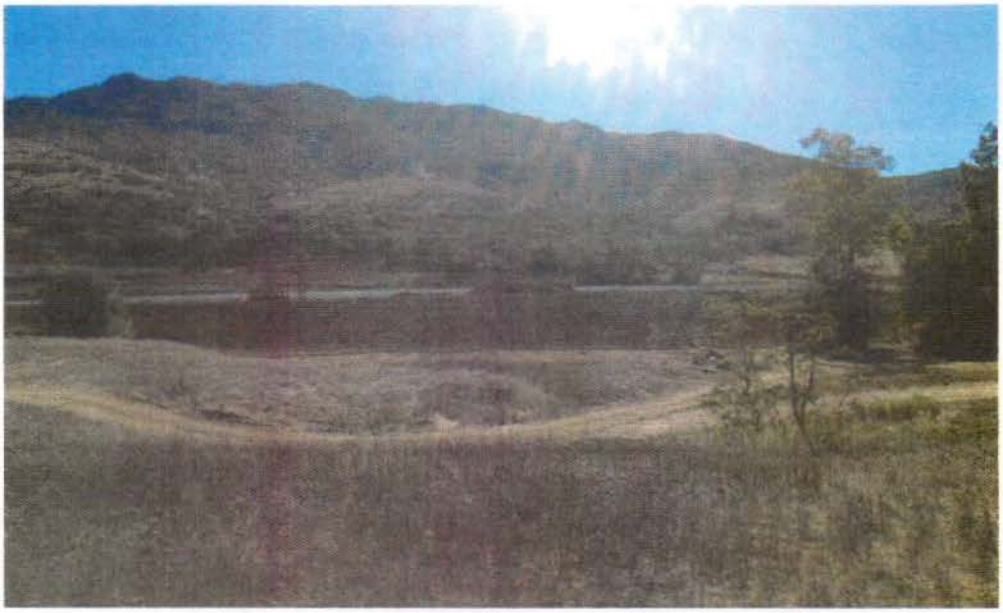


CENTER OF SITE LOOKING NORTH

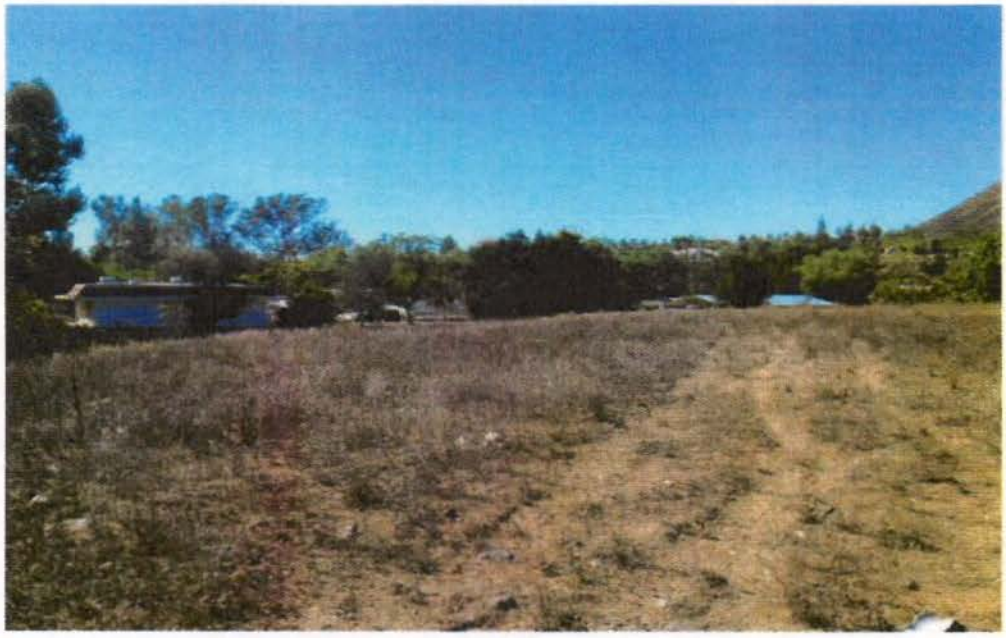
CENTER OF SITE LOOKING EAST

FIGURE 3

PHOTOGRAPHS OF SITE



CENTER OF SITE LOOKING SOUTH



CENTER OF SITE LOOKING WEST

FIGURE 3 CONT.

PHOTOGRAPHS OF SITE


Figure 4
Ariel View of Site
(Marriott Courtyard & Towneplace Suites)
Legend
Property Boundary
Property Site
Property Site
Roadside Dr
Agoura Rd
N
300 ft
Google earth
© 2015 Google

# Rincon Consultants, Inc.

Environmental Scientists Planners Engineers


# MEMORANDUM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**Date:** March 15, 2016

**To:** Sara Tistaert, Project Manager

**From:** Holly Harris, Biologist

**Email:** hharris@rinconconsultants.com

**cc:** Valerie Darbouze, Planner
Joe Power, AICP CEP, Principal

**Re:** Courtyard and Townplace Suites Hotel Project: Peer Review of Biological Report

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The purpose of this memorandum is to describe the results of a peer review conducted by Rincon Consultants, Inc. (Rincon) of the October 7, 2015, Biological Constraints Analysis prepared by RCA Associates, LLC for Agoura Hills HHG Hotel Development LP. The key findings, including the adequacy of reports for the purposes of completing an initial study checklist, are discussed below.

**Additional Information.** The following information is required to establish the biological baseline**:**

1. **Vegetation Map.** A vegetation/habitat map and vegetation community descriptions consistent with the *California Manual of Vegetation* (2009) is required draft the Initial Study - Mitigated Negative Declaration (IS-MND) and evaluate impacts to sensitive communities. In particular, the stands of oak trees need to be mapped and described, impacts analyzed, and if necessary, mitigation recommended. For example, *Quercus lobata* woodland is considered sensitive by CDFW, whereas *Quercus agrifolia* woodland is not but is may be formally or informally protected under the policies of local jurisdictions.
2. **Focused Plant Survey.** A focused spring plant survey is recommended for Lyon's pentachaeta (*Pentachaeta lyonii)* and Ojai navarretia (*Navarretia ojaiensis*) because of recent (2013 and 2014) verified populations of these species 75 to 150 feet to the south of the proposed project. If a spring survey is not conducted this year, the IS-MND must include a mitigation measure requiring pre-construction surveys, and avoidance/relocation if special status species are detected.
3. **Species Compendium.** The species list must be updated based on the focused rare plant survey and any vegetation mapping.

Our analysis is also supported by recent environmental documents and studies in the immediate vicinity, including the *Agoura Road Widening and Canwood Street Improvements* IS-MND (SCH # 2012101026), and the *Biological Initial Study Analysis (*PCR 2014, as revised in 2015) prepared for the project directly east. The project site is also within the boundary of the Agoura Road Widening Improvements project, currently under construction and affecting the southern portion of the parcel abutting the road.

The discussion below focuses clarifications that will need to be included in the IS-MND biological resources section under each CEQA Guidelines Appendix G biological resources threshold.

**Special Status Species**
The RCA report documents sensitive species within 10-15 miles of the project site using both CNDDB and CNPS databases. This database query scope is adequate to identify species with the potential to occur. The species compendium is sparse, and lacks tree species that are noted in the *Oak Tree Report for the Agora Road Hotel* (Envicom, 2105), including the valley oak *(Quercus lobata*) and other species that are visible from Google Earth street view (e.g. western sycamore [*Platanus racemosa*]).

*Special Status Plants.* RCA surveys were conducted in September outside the blooming period when most annual species cannot be identified, as reflected in the RCA report and species compendium. The RCA report does not recommended pre-construction surveys as mitigation, with only a vague reference to salvage should species be observed. A rare plant survey was conducted on 2013 southern portion of the project site as part of the Agoura Road Widening Improvements project (Envicom, 2013). The 2013 survey detected Lyon's pentachaeta and Ojai navarretia approximately 150 feet south of the project in suitable coastal sage scrub habitat on the other side of Agoura Road. In addition, Rincon 2014 surveys detected Lyon's pentachaeta in a disturbed area approximately 75 feet south of the project site across Agoura Road. These occurrences should be disclosed in the IS-MND, as well as that listed species were not detected on the southern portion of the project site during 2013 and 2014 rare plant pre-construction surveys for the Agoura Road Widening Improvement project

Given the existing level of disturbance at the site, multiple surveys as required under CDFW and CNPS protocol are not required at this time. One survey during the blooming period, as discussed above, should be conducted this spring. If a rare plant survey is not conducted this spring, the IS-MND should include a mitigation measure requiring a pre-construction survey, and avoidance/relocation plans if special status species are detected.

*Burrowing Owl*. One burrowing owl (*Athene cunicularia*) focused survey was conducted by RCA in September 2015, and no signs or suitable burrows were observed. The CDFW *Burrowing Owl Staff Report* (2012) recommends four surveys over the course of the overwintering period from September to January. Although burrowing owl were formerly a breeding bird along the coast and local inland valleys, it has now been virtually extirpated as such from the region for several decades with only a few birds having been observed in the Santa Monica Mountains as transient winter migrants. Therefore, one focused survey is adequate for the purposes of CEQA analysis and establishing baseline.

The Agoura Road Widening Improvement project MND Mitigation Measure BIO-5 required pre-construction overwinter burrowing owl surveys. No burrowing owls were detected by Rincon during the 2014/2015 overwintering season. Given the above-mentioned facts, protocol-level burrowing owl surveys are not necessary. However, Rincon recognizes that the possibility of burrowing owl occurring within the project area prior to the commencement of construction can never be completely ruled out because of the chance that an occasional individual may be discovered even in areas unoccupied for many years. The report recommends mitigation if the burrowing owl were to move into the site. A measure should be applied to the IS-MND similar to Agoura Road Widening Improvement project MND Mitigation Measure BIO-5 for a pre-construction, overwintering burrowing owl survey no more

than two weeks before initial ground disturbance, and consultation with CDFW if detected. The mitigation would only apply if initial ground disturbance occurs during the overwintering season (September —January) since burrowing owls are not known to breed in the area. This approach (pre-construction rather than focused protocol surveys) is defensible and consistent with recent regional mitigation directives.

*Nesting Birds.* The project site contains several trees with the potential to support nesting birds. Though not detailed in the RCA report, a nesting bird mitigation measure consistent with recent CDFW and City mitigation directives should be applied to the IS-MND for tree and shrub removal.

*Bats.* The large valley oak (Tree #342) proposed for removal may contain habitat for bats known to roost in large trees with peeling bark (e.g., western mastiff bat). Trees along the southern boundary in the Agoura Road widening project limits were surveyed for bats in January 2015 by Rincon, and no bats were detected. However, for consistency with recent projects and in anticipation of CDFW CEQA comments, a pre-construction survey measure should be applied similar to Agoura Road Widening MND Mitigation Measure BIO-13 (omitting the bridge reference) for the removal of Tree #342.

**Sensitive Communities**
The RCA Report does not address this CEQA threshold and vegetation was not mapped. Based on the species list and review of aerial photos, most of the project site appears to be dominated non-native grassland and ruderal habitat which is not considered sensitive.

*Oak Savanna.* Coast live oak trees (*Quercus agrifolia*), valley oaks, western sycamore, and non-native ornamental trees are present in the western and southwestern portion of the project site and would be directly affected by the Agoura Road Widening Project. In 2012 this area was mapped as an oak savannah as part of the Agoura Road Widening Improvement project (Jonathan Campbell Associates, 2012). Note that the area mapped as oak savanna in this study is also within the limits of grading for the Agoura Road Widening project, and impacts from the removal of oak savannah (evaluated as encroachment/removal impacts to individual of oak trees) were evaluated and mitigated as part of that project. As discussed above, the RCA report needs to be revised to include a vegetation and habitat map and describe vegetation onsite.

**Jurisdictional Waters and Wetlands Impacts**
No jurisdictional features are mapped onsite, nor were identified during the September survey. This determination is consistent with the *Biological Initial Study Analysis (*PCR 2014, as revised in 2015) prepared for the project directly to the east. No agency permits are anticipated to be required for the development of the parcel.

**Wildlife Movement**
Rincon concurs that no wildlife movement features are present, and that no direct impacts will occur. However, mitigation measures to address indirect impacts to adjacent habitat expected to be utilized by wildlife for foraging, breeding, and local movement, such as the Santa Monica Mountains Significant Ecological Area (SEA) 500 feet to the south of the of the project should be included in the IS-MND. Mitigation will likely include off-site lighting restrictions, a prohibition on invasive species, and a chemical (e.g., rodenticide) management plan.

The lighting is required to be designed and installed in accordance with the City's standards (City Architectural Design Standards and Guidelines; Municipal Code Article IX Zoning), which includes overhead lighting would be focused downward to minimize spillover lighting into adjacent areas.

**Local Policies and Ordinances**

Regulations pertaining City of Agoura Hills Oak Tree Preservation Guidelines will be addressed under the Rincon's Arborist review of the *Agoura Road Hotel Tree Report* and the addendum prepared by Envicom (2015). Mitigation for the replacement of the *Quercus lobata* trees to be removed will include replacement as required under the City's Oak Tree Preservation Guidelines as specified in the Envicom tree report and addendum. Tree mitigation will also include fencing and protective measures for trees to remain, as recommended by the arborist.

The RCA report does not address consistency with City General Plan policies pertaining to impacts to biological resources. The City's General Plan provides the framework for evaluating potential biological impacts with respect to local concerns. The Natural Resources Element, as well as other elements of the General Plan, includes goals and policies to protect biological resources. These include in particular:

> ***Goal NR-4 Natural Areas.*** *Protection and enhancement of open space resources, other natural areas, and significant wildlife and vegetation in the City as an integral component of a sustainable environment.*
>
> ***NR-4.2 Conserve Natural Resources.*** *Continue to enforce the ordinances for new and existing development in the City's hillside areas, such that development maintains an appropriate distance from ridgelines, creek and natural drainage beds and banks, oak trees, and other environmental resources, to prevent erosion, preserve viewsheds, and protect the natural contours and resources of the land.*
>
> ***NR-4.3 Development and Environmental Review.*** *Ensure that the development and environmental review process is sensitive to the preservation and protection of sensitive wildlife and plant species, wildlife corridors, significant ecological areas (SEAs), and other sensitive habitat communities.*
>
> ***NR-4.4 Cluster Development.*** *Encourage clustered development in sensitive areas to preserve and reduce the impact to natural lands.*
>
> ***NR-4.5 Open Space Preservation.*** *Place a high priority on acquiring and preserving open space lands for purposes of recreation, habitat preservation and enhancement, resource conservation, flood hazard management, public safety purposes, and overall community benefits.*
>
> ***NR-4.6 Connected Open Space System.*** *Ensure that new development does not create barriers or impede the connection of the City's open space systems.*
>
> ***NR-4.12 Wildlife Corridors.*** *Protect and maintain wildlife corridors, particularly the Liberty Canyon wildlife corridor, and adjacent areas as appropriate, to help the continued survival of wildlife.*

Given that the proposed project is in a disturbed and urbanized area, it is anticipated to be consistent with Goal NR-4, Policies NR-4.2—NR-4.6, and Policy NR-4.12. Therefore, revisions to the RCA report are not necessary. As discussed above under wildlife movement, off-site indirect impacts to the Santa Monica Mountains SEAs to the south would addressed through mitigation measure to address indirect impacts, such as lighting, to natural areas.

**Conservation Plans**

While not mentioned in the RCA report, the project is not subject to the requirements of any adopted Habitat Conservation Plans (HCP), Natural Community Conservation Plan (NCCP), or other approved conservation plans; therefore, there would be no impact.

RCA Associates LLC

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rca123@aol.com
www.rcaassociatesllc.com

April 13, 2016

Mr. Peter J. Kruse, President
Kruse Development Services Group, Inc.
3247 Sitio Oceano
Carlsbad, CA 92009

Re: Addendum Report – Courtyard & Towneplace Suites, Agoura Hills, California
RCA#2015-64A

Dear Mr. Kruse:

At your request, we conducted additional biological surveys on the project site referenced above on April 11, 2016. This spring survey was performed to evaluate site conditions and compare the results of the April survey to those observed during previous surveys conducted on September 28, 2015. A Biological Constraints Analysis report was previously prepared in September 2015 and was submitted under separate cover. The September report provided a detailed summary of biological issues regarding the property and an analysis of potential impacts to biological resources. However, given the time when the previous surveys were performed (i.e., early fall), it was deemed necessary to conduct spring surveys to evaluate the site for the presence of any sensitive plants. Specially, biologists from RCA Associates LLC surveyed the site for the presence of two special status species which have been documented in the area. The two special status plants of particular concern are: Lyon's pentachaeta (*Pentachaeta lyonii*) and Ojai navarretia (*Navarretia ojaiensis*). In addition, the site was surveyed for the presence of any sensitive wildlife species, including the burrowing owl (*Athene cunicularia*).

Lyon's pentachaeta is an annual which is endemic to Southern California where is now only found in a few areas along the coastlines of Los Angeles and Ventura Counties. According to the California Natural Diversity Data Base (CNDDB, 2016) there are only about 21 populations left in Southern California. The plant is listed as an endangered species by the State of California and the federal government, and is also listed as a List 1B.1 by the California Native Plant Society (CNPS). *Navarretia ojaiensis* is an annual herb that is native to California and is severely threatened by development activities and grazing by livestock. Distribution of this species is very limited with only about 10 populations known to occur in Los Angeles County according to the CNDDB (2016). It is listed by the CNPS as a List 1B.1 species. No

sensitive wildlife species (including the burrowing owl) have been documented on the site, or in the immediate area, based on a review of the CNDDB (2016); although, numerous special status wildlife have been documented within about a ten mile radius of the site (CNDDB, 2016).

## Project Location and Project Description

The property is located in the City of Agoura Hills south of the 101 Freeway (U.S. Highway 101) off of Agoura Road between Kanan Road (east) and Reyes Adobe Road (west). The site is about 5.5-acres in size and is located at an elevation ranging from about 950 to 1,000 feet (MSL) (Appendix A, Figures 1, 2, 3, and 4). The site is bordered on the north by U.S. Highway 101, vacant lands to the east, Agoura Road and vacant lands to the south, and a commercial development to the west (Figure 4). The project proponent is proposing to construct a commercial development (i.e., Courtyard & Towneplace Hotel) on the property. The project will consist of a single 3-story structure approximately 50,673 square feet in size with an adjacent parking lot and two entrances/exits to the site. The total building area is approximately 136,334 square feet.

## Methodologies

Surveys were conducted on the 5.5-acre parcel on April 11, 2016 from about 0800 to 1130 hours during which parallel transects were walked in a north-south direction throughout the site to identified any populations of Lyon's pentachaeta and Ojai navarretia. In conjunction with the plant surveys, the site was evaluated for the presence of any sensitive wildlife species, including the burrowing owl. The survey transects varied in width from about 10 to 15 meters. The property is located within the known distribution of the burrowing owl (*Athene cunicularia*) and several documented observations have been observed within about ten miles of the site. Therefore, a focused burrowing owl survey was conducted in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG, 2012), and in conjunction with the sensitive plant surveys.

All transects were walked at a pace that allowed careful observations along the transect routes and in the immediate vicinity for the presence of any sensitive plants, as well as sensitive wildlife species. Focused surveys combined with identification of the habitat on the site and in the surrounding area typically provide sufficient data to determine the presence or absence of any sensitive plant and wildlife species.

## Results

The spring surveys conducted on April 11, 2016 did not identify any populations of Lyon's pentachaeta or Ojai navarretia on the site, nor were any other sensitive plant species observed

during the field investigations. In addition, no sensitive wildlife species were observed on the property; furthermore, no burrowing owls or owl sign were observed within the boundaries of the property. In addition, no suitable owl burrows were identified within the boundaries of the site during the survey; therefore, burrowing owls are not expected to occur on the site in the future. No raptor nests were identified in any of the trees on the property, nor was any nesting activities (i.e., nest building, mating behavior, etc.) observed during the field investigations.

Based on the results of the spring surveys for sensitive plants and wildlife, it is the opinion of RCA Associates LLC the site does not support any populations of sensitive plant species including Lyon's pentachaeta and Ojai navarretia. Additionally, the site does not support any sensitive wildlife species at the present time, and no mitigation measures are recommended at the present time. If you have any questions please call me at (760) 956-9212 or email me at rca123@aol.com.

Sincerely,

Randall C. Arnold, Jr.
Principal & Senior Biologist

**References**

California Department of Fish and Game
1995. Staff Report on burrowing owl mitigation. September 25, 2003. 8 pp.

California Department of Fish and Game
1990. California's Wildlife, Volumes 1, 2, and 3. Sacramento.

California Department of Fish and Game
2016. Natural Diversity Data Base. Sacramento

RCA Associates LLC
September 30, 2016. Biological Constraints Analysis: Courtyard & Towneplace Suites, Agoura Hills, California. 28 pp

# APPENDIX A

## Figures

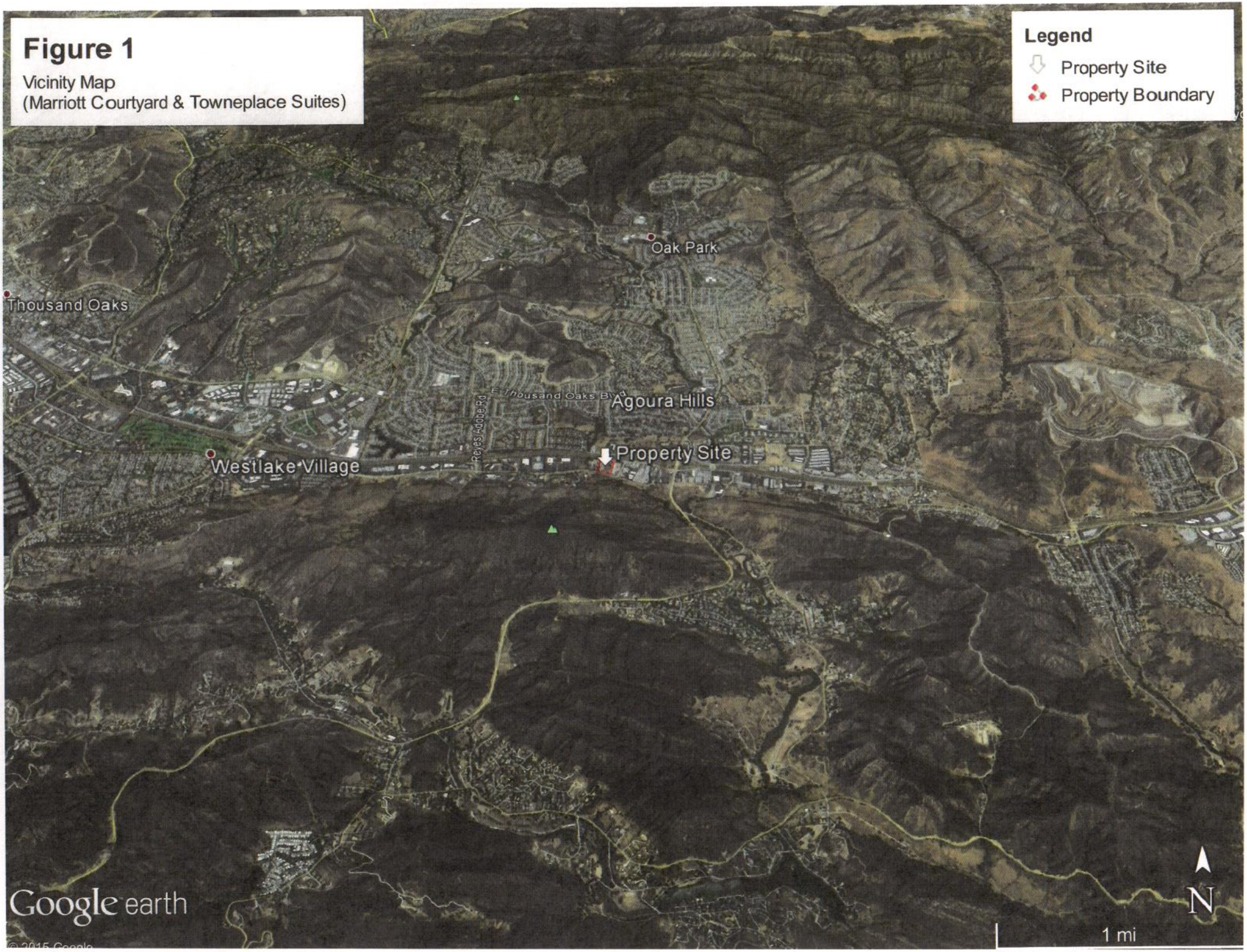
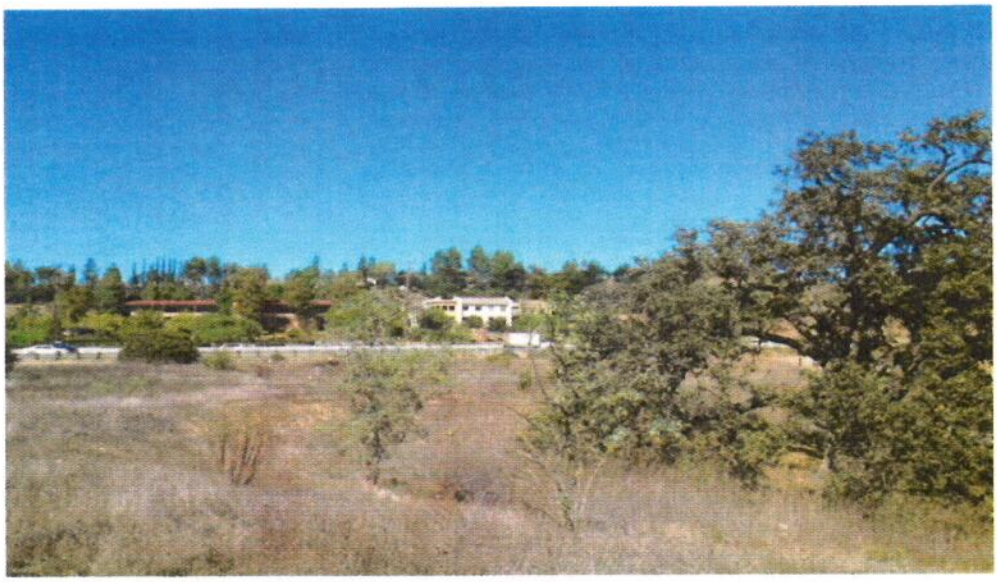


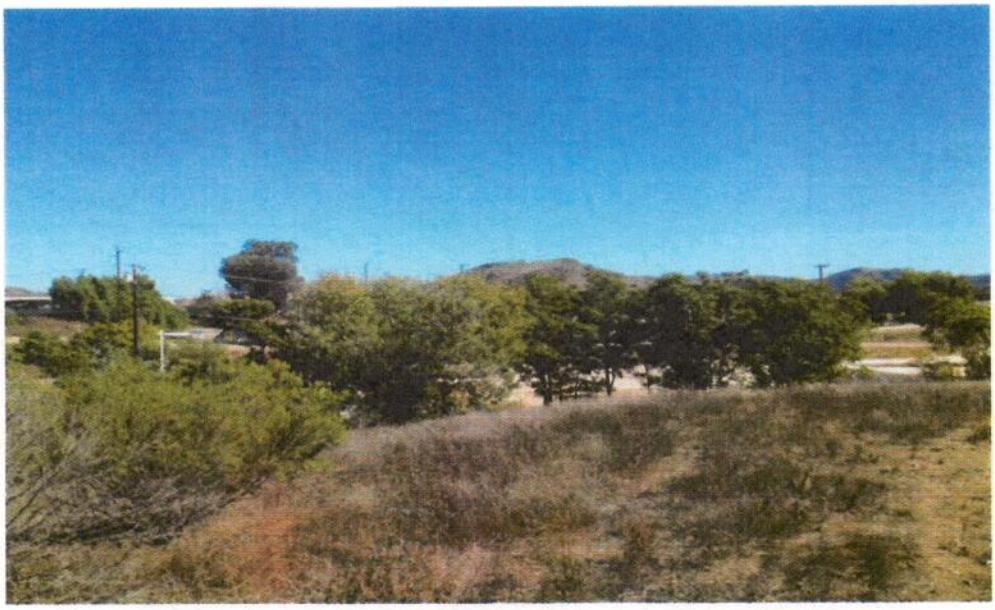
Figure 1
Vicinity Map
(Marriott Courtyard & Towneplace Suites)
Legend
Property Site
Property Boundary
Oak Park
Thousand Oaks
E Thousand Oaks Blvd
Reyes Adobe Rd
Agoura Hills
Property Site
Westlake Village
Google earth
N
1 mi


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
STATE OF CALIFORNIA
DIRECTOR OF PUBLIC WORKS
THOUSAND OAKS QUADRANGLE
CALIFORNIA
7.5 MINUTE SERIES (TOPOGRAPHIC)
S I M I
H I L L S
SIMI VALLEY
SANTA MONICA MOUNTAINS
NAT REC AREA
Simi Peak
E L C O N E J O
THOUSAND OAKS
PROJECT SITE
RUSSELL VALLEY
L A S V I R G E N E S
S A N T A M O N I C A M O U N T A I N S
Mapped, edited, and published by the Geological Survey
THOUSAND OAKS, CALIF.
1950

**FIGURE 2**



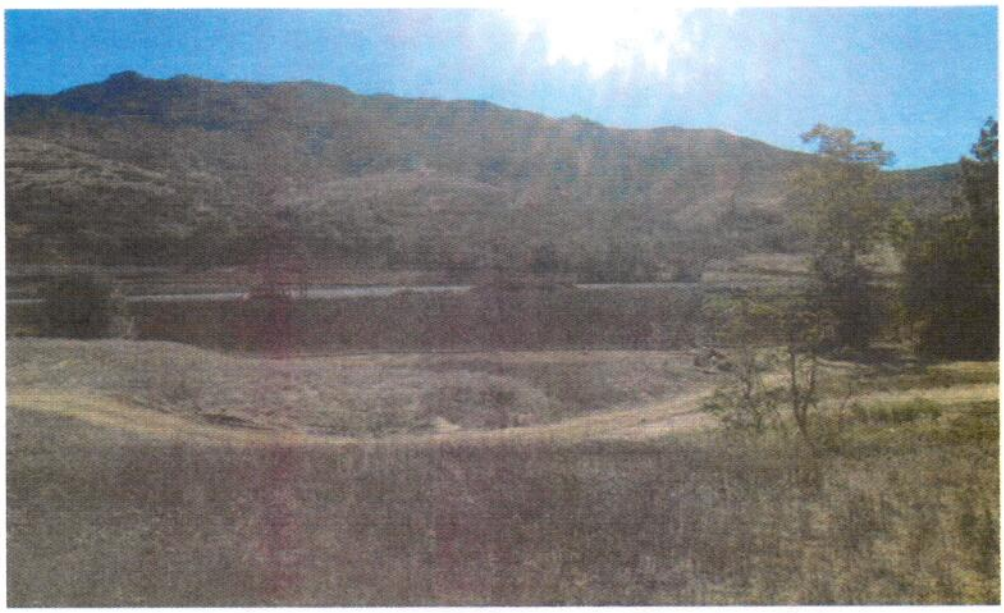
CENTER OF SITE LOOKING NORTH



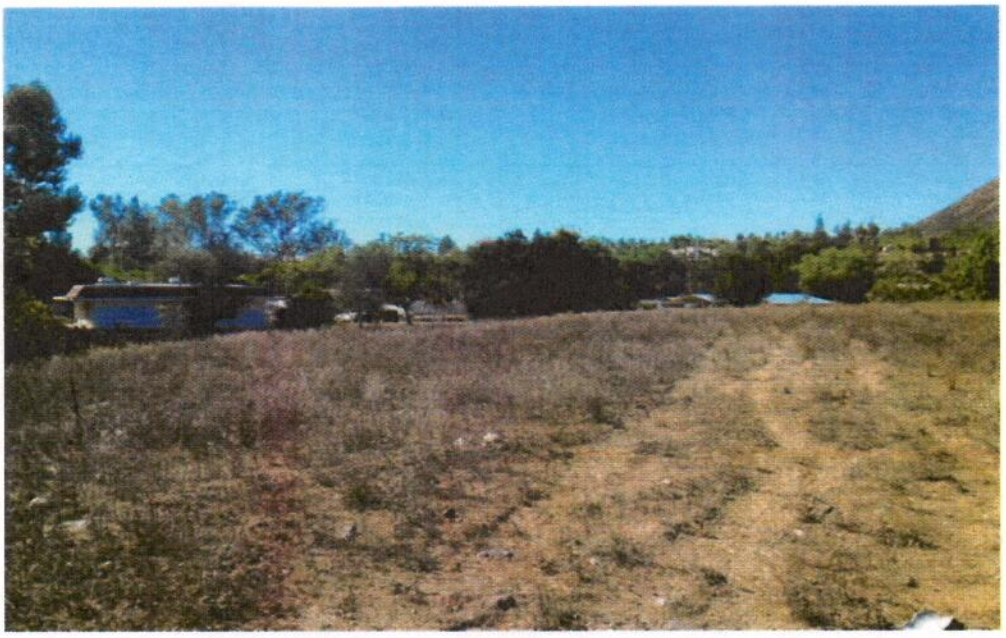
CENTER OF SITE LOOKING EAST

FIGURE 3

PHOTOGRAPHS OF SITE



CENTER OF SITE LOOKING SOUTH



CENTER OF SITE LOOKING WEST

FIGURE 3 CONT.

PHOTOGRAPHS OF SITE


Figure 4
Ariel View of Site
(Marriott Courtyard & Towneplace Suites)
Legend
Property Boundary
Property Site
Property Site
Roadside Dr
Agoura Rd
N
300 ft
Google earth
© 2015 Google