

4.3 BIOLOGICAL RESOURCES

This section describes existing biological resources and assesses the potential impacts to biological resources from implementing the project, including discussions of the significance of potential impacts to sensitive habitats, with a focus on the occurrence of special-status plant and wildlife species within the project area. Mitigation measures are included to reduce potentially significant impacts to biological resources. Cumulative impacts to biological resources are also evaluated, as well as the project's contribution to such cumulative impacts. A discussion of policies and regulations relating to biological resources is also provided. Information in this section was developed from information in the *Biological Resources Assessment*, prepared by PMC (2007), included as **Appendix B**.

4.3.1 ENVIRONMENTAL SETTING

Methodology

For the purpose of this evaluation, the project's survey area (PSA) was extended slightly beyond the boundaries of the project area. The PSA consists of 179 parcels, which together total approximately 39.4 acres. A map of the PSA included within the project's biological assessment, included herein as **Appendix B**.

On September 20, 2007, a biologist performed a pedestrian and windshield reconnaissance-level survey of the PSA. Prior to the survey, the potential for special-status species to occur within the PSA was evaluated by querying the California Natural Diversity Database (CNDDDB) (CDFG 2007), U.S. Fish and Wildlife Service (USFWS 2007), and the CNPS (CNPS 2007) for previously recorded occurrences of special-status species within the *Seaside, California* USGS 7.5-minute quadrangle and surrounding six quadrangles (Marina, Salinas, Spreckles, Carmel Valley, Mt. Carmel, and Monterey). The City of Seaside General Plan was also reviewed for information on biological resources within the City (City of Seaside 2004). **Figure 4.3-1** depicts the results of the CNDDDB special-status species search within a 1-mile radius of the PSA (CDFG 2007).

During the survey the biologist walked or drove throughout the PSA, paying special attention to areas with the potential to support special-status species. The survey focused on the non-developed portions of the site. Plant and animal species were recorded, and biological communities occurring within the PSA, including sensitive habitat types, were characterized. The noted vegetation communities were used to help assess the likelihood of potential special-status species occurring within the PSA. Species-specific focused or protocol-level surveys were not conducted during this survey. Furthermore, many of the parcels were disturbed to the extent that certain plant species would not have been recognizable.

Plant Species

Developed areas, including residences and businesses, dominate the PSA. Within the few vacant parcels remaining, small pockets of degraded/disturbed coast live oak woodland and/or ruderal grassland communities are present. The ruderal grassland community may be the remnants of an oak woodland understory and consists primarily of nonnative herbs and grasses.

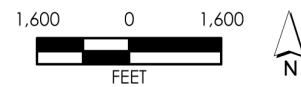
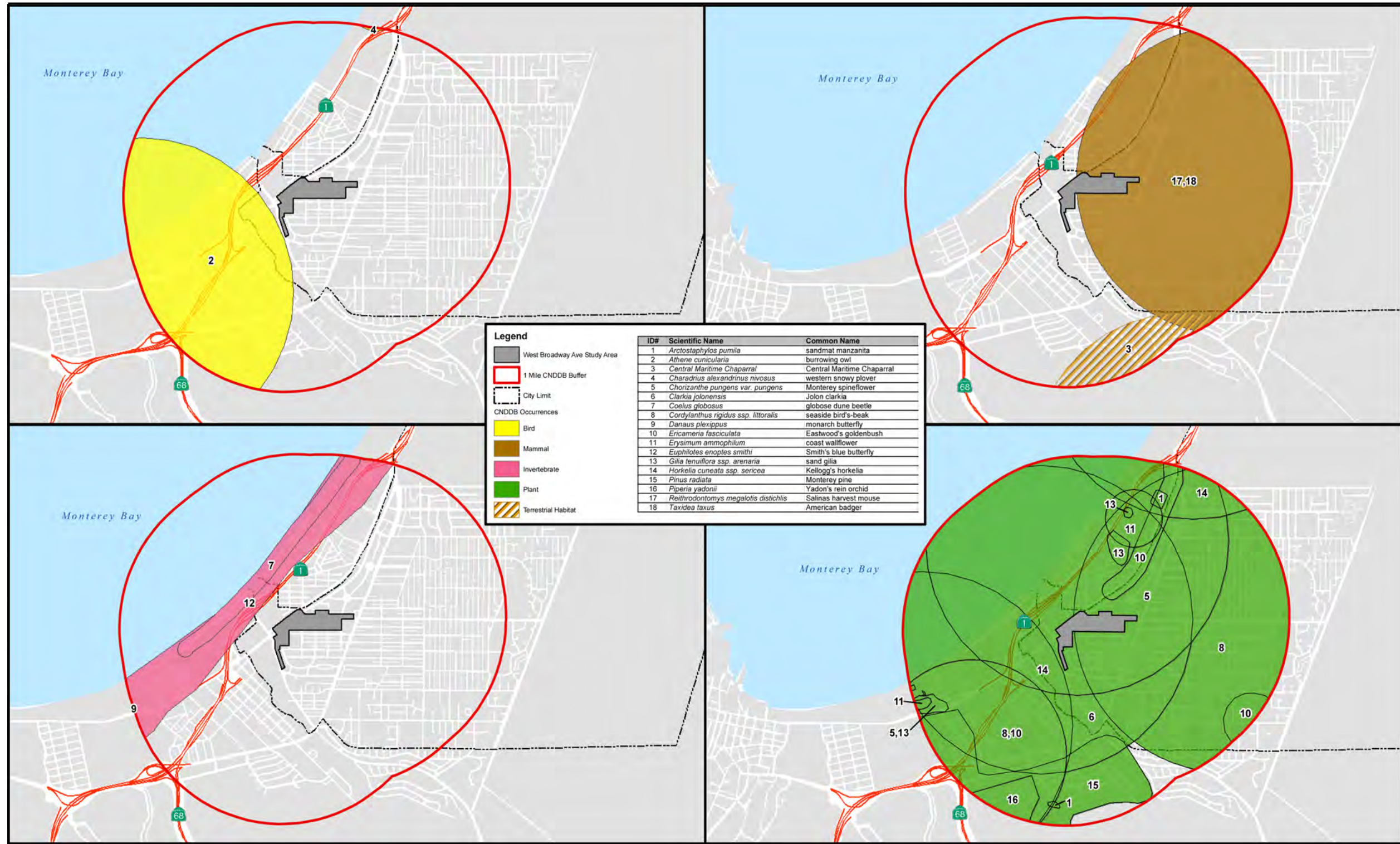
Many of the homes and some of the businesses within the PSA are surrounded with urban landscaping and trees. Plant species observed within the PSA include, but are not limited to, saltgrass (*Distichlis spicata*), black mustard (*Brassica nigra*), California brome (*Bromus carinatus*), prickly lettuce (*Lactuca serriola*), cheeseweed (*Malva* sp.), sandspurry (*Spergularia* sp.), coast live oak (*Quercus agrifolia*), and various ornamentals, such as oleander (*Nerium oleander*) and crimson bottlebrush (*Callistemon citrinus*).

Lists of special-status plant species identified from the database searches that are known to occur, or that have the potential to occur in or near the PSA, were evaluated. The species potentially occurring within the PSA are identified in **Table 4.3-1**. Plant surveys of the PSA were conducted. Owing to the urban character of the area, no special-status plant species were observed within the PSA during the survey. Some plant species, such as evergreen shrubs and trees, could conclusively be eliminated as occurring in the PSA, as it is known that they do not grow in the region of the project area.

Table 4.3-1: List of Special Status Species with Potential to Occur within PSA

Scientific Name	Common Name
Plants	
<i>Allium hickmanii</i>	Hickman's onion
<i>Centromadia parryi</i> ssp. <i>congdonii</i>	Condgon's tarplant
<i>Chlorogalum purpureum</i> var. <i>purpureum</i>	Purple amole
<i>Chorizanthe pungens</i> var. <i>pungens</i>	Monterey spineflower
<i>Chorizanthe robusta</i> var. <i>robusta</i>	Robust spineflower
<i>Clarkia jolonensis</i>	Jolon's clarkia
<i>Cordylanthus rigidus</i> ssp. <i>littoralis</i>	Seaside bird's-beak
<i>Gilia tenuiflora</i> ssp. <i>arenaria</i>	Sand gilia
<i>Holocarpha macradenia</i>	Santa Cruz tarplant
<i>Lasthenia conjugens</i>	Contra Costa goldfields
<i>Malacothamnus palmeri</i> var. <i>involucratus</i>	Carmel Valley bush mallow
<i>Microseris paludosa</i>	Marsh microseris
<i>Trifolium polyodon</i>	Pacific grove clover
Animals	
<i>Antrozous pallidus</i>	Pallid bat
<i>Eumops perotis californicus</i>	Western mastiff bat
<i>Lanius ludovicianus</i>	Loggerhead shrike

Source: PMC, 2007



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Animal Species

Lists of special-status animal species identified from the database searches that are known to occur, or that have the potential to occur in or near the PSA, were evaluated. The species potentially occurring within the PSA are identified in **Table 4.3-1**. During the site survey a few avian species were observed foraging within and/or flying over the PSA. These species observed include western gull (*Larus occidentalis*), turkey vulture (*Cathartes aura*), house sparrow (*Passer domesticus*), and European starling (*Sturnus vulgaris*). Signs of small mammals were evident in the form of burrows within undeveloped portions of the PSA. No special-status animal species were observed during the site survey, and no focused species surveys were deemed necessary.

Although the above species were identified as having the potential to occur within the PSA, the urbanized, limited nature of habitat available within the PSA makes the actual occurrence of these special-status species highly unlikely.

4.3.2 REGULATORY SETTING

Federal Endangered Species Act

Congress passed the Federal Endangered Species Act (FESA) in 1973 to protect those species that are endangered or threatened with extinction. FESA is intended to operate in conjunction with the National Environmental Policy Act (NEPA) to help protect the ecosystems upon which endangered and threatened species depend. FESA prohibits the “take” of endangered or threatened wildlife species. “The term ‘take’ means to harass, harm, pursue, hunt, shoot, kill, trap, capture, or collect, or to attempt to engage in any such conduct” (FESA Section 3 [(3)(19)]). Harm is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns (50 CFR §17.3).

Migratory Bird Treaty Act

Raptors (birds of prey), migratory birds, and other avian species are protected by a number of state and federal laws. The federal Migratory Bird Treaty Act (MBTA) prohibits the killing, possessing, or trading of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Section 3503.5 of the California Fish and Game Code states that it is “unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.”

California Coastal Act of 1976

The California Coastal Act (California Public Resources Code sections 30000 et seq.) was enacted by the State Legislature in 1976 to provide long-term protection of California’s 1,100-mile coastline. The Coastal Act created a unique partnership between the State (acting through the California Coastal Commission) and local government (15 coastal counties and 58 cities) to manage the conservation and development of coastal resources through a comprehensive planning and regulatory program.

Coastal Act policies constitute the standards used by the California Coastal Commission (Commission) in its coastal development permit decisions and for the review of local coastal programs (LCPs) prepared by local governments and submitted to the Commission for approval. These policies are also used by the Commission to review federal activities that affect the coastal zone. Coastal cities and counties must incorporate these policies into their individual LCPs.¹ The policies require numerous provisions including, but not limited to:

- Protection and expansion of public access to the shoreline and recreational opportunities and resources; including commercial visitor-serving facilities; and
- Protection, enhancement, and restoration of environmentally sensitive habitats, including intertidal and nearshore waters, wetlands, bays and estuaries, riparian habitat, certain wood and grasslands, streams, lakes, and habitat for rare or endangered plants or animals.

The Commission has various responsibilities including, but not limited to:

- Review and decide permits and appeals on permit decisions for new development in areas where the Commission retains coastal permitting authority;
- Review all amendments to previously approved land use plans prepared by cities and counties, industrial ports, and certain public and private universities located in the coastal zone; and
- Review and act on all federal activities that affect coastal resources, including federally permitted, funded, or initiated projects.

California Endangered Species Act

The State of California enacted the California Endangered Species Act (CESA) in 1984. CESA is similar to FESA but pertains to state-listed endangered and threatened species. CESA requires state agencies to consult with the California Department of Fish and Game (CDFG) when preparing California Environmental Quality Act (CEQA) documents. The purpose is to ensure that the lead agency's actions do not jeopardize the continued existence of a listed species or result in the destruction, or adverse modification of habitat essential to the continued existence of those species, if there are reasonable and prudent alternatives available (Fish and Game Code §2080). CESA directs agencies to consult with CDFG on projects or actions that could affect listed species, directs CDFG to determine whether jeopardy would occur and allows CDFG to identify "reasonable and prudent alternatives" to the project consistent with conserving the species. CESA allows CDFG to authorize exceptions to the state's prohibition against take of a listed species if the "take" of a listed species is incidental to carrying out an otherwise lawful project that has been approved under CEQA (Fish & Game Code § 2081).

¹ A certified LCP consists of the combination of a certified Land Use Plan (LUP) and a certified Implementation Plan. As of January 2009, the City of Seaside has a certified LUP and is in the process of preparing an Implementation Plan for future certification by the Coastal Commission. The Coastal Commission will retain regulatory oversight in the vicinity of the project area until the LCP is certified.

CDFG Species of Concern

In addition to formal listing under FESA and CESA, species receive additional consideration by CDFG and lead agencies during the CEQA process. Species that may be considered for review are included on a list of “Species of Special Concern”, developed by CDFG. This list tracks species in California whose numbers, reproductive success, or habitat may be threatened.

California Native Plant Society

The California Native Plant Society (CNPS) maintains a list of plant species native to California that have low population numbers, limited distribution, or are otherwise threatened with extinction. This information is published in the Inventory of Rare and Endangered Vascular Plants of California. Potential impacts to populations of CNPS-listed plants receive consideration under CEQA review. The following identifies the definitions of the CNPS listings:

- List 1A: Plants presumed extinct in California
- List 1B: Plants rare, threatened, or endangered in California and elsewhere
- List 2: Plants rare, threatened, or endangered in California, but more numerous elsewhere
- List 3: Plants about which we need more information – a review list
- List 4: Plants of limited distribution – a watch list

City of Seaside Tree Ordinance

Chapter 8.54 of the City of Seaside Municipal Code provides regulations that control the removal, protection, and preservation of trees within the City. Under Section 8.54.020, trees protected by this ordinance include any “woody perennial plant which usually, but not necessarily, has a single trunk and a height of ten feet or more, or has a circumference of twenty inches measured at twenty-four inches above the ground.” Under Section 8.54.070, all removed trees must be replaced with a minimum five-gallon specimen tree of a species and in a location approved by the Board of Architectural Review. Section 8.54.080 requires protection of trees during construction activities.

Seaside General Plan

The Conservation/Open Space (COS) Element of the Seaside General Plan contains the applicable biological resources goals and policies, as listed below. The policies provided in this element of the Seaside General Plan generally address the conservation of open spaces and biological resources in northern and western portions of the City that are less intensively developed. Although the project area does not include any such sensitive habitats, the project area may contain “sensitive species” that are required to be protected under Goal COS-4 and Policy COS-4.1 in addition to state and federal laws.

Goal COS-4: Preserve and protect the sensitive habitats and species within the community.

Policy COS-4.1: Preserve ecological and biological resources by maintaining these resources as open space.

Implementation Plan COS-4.1.1: Require Proper Analysis and Mitigation of Biological Resources

Use proper land use planning and environmental review to minimize the impact of urban development on sensitive ecological and biological resources. Where feasible, require open space easements and/or buffers to avoid impacts to sensitive biological resources. Where on-site preservation is not feasible, require habitat replacement at locations and ratios acceptable to the State and federal agencies with jurisdiction over the project.

Policy COS-4.2: Protect and enhance the creeks, lakes, and adjacent wetlands for their value in providing visual amenity, habitat for wildlife, and recreational opportunities.

Implementation Plan COS-4.2.1: Consultation with Agencies

Work closely with the ACOE, FWS, and CDFG during the discretionary project permitting and CEQA review of any project that may result in the alteration of a stream bed, involve the removal of vegetation in wetland and riparian habitats, or disturb Waters of the United States.

Policy COS-4.3: Encourage the preservation and enhancement of oak woodland elements in the natural and built environments.

Implementation Plan COS-4.3.1: Oak Tree Retention

Require project developers to retain coast live oak trees within the planning area, including oaks within new development areas. All coast live oak trees should be surveyed prior to construction to determine if any raptor nests are present and active. If active nests are observed, the construction should be postponed until the end of the fledging.

Project Consistency

The project would comply with the previously described federal, state, and local regulations, as applicable requirements will be implemented for specific projects within the project area at the time of submittal of development proposals.

In compliance with Chapter 8.54 of the City's Municipal Code, the project will implement the requirements of the City's Tree Ordinance prior to the issuance of any permits for the removal of trees, grading, or demolition.

Furthermore, the project would maintain consistency with the City's General Plan. Under California law, cities and counties may complete specific plans to develop policies, programs, regulations, and guidelines to better implement the jurisdiction's adopted general plan. A specific plan should effectively establish a link between implementing policies of the general plan and the individual development proposals in a defined area. Through implementing the Specific Plan policies and mitigations identified in this Section 4.3.3 below, the project will avoid, minimize, or reduce potential impacts to biological resources and maintain consistency with the General Plan goals and policies.

4.3.3 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Significance Criteria

Appendix G of the CEQA Guidelines identifies environmental issues to be considered when determining whether a project could have significant effects on the environment. The project would have a potentially significant biological resources impact if it would:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;
- b) 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 California Department of Fish and Game or U.S. Fish and Wildlife Service;
- c) Have a substantial adverse impact 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;
- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with an established resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, Regional, or state habitat Conservation plan.

Issues Not Discussed Further

Impacts to Potential Jurisdictional Waters of the United States

While a formal wetland delineation was not performed within the PSA, no potential waters of the United States, including wetlands, were observed within the highly degraded grassland/remnant oak woodland communities of the project area. The remaining undeveloped parcels within the PSA are highly disturbed, are surrounded by development, and contain primarily upland, ruderal plant species.

Furthermore, no direct evidence of hydrologic features was observed within any of the undeveloped parcels. As no potential waters of the United States were observed within the PSA, there would be no impacts to this type of resource and no mitigation is provided herein.

Project Impacts

For all impacts and mitigation measures described below, the term “undeveloped parcels” refers to the vacant properties within the project area, and also includes the former Southern Pacific

Rail Road right-of-way behind the commercial development to the northeast of Del Monte Boulevard, between Canyon Del Rey Boulevard and Contra Costa Street.

With regard to all impacts identified below, given the developed nature of the project area, there is a very low likelihood of special-status plant or wildlife species occurrence within the project area. The mitigation measures identified below are intended to provide an assurance that potential impacts would be mitigated to a less than significant level for any future proposed development within the project area.

Impact 4.3-1: Construction activities proposed by the project could potentially result in impacts to special-status plant species. (Significant)

Construction activities proposed within undeveloped properties of the project area could potentially result in adverse impacts to special-status plant species listed in **Table 4.3-1** should they be present within the project area. Mortality of these plants would be considered a potentially significant impact to vacant or undeveloped parcels.

Mitigation Measure 4.3-1: Prior to the issuance of a grading permit for a development within the undeveloped parcels of the project area, the City Resource Management Services Department shall confirm that the permit applicant has retained a qualified botanist who has conducted focused surveys to determine the presence/absence of special-status plant species with potential to occur in the project area in full accordance with California Department of Fish and Game approved guidelines for conducting field surveys. Specifically, the guidelines are outlined in: *Guidelines for Assessing Effects of Proposed Developments on Rare Plants and Plant Communities*².

These guidelines require rare plant surveys to be conducted at the proper time of year when rare or endangered species are both “evident” and identifiable³. Field surveys shall be scheduled to coincide with known flowering periods, and/or during periods of phenological development that are necessary to identify the plant species of concern.

If any special-status plant species are found within the project area from the implementation of the focused surveys, and cannot be avoided, a transplanting program shall be undertaken in coordination with a qualified City-approved botanist to move the plant(s) to suitable alternative habitat location. The botanist will be responsible for the program setup logistics, which should address common transplanting issues including holding facilities for salvaged plants, required labor and materials, appropriate salvaging techniques (per species requirements), and transplanting locations. The program may provide opportunities for local volunteers to get involved. There are currently no general guidelines for the creation and implementation of transplanting programs that could apply to all types of special-status species, as such, the City-appointed botanist shall use their best professional judgment to incorporate elements from

² Nelson, 1994

³ PMC, 2007

other known successful transplanting programs⁴ as it pertains to the impacted plants within the project area.

Special-status plant species that are identified adjacent to proposed ground-disturbing activities, but not to be disturbed by the project, shall be protected by barrier fencing to ensure that construction activities and material stockpiles do not impact any special-status plant species. These avoidance areas shall be identified on proposed improvement plans.

Significance after Mitigation: Less than Significant.

Impact 4.3-2: Construction activities proposed by the project could potentially result in impacts to avian species. (Significant)

Trees in and around the project area provide potential nesting habitat for raptors and migratory birds. The undeveloped parcels within the project area also provide potentially suitable foraging opportunities for many avian species, including some raptors and migratory birds. Migratory birds, raptors and raptor nests are considered to be special resources by federal and state agencies and are also protected under the Migratory Bird Treaty Act and the California Code of Regulations.

Construction activities that require the disturbance of trees and vegetation could cause direct impact to nesting raptors and migratory birds. Removal of suitable habitat within the project area would be considered a direct and significant impact if sensitive bird species were taken or deterred from traditional nesting locations. Construction could also result in noise, dust, increased human activity, and other indirect impacts to nesting raptors or migratory bird species in the project vicinity. Nest abandonment, mortality to eggs and chicks, as well as loss of foraging areas would also be considered potentially significant impacts.

Mitigation Measure 4.3-2: If construction or tree removal within the project area is expected to occur during the typical nesting season (February-August), the City Resource Management Services Department shall confirm that the project applicant(s) have retained a qualified biologist to perform a pre-construction nest survey in order to determine if any active raptor or migratory bird nests occur. The survey shall be conducted no more than 30 days prior to ground disturbance or tree removal and the results of the survey submitted to the City Resource Management Services Department immediately upon completion.

If there is any lapse in construction activities, and construction resumes during the nesting season, the City Resource Management Services Department shall confirm that the project applicant(s) have retained a qualified biologist to conduct new surveys within 30 days of the re-initiation of construction activities. The results on the new surveys shall be submitted to the City Resource Management Services Department immediately upon completion.

⁴ The Native Plant Salvage Program of King County, Washington is an example of a transplanting program that has been successful in transplanting native plants from sites slated for development for use in a variety of revegetation projects.

If nesting birds are found during the survey, an appropriate buffer shall be determined by the qualified biologist in coordination with the City Resource Management Services Department and established around the active nest. Any exclusionary fencing shall be established outside the proposed project footprint to prohibit project activity from entering into the buffer area for a time period appropriate for the species, as set forth by the qualified biologist. The exclusionary fencing shall ensure nesting species are avoided and allowed to complete their nesting cycle. All required buffers shall be shown on construction plans and submitted to the City Resource Management Services Department.

If construction activities or tree removal are proposed to occur during the non-breeding season (September-January), a survey would not be required, nor any further studies or mitigation.

Significance After Mitigation: Less than Significant.

Impact 4.3-3: Construction activities proposed by the project could potentially result in impacts to special-status bat species. (Significant)

Two special-status bat species, pallid bat, and western mastiff bat, have been identified as potentially occurring within the project area. To avoid injury to or killing of bats, precautions are needed. The most common and effective method of avoiding impacts is to carry out construction activities at an appropriate time of the year. The great majority of roosts are used only seasonally, so there is usually some period when bats are not present. Although there are differences between species, maternity sites are generally occupied between May and September and hibernation sites between October and March, depending on the weather.

An adequate survey and good understanding of the seasonal activity patterns of the particular species involved can help in determining the optimum time to carry out the proposed work. Bats are at their most vulnerable in buildings during the summer, when large numbers may be gathered together and young bats, unable to fly, may be present. Construction operations on known breeding sites should therefore be timed to avoid the summer months; work should be sufficiently advanced by May or June for returning bats to be dissuaded from breeding in that site for that year. The best times for building or re-roofing operations are spring and autumn.

Mitigation Measure 4.3-3: Prior to the issuance of any City permits for tree removal, the City Resource Management Services Department shall confirm that the permit applicant has retained a qualified biologist to inspect buildings and/or trees for the presence of bat roosts. The qualified biologist shall conduct a survey between March 1 and July 31, coincident with area roosting patterns. Surveys shall be considered valid for one year from the date of completion. The biologist shall submit his/her report to the City Resource Management Services Department for review.

If no bat roosts are detected, then no further action is required if the trees and buildings are removed prior to the next breeding season (which starts on March 1 of each year). The City Resource Management Services Department shall ensure that the valid dates of any tree removal, grading, or building permits correspond to these terms.

If removal is delayed, the City Resource Management Services Department shall confirm that the permit applicant has retained a qualified biologist that has conducted an additional pre-

construction 30 days prior to removal of any trees or buildings to ensure that a new colony has not established itself. The biologist shall submit his/her report to the City Resource Management Services Department for review.

If the biologist finds that a colony of bats is roosting on a tree or building proposed for demolition within the project area during the additional pre-construction survey, then the following mitigation shall be implemented to reduce the potential disturbance:

- If a female or maternity colony of bats is found within the project area, and the project can be constructed without the elimination or disturbance of the roosting colony (e.g., if the colony roosts in a large tree not planned for removal), a qualified wildlife biologist shall determine what physical and time-limited buffer zones shall be employed to ensure the continued success of the colony. The City Resource Management Services Department shall incorporate these buffer zones into the project construction plans as conditions of any tree removal, grading, and/or demolition permits.
- Such buffer zones may include a construction-free barrier of 200 feet from the roost and/or the timing of the construction activities outside of the maternity roost season (after July 31 and before March 1).
- If an active nursery roost is known to occur within the project area and the project cannot be conducted outside of the maternity roosting season, a qualified biologist shall develop and implement a plan to ensure that bats are excluded from the roosting site after July 31 and before March 1 and prior to the issuance of any tree removal, grading, and/or demolition permits to prevent the formation of maternity colonies. The City Resource Management Services Department shall incorporate such requirements into the project construction plan as conditions of the approval of any tree removal, grading, and/or demolition permit. A qualified bat specialist shall see that any remaining non-breeding bats shall be safely evicted from any affected project site(s).

Significance After Mitigation: Less than Significant.

Impact 4.3-4: Construction activities proposed by the Specific Plan could potentially result in an impact to protected trees. (Less than Significant)

There are many trees within the project area that would be protected by the City of Seaside Tree Ordinance; however, an inventory of trees has not been conducted. Removal of any qualified trees within the project area would be considered a potentially significant impact.

Requirements set forth under Chapter 8.54 of the City's Municipal Code shall be implemented prior to the issuance of any permits for the removal of trees, grading, or demolition. These requirements include, but are not limited to, the following⁵:

- All site plans submitted to the City for approval shall specify any tree to be removed or altered;

⁵ Ord. 871 §1(part), 1997. Chapter 8.54, City of Seaside Municipal Code.

- The zoning administrator, or his/her designee, shall prepare a report on trees and views based on the applicant's plans and site inspection of the land to be submitted to the Board of Architectural Review where applicable, or to the individual or body responsible for approving the proposed construction or subdivision;
- Where tree removal has been authorized on an undeveloped parcel, the developer shall replace the tree with a minimum five-gallon specimen tree of a species and in a location approved by the Board of Architectural Review, if applicable, or other individual or body responsible for the approval of applicant's plans; and
- During the erection, repair, alteration, removal, or moving of any building, house, or structure, good and sufficient guards shall be placed to prevent injury, damage, or defacement to any tree on public or private property in the vicinity of such operation.

Implementation of the City's requirements under Chapter 8.54 of the Municipal Code would reduce impacts to protected trees to a less than significant level. As such, no mitigation is required.

Cumulative Impacts

The cumulative impact area for biological resources includes the entire City of Seaside. The methodology used for evaluating cumulative impacts related to biological resources utilizes the list of past, present, and probable future projects producing related or cumulative impacts, as identified in **Table 4.1**. Development of the cumulative projects would occur almost exclusively on already development infill sites, similar to the project, with the exception of two projects that would be located on partially developed, partially undeveloped lands formerly part of the Fort Ord military base

The project area does not contain substantial areas of biological resources. Infill of some of vacant and underutilized lots in the project area has been determined to have less than significant impacts after mitigation related to any residual areas of special status plants that may reside in the project area. Similarly, the anticipated removal of protected trees in the project area would result in impacts to the trees themselves plus any bird and/or roosting bat species that may occupy such trees. These conditions could also exist on the development sites proposed for the cumulative projects. It can be anticipated the project in combination with the cumulative projects would have increased impacts to biological resources which would be significant.

While the project was identified as having potentially significant impacts to biological resource, mitigation measures recommended for project impacts would reduce impacts to a less than significant level. The project contribution as mitigated to cumulative impacts would therefore be less than cumulatively considerable.