LA COUNTY PLANNING

ENVIRONMENTAL REVIEW BOARD

BIOLOGICAL RESOURCES DESCRIPTION AND RECOMMENDATIONS

Meeting Date: April 21, 2025—Monday

PROJECT: Samadi Single-Family Residence

Project No.: PRJ2021-002760
Permit No.: Minor CDP RPPL2021010380
APN: 4455-019-004
Address: 24772 Mulholland Highway, Calabasas, CA 91302
Location: Malibu Canyon (Cold Creek Canyon) Watershed
USGS Quad: Malibu Beach
Project Applicant: Whitney Del Real, W Baker Consulting
Project Biologist: R. Mitchel Beauchamp, Pacific Southwest Biological Services Inc.
Staff Planner: Tyler Montgomery
Staff Biologist: Joe Decruyenaere

Project Description with respect to Impacts to Biological Resources: The proposed project is remediation of the unauthorized removal of nine native trees, unauthorized import and disposal of fill material on the site, and construction of a new single-family residence which would replace a former abandoned structure on site that has been demolished. The subject parcel is surrounded by single-family residences to the west and south, and vacant land and open space to the east and north. The proposed residence would be constructed on a currently unpermitted graded pad, accessed from Mulholland Highway.

The project site is located within the Cold Creek Canyon watershed, which is tributary to Malibu Creek. Mountains Restoration Trust-owned and Santa Monica Mountains Conservancy-owned properties are present within 1000 ft but not adjacent to the property, and further than 200 ft. from the proposed residence.

The project parcel is mapped in the LCP as H1, H2, and H3. These designations correspond to United States Fish and Wildlife Service (USFWS) mapped water features and National Park Service (NPS) mapped vegetation polygons comprising the following:

- areas adjacent to USFWS-mapped “freshwater forested/shrub wetland” as H1;
- “chamise-black sage-laurel sumac shrubland” as H2; and
- “urban/disturbed or built-up undifferentiated” and “urban buffer shrubs” as H3.

"Chamise-black sage-laurel sumac shrubland" is named for its dominant constituents. "Urban/disturbed or built-up undifferentiated" is mapped where urban or built-up, non-vacant land use is present. The overstory can be composed of a mix of exotic and native trees. "Urban buffer shrubs" is a vegetation type that is transitional between relatively undisturbed natural vegetation and built-up areas that can be classified as non-vacant and nonagricultural land use.[1] Based on the results of site investigations by the project biologist, the intact and disturbed stands of native vegetation on site were determined to be as chamise chaparral and California sagebrush scrub.

Unauthorized tree removals included 1 southern California black walnut (*Juglans californica*), 1 western sycamore (*Platanus racemosa*), and 7 coast live oaks (*Quercus agrifolia*). Removal of protected trees requires replacement at 10:1 if mitigation can be provided within the same watershed as the project, or 12:1 if mitigation is provided outside of the project watershed. Therefore, a minimum of 90 replacement plantings are required as mitigation for the unpermitted removals, inclusive of 10 southern California black walnut, 10 western sycamores, and 70 coast live oaks. According to the Planting Plan submitted for the project, the applicant proposes to plant 61 trees on site, inclusive of 10 southern California black walnuts, 10 western sycamores, and 41 coast live oaks.

The proposed replacement plantings fall short of the LIP requirement by 29 coast live oak trees. Therefore, additional mitigation opportunities will have to be identified on or off site. If a suitable mitigation site is identified within the same watershed as the project site (i.e., Malibu Creek), the mitigation ratio for replacement plantings would be 10:1. If a suitable mitigation site cannot be identified within the Malibu Creek watershed, the required mitigation ratio would increase to 12:1.

Construction of the proposed residence would not expand fuel-modification zones beyond those of the previous structure and therefore would not result in direct impacts to H2. However, since the planting plan proposes planting of oaks throughout the site, including within intact and disturbed native habitat areas, the proposed mitigation would result in secondary impacts to 0.17 acres H2, comprised primarily of chamise chaparral.

Proposed changes to habitat categories: Changes to habitat category mapping are not proposed.

Landscape and Fuel Modification: Construction, and fuel modification would affect H3 habitats only. No new brush thinning on adjacent parcels would be required since those parcels are already developed.

Mitigation planting of coast live oak trees would impact approximately 0.17 acres of H2 habitat. In addition to the planting of 61 mitigation trees, seed mix is proposed for application on all

[1] Aerial Information Systems, Inc. 2007. Final USGS-NPS Vegetation Mapping Program, Santa Monica Mountains National Recreation Area Photo Interpretation Report. Prepared for Santa Monica Mountains National Recreation Area.

disturbed areas. The proposed seed mix contains mostly native species that would be expected within nearby areas. Exceptions to this include *Bromus carinatus* 'Cucamonga' (a cultivar of *B. carinatus*) and *Camissoniopsis cheiranthifolia* (natural occurrences are limited to near-shore environments along the coast).

ADEQUACY OF THE BIOLOGICAL REPORT

The report acknowledges the unauthorized removal of only five native trees, rather than nine, and needs updating to fully analyze their removal and mitigation. It should also include discussions of the secondary impacts of the proposed mitigation and contingencies to be addressed in the event that the full mitigation requirement cannot be met on site.

PROJECT SPECIFIC RECOMMENDATIONS

Staff recommends a reduction in the number of mitigation coast live oak plantings on site since the proposed planting array would result in secondary impacts to H2 SERA, and the density of plantings is unrealistic and not amenable to use of the property by future residents.

The proposed seed mix should be modified to exclude *Bromus carinatus* 'Cucamonga' and *Camissoniopsis cheiranthifolia*. Retention of the wild form of *B. carinatus* (which is also included in the proposed seed mix) is acceptable. If a *Camissoniopsis* species is desired, suitable alternatives include *C. bistorta*, *C. micrantha*, and *C. hirtella*.

ERB PROJECT GENERAL RECOMMENDATIONS

1. **Landscaping—**In addition to the requirements of §22.44.1240.B.3 (emphasize the use of native plant palettes in fuel-modification Zones A and B; use exclusively native plant palettes in Zone C; prohibit invasive non-natives species in all zones), the plant palette shall avoid the use of ornamental cultivars and selections, including those of California native species, that have potential to hybridize with local wild plant populations or escape into adjacent natural habitat areas.
2. **Fuel Modification**
    a. Retain as many non-sprouting species as possible. These usually have a single trunk. Do not cut off the trunk in pruning, as this kills the plant.
    b. Choose multiple-trunked, resprouting species for removal over non-sprouters. The remaining multi-trunked shrubs should be pruned in a staggered, clumped pattern on an alternating schedule, allowing 2 – 3 years between prunings for any one clump. Re-sprouting species can be pruned to near ground level.
    c. It is recommended that locally-indigenous plants thinned for fuel modification be chipped and used as native plant mulch. SMM native plant mulch is not widely available in stores, but is an excellent addition to the landscape to retain soil moisture and reduce growth of invasive weeds.
    d. Disking and indiscriminate clearing is not allowed in any Fuel Modification Zone.

   e. For trees to have fuel ladders removed: prune lower branches up to 1/3 of tree height or up to 6 ft. maximum for trees 18 ft. and taller, per County fire requirements. Consult with LA County Planning (County Planning) or Forestry before pruning protected oaks or native trees.
   f. Include provisions for irrigation, both permanent for Zones A and B, and temporary for establishment of native plants in Zone C and outside of Fuel Modification Zones.

3. **Permanent Runoff Control/Drainage Plan—**The Applicant shall provide a grading plan and drainage report, including proposed site design and source control best management practices to minimize post-construction runoff and infiltrate at minimum the first 0.75-inches of stormwater. This plan should show all proposed drainage improvements, such as locations of infiltration basins, measures to convey runoff from impervious surfaces into permeable areas of the property (e.g., raingardens or bioswales) in a non-erosive manner, measures to maximize the ability of native substrates to retain and infiltrate runoff, and placement of cisterns or rain barrels for stormwater capture.
4. **Glass** should be least reflective or have frit patterns that will promote energy conservation and prevent bird strikes caused by the bird mistaking a reflection of habitat for available flight space, per §22.44.1320.
5. **Lighting** should carefully follow provisions of §22.44.1270 for exterior lighting. Avoid trespass of light into the night sky and onto natural areas both on and off the project parcels.
6. **Biological Monitor—**Prior to the issuance of a grading permit, a qualified biologist shall be retained by the Applicant as the lead biological monitor subject to the approval of County Planning. That person shall ensure that impacts to all biological resources are minimized or avoided, and shall conduct (or supervise) pre-grading field surveys for species that may be avoided, affected, or eliminated as a result of grading or any other site preparation activities. The lead biological monitor shall ensure that all surveys are conducted by qualified personnel (e.g., avian biologists for bird surveys, herpetologists for reptile surveys, etc.) and that they possess all necessary permits and memoranda of understanding with the appropriate agencies for the handling of potentially-occurring special-status species. The lead biological monitor shall also ensure that daily monitoring reports (e.g., survey results, protective actions, results of protective actions, adaptive measures, etc.) are prepared, and shall make these monitoring reports available to County Planning and CDFW at their request.
7. **Staking of Grading Limits—**The Applicant's contractor shall delineate the proposed grading limits of the building site or the extents of the proposed development area, whichever is greater, the driveway, and the extents of the fuel modification zones before any of the measures outlined below are implemented. The contractor shall not remove any native vegetation during staking and shall set the stakes so that they are clearly visible. The locations of the stakes within the fuel modification zones shall be recorded using GPS and provided to the project biologist.
8. **Nesting Bird Survey & Protection Plan—**Initial staging, grubbing, grading, and construction shall be scheduled to occur outside the nesting season of birds as defined by

the CDFW, if feasible. Regardless of timing, breeding bird surveys shall be conducted before any activities are scheduled to occur and before installation of any protective fencing (see below), as follows:

a. If initial grubbing, grading, and construction activities are scheduled to occur outside CDFW defined nesting season (generally February 1 – August 31), a qualified biologist with experience in conducting breeding bird surveys in the Santa Monica Mountains shall conduct a survey within 7 days prior to and again within 3 days of the date that activities are scheduled to begin. The biologist should focus efforts within the grading area, development area, the fuel modification zones, the driveway area, and areas within 50 ft. of them. The biologist should also survey 300 ft. beyond these areas, as access allows.
b. If avoidance of the avian breeding season is not feasible, a qualified biologist with experience in conducting breeding bird surveys in the Santa Monica Mountains shall conduct weekly bird surveys beginning thirty days prior to the initiation of project activities, to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 500 ft. of the disturbance area. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of project activities. If a protected native bird is found in suitable nesting habitat, all project activities within 300 ft. of on- and off-site suitable nesting habitat (within 500 ft. for suitable raptor nesting habitat) may be delayed until August 31. Alternatively, the qualified biologist may continue the surveys in order to locate any active nests. If the biologist determines that there are active nests within or adjacent these areas, they should establish appropriate buffer zones, as defined in “c” below.
c. If an active nest is found, regardless of time of year, project activities within 300 ft. of the nest (within 500 ft. for raptor nests) or as determined by a qualified biological monitor, must be postponed until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. Flagging, stakes, or construction fencing shall be used to demarcate the inside boundary of the buffer of 300 ft. (or 500 ft.) between the project activities and the nest. Project personnel, including all contractors working on site, shall be instructed on the sensitivity of the area.
d. The qualified biologist shall provide County Planning with a brief report summarizing the results of the surveys, as well as a description and assessment of implemented protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds.
e. If the qualified biologist determines that a narrower buffer between the project activities and observed active nests is warranted, he/she shall submit a written explanation as to why (e.g., species-specific information; ambient conditions and birds’ habituation to them; and the terrain, vegetation, and birds’ lines of sight between the project activities and the nest and foraging areas) to County Planning

and CDFW. Based on the submitted information, County Planning (in consultation with CDFW) will determine whether to allow a narrower buffer.

i. In circumstances when activities are scheduled to occur between an original buffer and a reduced buffer, a qualified biologist should monitor the nest before, during, and after the activities, to determine if it is being affected.
ii. The only activities that shall be allowed between the original buffer and the reduced buffer are those that generate noise levels less than 60 dBA as measured at the resource. The biologist shall record noise levels every hour and must have the authority to stop any activities that exceed 60 dBA if they determine that it is affecting, or has the potential to affect the outcome of a nest.
iii. The biologist shall send weekly monitoring reports to County Planning and, upon request, to CDFW, documenting the status of monitored nests, and shall notify County Planning immediately if project activities damage active avian nests.

9. **Temporary wildlife fencing** shall be utilized to reduce the potential for wildlife being harmed by or moving into the work site. The project proponent's contractor shall delineate the grading limits/approved development area and shall fence the area in its entirety with green screen before beginning removal of any vegetation, as follows:
    a. To install the screen, laborers will remove a 5-foot strip of vegetation at the limits of the grading limits/development area using hand-held tools to allow wildlife, including special status species, a chance to escape and reduce the potential of them being crushed by heavy machinery.
    b. The green screen shall be partially buried, or fitted with silt fence that is partially buried, in a manner that reduces the potential for wildlife moving back in.
    c. Laborers installing the fence shall remain within the cut areas and any paths leading to it.
    d. A biologist shall monitor fence installation so that they can capture and relocate wildlife as necessary, and to ensure that no protected trees or special status plants are impacted during installation.
    e. The biologist must hold a CDFW Scientific Collectors Permit authorizing handling of invertebrates, reptiles, amphibians, and mammals.
    f. A gated entrance shall allow ingress and egress. The gates shall remain open until after the project biologist conducts a pre-construction survey and shall be closed only after vegetation is cleared from within the fenced area (see below).
10. **Pre-Construction Biological Resources Survey & Site Clearance—**A pre-construction biological resources survey shall be conducted within the area that is screened and within areas adjacent the driveway the day after screening.
    a. The project proponent's contractor shall plan to remove vegetation from within the screened area no more than 1 day after completion of the Pre-Construction Biological Resources Survey.

b. Laborers shall use hand-held tools to remove the vegetation. Using hand-held tools will allow wildlife, including special-status species, a chance to escape and reduce the potential of them being crushed by heavy machinery.
c. A biologist shall monitor vegetation removal so that they can capture and relocate wildlife as necessary.
d. The biologist must hold a CDFW Scientific Collectors Permit authorizing handling of invertebrates, reptiles, amphibians, and mammals.

11. **Initial Grubbing & Grading—**Initial grubbing and grading shall occur 3 to 7 days after vegetation has been cleared from the proposed development area/grading limits. The delay between vegetation clearance and the grubbing and grading activities will allow wildlife, including special-status species, a chance to escape and reduce the potential of them being crushed by heavy machinery.
    a. A biologist shall monitor initial grading and grubbing so that they can capture and relocate wildlife as necessary.
    b. The biologist must hold a CDFW Scientific Collectors Permit authorizing handling of invertebrates, reptiles, amphibians, and mammals.
12. **Initial Fuel Modification—**The site shall only be fuel-modified after the construction phase of the proposed project has been completed or as otherwise directed by the Fire Department.
    a. A qualified biologist shall implement the Nesting Bird Survey & Protection Plan before fuel modification occurs.
    b. A qualified biologist shall be present during initial fuel modification activities and shall stake the limits of fuel modification and flag any areas or plants to be excluded from fuel modifications.
    c. The stakes shall remain in place until after fuel modification activities have been completed.
    d. A qualified biologist shall be present during initial fuel modification activities to ensure that no protected trees or special-status species are damaged by the fuel modification activities.

CONSISTENCY

The following findings are required to be made in order to satisfy the requirements of the Santa Monica Mountains LIP:

1. That the requested development is sited and designed to avoid H1 Habitat and areas within 100 feet of H1 Habitat except as permitted by Sections 22.44.1800 through 22.44.1950;

    The proposed residence is located outside of H1 Habitat and H1 Habitat 100-foot Buffer. The project consists of one new dwelling replacing an old dwelling in essentially the same location so the impacts to H1 Habitat and H1 Habitat 100-foot buffer are primarily a result of existing development on the project site. The applicant previously

removed nine oak trees without authorization and the placement of mitigation trees required by the LIP will be required as a condition of approval.

2. That the requested development is sited and designed to avoid the 100-foot Quiet Zone except as set forth herein;

   The proposed development Is located within the H1 Quiet Zone as a result of H1 Habitat being present on the west side of Mulholland Highway (across from the Project Site). The Project has been sited and designed to limit impacts to sensitive coastal resources as far as is feasible and the location of the unpermitted structure allows for minimal impacts to the H2 Habitat on the subject property.

3. That the requested development is sited and designed to avoid H2 "High Scrutiny" and H2 Habitat to the maximum extent feasible. Where avoidance is not feasible and it is necessary to allow the owner a reasonable economic use of the property, the requested development is sited and designed to minimize and mitigate significant adverse impacts in conformance with the policies and provisions of the LCP; and

   The Project does not propose development in any area of H2 High Scrutiny Habitat and does not include development within 200 feet of H2 High Scrutiny Habitat. The County Biologist recommends that some mitigation trees be planted off site and the Project will be conditioned to require the applicant to follow the County Biologists recommendations.

4. That the requested development is sited and designed to avoid wildlife movement corridors (migratory paths) to the maximum extent feasible to ensure these areas are left in an undisturbed and natural state. Where avoidance is not feasible and it is necessary to allow the owner a reasonable economic use of the property, the requested development is sited and designed to minimize significant adverse impacts in conformance with the policies and provisions of the LCP; and

   No known wildlife corridors would be affected by the Project, and no new direct development Is proposed within H1 or H2 Habitat. The project has been sited and designed to minimize potential Impacts to wildlife habitat and corridors thought the use of appropriate building materials and finishes, the prohibition of reflective glazings and the absence of any fences.

5. That roads and utilities serving the proposed development are located and designed so as to avoid H1 Habitat, H1 buffer, and to avoid or minimize significant adverse impacts to H2 "High Scrutiny," and H2 Habitat, and migratory paths:

   All proposed roads and utilities serving the proposed habitat would avoid H1 Habitat, H1 Buffer, and H2 Habitat. The proposed project has been situated as close as Is feasible to Mulholland Highway resulting in a very short driveway of approximately 80 feet. The driveway Is a "pass-through" driveway to allow for easier Ingress and egress to Mulholland Highway and to avoid the need for the property owner to backout Into the travel lanes of the right-of-way.

Staff recommends a determination that the project is consistent with the provisions of the LIP with incorporation of the Biologist's recommendations that a portion of the mitigation trees be planted off-site at a suitable location subject to the approval of the County Biologist.

Staff Recommendation:	**__ Consistent**	**_X_ Consistent after Modifications & Bio Report Completion**
	__ Inconsistent	**__ No decision**