LA COUNTY PLANNING

# ENVIRONMENTAL REVIEW BOARD

# BIOLOGICAL RESOURCES DESCRIPTION AND RECOMMENDATIONS

**Meeting Date: November 18, 2024 – Monday**

PROJECT: Lekson Single-Family Residence

**Project No.:** 2023-001003-(3)
**Permit No.:** Minor CDP RPPL2023001410, Variance RPPL2023001417, Lot Line Adjustment RPPL2023001914
**APN:** 4457-013-063 and 4457-013-064
**Address:** 2643 Corral Canyon Road, Los Angeles, CA 90265
**Location:** Solstice Canyon (Dry Canyon) watershed to the west; Corral Canyon watershed to the east
**USGS Quad:** Malibu Beach
**Project Applicant:** Arfakhashad Munaim
**Project Biologist:** SWCA Environmental Consultants
**Staff Planner:** Tyler Montgomery
**Staff Biologist:** Karla Moreno

**Project Description with respect to Impacts to Biological Resources:** The project is the proposed construction of a single-family residence at 2643 Corral Canyon Road. The proposed residence would be constructed on two parcels. A small portion of the main residence footprint with garage is on the north parcel APN 4457-013-063 and the majority of the remaining residence footprint with proposed driveway access is on the south parcel APN 4457-013-064. Development is proposed on the east end of each parcel, near Corral Canyon Road. The southern parcel abuts the community of El Nido to the south. Dry Canyon Creek runs from north to south through the middle of both parcels and is roughly parallel to Corral Canyon Road and entirely outside of the project development footprint and associated fuel modification zones.

There is protected open space managed by Mountains Recreation and Conservation Authority (MRCA) immediately east of Corral Canyon Road which would potentially be subject to off-site brush thinning requirements. Multiple protected open space parcels to the south of and abutting the southern parcel are managed by the State Coastal Conservancy. The development footprint is beyond 200 ft from the south open space parcels, and they will not be subject to any brush-thinning requirements.

The project parcels are mapped in the LCP as H1, H2, and H3. H1 corresponds to habitats associated with Dry Canyon Creek as well as areas identified by National Park Service (NPS) as “Coast Live Oak/Purple Sage-California Sagebrush Woodland/Forest Association”, defined by NPS as areas with an “open cover of *Q. agrifolia* over open to

intermittent *S. leucophylla* and/or *A. californica* coastal sage scrub on dry-mesic north-facing, gentle to moderate slopes and convex to undulating surfaces on bottoms to upper slopes." H2 corresponds to areas identified by NPS as "Bush Mallow-Purple Sage Shrubland Association", defined by NPS as areas where "*Malacothamnus* is the dominant shrub at low to high cover. *Artemisia californica* and/or *S. leucophylla* are sub-dominant to co-dominant, each at very low to moderate cover occurring as dense to slightly open stands of shrubs on dry to mesic, north-facing, gentle to steep, lower to upper slopes and ridgetops." H3 corresponds to areas identified by NPS as "Firebreak Early Seral Herbaceous/Cleared Mapping Unit" and is present adjacent to Corral Canyon Road to the west and east of the road.[1]

Almost the entirety of both parcels and nearby surrounding areas were affected by the Woolsey Fire in 2018. "Post-fire successional" is used to identify the sporadic occurrences of natives like toyon (*Heteromeles arbutifolia*), laurel sumac (*Malosma laurina*), and Southern California black walnut, along burned west facing slopes. Native big-pod ceanothus (*Ceanothus meagacarpus*), greenbark ceanothus (*Ceanothus spinosus*), chamise (*Adenostoma fasciculatum*), bush monkey flower (*Diplacus longifolius*), purple sage (*Salvia leucophylla*), and giant wild rye (*Elymus condensatus*) occur along unburned east facing slopes. "California sagebrush-purple sage scrub" occurs along and next to Corral Canyon Road. Three Southern California black walnuts are entirely within the development footprint and fuel modification zones. Two of the Southern California black walnuts are proposed for removal as they are entirely within the proposed construction footprint. The two Southern California black walnuts are not individually of protected size, but their trunk bases are large (over 2') and it is apparent they have resprouted many times. Both individuals exhibit burn scars and include several 2 – 3" DSH resprouts. The size and number of living resprouts, and the presence of larger pre-fire trunks supports a conclusion that the walnuts are quite old. The age and canopy size of the walnuts provide a habitat patch of its own that warrants mitigation. The applicant has volunteered mitigation of 5:1 replacement planting with a monitoring period of 5 years. A single Southern California black walnut that is of protected size is within the north project parcel, entirely outside of the 200-foot fuel modification zone and will not be impacted.

**Landscape and Fuel Modification:** The biological assessment indicates the following impacts based on the County LCP mapping of Habitat Categories: The development footprint including driveway would affect 0.06 acres of H2 and 0.17 acres of H3. Total on-site fuel-modification would affect, 2.98 acres of H2, and 1.74 acres of H3 New off-site brush thinning would affect the open space parcel east of Corral Canyon Road with a total of 1.66 acres. However, the biological assessment does not revise Habitat Categories consistent with the vegetation mapping provided in the report nor does it account for existing H3 habitat within 200 ft of the neighboring structure and potentially subject to thinning. Therefore, final impacts to field-verified Habitat Categories will differ from the above estimates. Qualitatively, there is greater impact to H2 and less impact to H3 than is reflected in the Biological Assessment.

[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.

| Habitat category | On-site impacts [acres] | | | | | Off-site impacts [acres] | | |
|---|---|---|---|---|---|---|---|---|
| | Construction | Fuel-modification zones | | | Total | Construction | New brush thinning | Total |
| | | A | B | C | | | | |
| **H1** | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| **H2** | 0.06 | 0.01 | 0.83 | 2.08 | 2.98 | 0.00 | 1.46 | 1.46 |
| **H2HS** | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| **H3** | 0.17 | 0.00 | 0.58 | 0.99 | 1.74 | 0.00 | 0.20 | 0.20 |
| **Total** | 0.23 | 0.01 | 1.41 | 3.07 | 4.72 | 0.00 | 1.66 | 1.66 |

Landscaping is proposed; however, native vegetation is re-establishing in the area west of the proposed development, and the County recommends that landscaping be limited to areas between the development and the road and thinning remaining habitat within 200 ft of the residence based on recommendations from the Fire Department. The 10 mitigation Southern California black walnut trees shall be shown on the landscape plan and plantings are recommended to be scattered between fuel-modification Zones B and C on-site.

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.

ADEQUACY OF THE BIOLOGICAL REPORT

The impacts assessment provided in the Biological Assessment is based on the County LCP mapping of Habitat Categories and needs to be updated to reflect field-verified Habitat Categories. Of the vegetation types identified on site, oak woodlands should be designated H1; California sagebrush - purple sage scrub should be designated H2; and eucalyptus groves and ruderal vegetation should be designated H3.

The mitigation walnut plantings will need to meet the 90% survivorship standards described in 22.44.1240.B.5 of the LIP. In addition, specification shall be added to the landscaping plan to include plant installation only in the area between the proposed development and Corral Canyon Road prior to project approval.

These changes may be memorialized with revision or addendum of the report and landscaping plan, to be reviewed and approved by County Planning prior to public hearing for the project.

CONSISTENCY

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

i. 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 project does not propose development within H1 Habitat or within 100 feet of H1 Habitat.*

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

*Approximately 0.50 acres of non-irrigated fuel modificaiton is proposed within the H1 Quiet Zone. However, development is proposed for the most appropriate location on the Project Site and as far as possible from H1 Habitat. Due to the location of H3 and H1 Habitat on the Project Site, It Is Infeasible for all development, Including fuel modification, to avoid the H1 Quiet Zone.*

iii. 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

*Although the project proposes 0.15 acres of direct development, 0.01 acres of irrigated fuel modification, and 3.54 acres of non-irrigated fuel modification within H2 Habitat, the residence is proposed in the most appropriate location on the Project Site with as little impact to H2 Habitat as possible. Due to the small amount of H3 Habitat on the Project Site, it is infeasible to contain the development, including required fuel modification, solely to H3 Habitat. No H2 "High Scrutiny" habitat Is located on-site.*

iv. 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 direct development Is proposed within H1 or H2 Habitat.*

v. 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.

vi. There are special circumstances or exceptional characteristics applicable to the property involved, such as size, shape, topography, location, or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification.

*The development of a residence at a lower elevation would require a prodigious amount of grading and the disturbance of H1 and H2 Habitats further down the slope. This would likely have a significantly more detrimental effect on the scenic and biological resources of the area, which the Significant Ridgeline restrictions are meant to protect.*

vii. Such a variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity and zone.

*Other nearby property owners already enjoy similar use of their properties, as there are other single-family residences developed on comparable pads*

*in the immediate vicinity, some of which are also located on the significant ridgeline.*

viii. The granting of the variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone.

*The proposed location on the subject property would result in the least amount of grading possible to develop a single-family residence on the site, as well as the least overall impact to nearby Scenic Resources. In addition, the Project proposes a single-family residence, which is substantially similar to other residences in the immediate vicinity.*

ix. The granting of the variance will not be materially detrimental to coastal resources.

*The development of a residence at a lower elevation would require a prodigious amount of grading and the disturbance of H1 and H2 Habitats further down the slope. This would likely have a significantly more detrimental effect on the scenic and biological resources of the area, which the significant ridgeline restrictions are meant to protect.*

With recommended updates regarding the mitigation trees, impact acreages, and landscape plan updates, the project meets the findings.

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