LA COUNTY PLANNING

ENVIRONMENTAL REVIEW BOARD

BIOLOGICAL RESOURCES DESCRIPTION AND RECOMMENDATIONS

Meeting Date: October 20, 2025 – Monday

PROJECT: Beckerman Single-Family Residence

Project No.: PRJ2024-001506-(3)
Permit No.: RPPL2024002247
APNs: 4472-027-017, 4472-027-031
Address: 2570 Encinal Canyon Road, Malibu, CA 90265
Location: Encinal Creek Watershed
USGS Quads: Triunfo Pass and Point Dume (property straddles the boundary of two adjacent quads)
Project Applicant: Susan Villain
Project Biologist: Matt Ingamells, Padre Associates, Inc.
Staff Planner: Tyler Montgomery
Staff Biologist: Joe Decruyenaere

GENERAL PROJECT DESCRIPTION

The Applicant proposes the construction of an 18-foot-tall single-family residence, as well as a new onsite wastewater treatment system (OWTS) with seepage pits, swimming pool, retaining walls, and hardscaping on a 22.5-acre property consisting of two legal parcels. The proposed single-family residence would have a floor area of 3,600 square feet with an 440-square-foot detached garage and 302-square-foot workshop on a building site of 9,960 square feet. A total of 1,194 cubic yards ("CY") of grading is proposed—953 CY cut, 241 CY fill, 712 CY export. The lot would be accessed from Encinal Canyon Road, a 60-foot-wide limited secondary highway and designated scenic route to the west, by an new paved 20-foot-wide driveway with a length of 250 feet. The subject parcel is surrounded by vacant land to the north, east, and west, and by Charmlee Wilderness Park to the southwest. ERB review is required, as area proposed for development is less than 200 feet from mapped H1 and H2 Habitat. Land use designation is RL10, Rural Land—1 dwelling unit/10 acres maximum; Zoning is R-C-10, Rural Coastal—10-Acre Minimum Lot Area.

SITE BIOLOGICAL RESOURCES & HABITAT MAPPING

Biological Resources

- The proposed project is located on two parcels totaling 22.54 acres, within the Encinal Canyon watershed. Charmlee Park, a protected natural open space area of Los Angeles County and City of Malibu, lies across Encinal Canyon Road to the

southwest. All other adjacent parcels are undeveloped and in a predominantly natural condition.

- The project parcels are mapped in the LCP as H1, H2, and H3. These designations correspond to National Park Service (NPS) mapped vegetation polygons as follows:
    - LCP-mapped H1 includes coast live oak woodland/forest alliance, coast live oak–arroyo willow woodland/forest association, California grassland/herbland alliance; and a small portion of purple sage shrubland association where it abuts a USFWS-modeled wetland.
    - LCP-mapped H2 includes chamise shrubland association, chamise-laurel sumac shrubland association, bush mallow-purple sage shrubland association, bush mallow-greenbark ceanothus shrubland association, purple sage shrubland association, purple sage-California sagebrush shrubland superassociation.
    - LCP-mapped H3 includes sparsely vegetated to non-vegetated artificial cuts and embankments.

  Native plant communities are generally named for their dominant species. "California annual grassland/herbland alliance" includes continuous stands of grassland, sometimes with an emergent shrub or tree layer. "Artificial Cuts/Embankments: Undifferentiated Shrubland/Herbaceous Mapping Unit" includes land that has been modified and is vegetated with native or non-native shrubs or herbs[1]. Artificial features on site include road cuts along Encinal Canyon Road.

Survey Findings

Based on the results of site investigations by the Project Biologist, vegetation was mapped as rabbits-foot grass stands, arroyo willow thickets, coast live oak woodland, bush mallow scrub, bush mallow scrub/chamise, wild oats and annual brome grasslands, road cuts, and disturbed.

- Native woodland types are mapped in the same locations as those alliances in the NPS mapping, but with modified boundaries bringing their coverages in line with the canopy limits of dominant trees. These are proposed to retain their H1 designations.
- An area of wetland vegetation south of the arroyo willow thickets is identified in the Biological Assessment and mapped as rabbits-foot grass grassland. Also present within this community are stands of white hedge-nettle (*Stachys albens*) and salt cedar (*Tamarix ramosissima*). This area is proposed for designation as H1.
- Due to the Woolsey fire of 2018, much of the shrub-dominated vegetation on site is currently under dominance by chaparral bushmallow, and thus mapped as

[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.

either bushmallow scrub or bushmallow/chamise and purposed for designation as H2.

- A relatively large area of NPS-mapped California grassland/herbland alliance on the southern parcel, which is designated H1 in the LCP, is mapped in the Biological Assessment as wild oats grassland. Per direction by the County, this area is proposed for designation as H2 due to the a lack of historical permitted disturbances and the presence of scattered native species, including small-flowered morning-glory (*Convolvulus simulans*), ranked CRPR 4.2 on the California Native Plants Rare Plants Inventory.

  A smaller of wild oats grassland is identified in the BA along the western edge of the northern parcel, adjacent to and above the Encinal Canyon Road cut. This area corresponds with an old dis-used access road and is proposed for designation as H3.

- LCP-mapped H3 coincides with areas mapped in the BA as disturbed or road cut, which are proposed to retain their H3 designation.

- Two drainages were identified, one near the northern boundary of the project site, and one in the southwestern portion. The northern drainage contains stands of southwestern spiny rush (*Juncus acutus* ssp. *leopoldii*), ranked as CRPR 4.2.

- Protected trees are present, including coast live oak (*Quercus agrifolia*) and arroyo willow (*Salix lasiolepis*). These are all within areas proposed for designation as H1.

- Crotch bumble bee (*Bombus crotchii*) was observed by County staff during a site visit conducted June 13, 2024.

Proposed changes to habitat categories:

Changes to habitat category mapping would result in designation of 1.71 acres of H1, 19.81 acres of H2, and 0.72 acres of H3 on site. These changes would represent a net increase in mapped H2 and a net reduction in H1 and H3.

PROJECT IMPACTS TO BIOLOGICAL RESOURCES

Landscape, Fuel Modification, and Off-Site Brush Thinning:

Per the BA, the proposed development would result in the permanent loss of 0.32 acres of bush mallow scrub and 0.20 acres of wild oats grassland. 1.22 acres of H2 bush mallow scrub and bush mallow/chamise would be affected by Zone A and B fuel modification activities, and 1.90 acres of H2 bush mallow scrub and bush mallow/chamise would be affected by Zone C fuel modification activities.

All proposed construction and fuel-modification would be sited within H2 and H3 habitat areas, outside of the 100 ft buffer and quiet zone of field-verified H1. An undetermined amount of off-site brush thinning may be required on portions of the neighboring parcel to the west, within areas mapped in the LCP as H2 and H3. Charmlee Park, as well as special-status plant occurrences on site are beyond 200 ft from proposed structures and would not be affected by fuel-modification or off-site brush thinning activities.

	On-site impacts [acres]	Off-site impacts [acres]

Habitat category	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	0.32	0.14	0.86	1.87	3.19	0.00	0.43	0.43
H2HS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
H3	0.20	0.03	0.07	0.07	0.37	0.00	0.75	0.75
Total	0.52	0.17	0.93	1.94	3.56	0.00	1.18	1.18

A landscaping plan has not been prepared but will be required. Per LIP requirements of §22.44.1240.B.3, it shall emphasize the use of native plant palettes in fuel-modification Zones A and B; use exclusively native plant palettes in Zone C; and prohibit invasive non-natives species in all zones.

MITIGATION & MINIMIZATION MEASURES

By request of County staff, the BA includes an avoidance measure to prevent take of Crotch's bumblebee by conducting a pre-construction survey and postponing construction in the event that Crotch's bumblebee is detected.

LOCAL COASTAL PROGRAM CONSISTENCY

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; and

If the proposed remapping is accepted, no development is proposed 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; and

If the proposed remapping is accepted, no development is proposed within the 100-foot 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

Most direct development is proposed within H3 Habitat on the northwestern portion of the Project Site. While other areas of H3 Habitat exist, this area is the furthest from H1 Habitat to the north and south. Completely containing direct development and fuel modification to H3 Habitat is infeasible, as the mapped H3 Habitat area is long and narrow, while development of a pad and driveway on the relatively steep Project Site requires wider areas of grading, as well as mandatory fuel modification 200 feet in all directions.

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

The biological assessment provided by the Applicant and reviewed by Staff indicates that the Project Site is unlikely to inhibit wildlife movement across the Project Site.

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.

Roads and utilities already serve the Project Site and will be extended to the residence along the proposed driveway. This will not result in any development within H1 Habitat, H1 Buffer, or H2 High Scrutiny habitat, and no additional development in H2 Habitat beyond the driveway that is already proposed (see Section iii above).

PROJECT SPECIFIC RECOMMENDATIONS

In addition to notifying DRP in the event that Crotch's bumblebee is detected prior to commencement of construction of the project, CDFW should also be notified so that a determination can be made if an Incidental Take Permit would be required

During Pre-Application Counseling, the Applicant had proposed the residence on the southeastern portion of the Project Site. Due to the proximity of that location to H1 Habitat and a required access driveway greater than 1,000 feet in length, Staff recommended that the Applicant relocate the residence to the H3 Habitat area on the northwestern portion of the Project Site, where it is currently proposed.

ERB PROJECT GENERAL RECOMMENDATIONS

All projects shall comply with the ERB General Recommendations (see, *Attachment 1*).

Staff Recommendation:	**__ Consistent**	**_X_ Consistent after Modifications & Bio Report Completion**
	__ Inconsistent	

(Attachment 1)
ERB 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.