

BIOLOGICAL RESOURCES DESCRIPTION AND RECOMMENDATIONS

Meeting Date: November 17, 2025 – Monday

PROJECT: 2807 S. Foose Road Single-Family Residence

Project No.: PRJ2018-003079

Permit No.: RPPL2020000743

APN: 4472-025-052

Address: 2807 S. Foose Road, Malibu, CA 90265

Location: Malibu Creek watershed

USGS Quad: Triunfo Pass

Project Applicant: Alan Webb

Project Biologist: Daryl Koutnik, Environmental Science Associates

Staff Planner: Tyler Montgomery

Staff Biologist: Michael Cady

GENERAL PROJECT DESCRIPTION

The proposed project includes the construction of a 2,618-square-foot single-family residence on the western portion of the 1.00-acre property located at 2807 S. Foose Road (APN 4472-025-052) within the R-C-10 (Rural Coastal—10 Acre Minimum Required Lot Area) Zone of the Santa Monica Mountains Coastal Zone. The residence will include a new 725-square-foot attached garage, a 425-square-foot attached workshop, a driveway, fire access walkways, a domestic water well, a water storage tank, fire hydrant, and an onsite wastewater treatment system (OWTS), all of which will be developed within a building site area of 8,712 square feet, exclusive of fuel modification areas. The maximum height of proposed structures would be 17 feet, 10 inches above grade. A total of 46 cubic yards of grading is proposed, consisting of 28 cubic yards of cut, 18 cubic yards of fill, and 10 cubic yards of export. The entirety of the project site is mapped as H3 Habitat, although approximately 0.22 acres of its easternmost portion is within the H1 Quiet Zone (100-200 feet away).

SITE BIOLOGICAL RESOURCES & HABITAT MAPPING

Biological Resources

The project site is located within the Malibu Creek watershed in the western portion of the Santa Monica Mountains. The project site is surrounded by existing single-family residential development. Mountains Recreation Conservation Authority holds the

conservation easement (Rancho Bonito) for two parcels located approximately 333 feet to the east-southeast.

The project parcel is mapped in the LCP as H3. This designation corresponds to National Park Service (NPS) mapped vegetation polygons comprising the following, which are named for their dominant constituents¹:

- urban - herbaceous/cleared as H3
- urban/disturbed or built-up as H3
- laurel sumac - California sagebrush association as H3

Urban - herbaceous/cleared is mapped in the transitional area between relatively undisturbed natural vegetation and built-up areas (non-vacant and non-agricultural land use). It is also used to map non-vegetated to grassy vacant lots within the urban area. It is composed of a sparse to continuous cover of herbaceous plants and, in some instances, has been graded.

Urban/disturbed or built-up is mapped where urban or built-up non-vacant land is present, with an overstory of exotic (horticultural/ornamental) and native trees.

Although dominated by native species, the laurel sumac - California sagebrush association is designated H3 in the LCP, presumably due to its proximity to neighboring residences adjacent to the proposed project site and their associated off-site brush-thinning zones on the subject property.

Survey Findings

Vegetation Communities and Land Cover

Most of the survey area consists of disturbed and developed areas, non-native grasslands (*Avena* Herbaceous Semi-Natural Alliance), and woodlands and shrublands that have been modified due to brush thinning practices.

Sensitive or Listed Plant and Wildlife Species

There is a low potential for 19 special-status plants to occur within the study area but none of the species are expected to occur in the construction footprint due to the absence of suitable habitat. There is a medium-to-high potential for seven (7) sensitive wildlife species to occur within or immediately adjacent to the study area, including coast horned lizard, coastal western whiptail, Cooper's hawk, crotch bumble bee, Santa Monica grasshopper, and Southern California rufous-crowned sparrow.

Protected Trees

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.

Fourteen (14) coast live oak trees are on the Project parcel.

Riparian Features

No riparian features occur on the Project parcel.

Proposed Changes to Habitat Categories: There are no proposed changes to LCP habitat categories.

PROJECT IMPACTS TO BIOLOGICAL RESOURCES

As shown in the following table, Project development would result in 0.06 acres of non-native grassland and 0.19 acres of disturbed/developed areas. None of the coast live oaks on the Project site would be removed or encroached upon.

Habitat Category	On-Site Impacts [acres]			Off-Site Impacts [acres]		
	Construction	Fuel-Modification	Total	Construction	New Brush Thinning	Total
H1	-	-	-	-	-	-
H2	-	-	-	-	-	-
H2HS	-	-	-	-	-	-
H3	0.25	0.75	1.00		0.52	1.52
Total	0.25	0.75	1.00		0.52	1.52

Landscape, Fuel Modification, and Off-Site Brush Thinning: As shown in Table 1, Fuel modification and off-site brush thinning would only be in H3 Habitat. Of the 3.57 acres of off-site brush thinning, 0.52 acre (15%) would be in H3 areas that are not already undergoing thinning. No landscape plan was provided.

MITIGATION & MINIMIZATION MEASURES

Per the Project's drainage plan, permeable pavers would be used for the driveway

LOCAL COASTAL PROGRAM 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 proposed residence is sited to avoid H1 and the H1 Habitat 100-Foot Buffer and it is entirely within H3 Habitat and it fuel modification is also in H3.
- ii. That the requested development is sited and designed to avoid the 100-foot Quiet Zone except as set forth herein; and

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The proposed residence is not located within the 100-foot Quiet Zone. However, the proposed home is located within 200 feet of H1 Habitat Quiet Zone and fuel modification activities will be required within the H1 Habitat Quiet Zone. However, these portions of H1 Habitat Quiet Zone are already undergoing fuel modification associated with existing residences that are adjacent to the proposed project site.

- 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

The proposed residence is sited to avoid H2 "High Scrutiny" and H2 Habitat and it is entirely within H3 Habitat and it fuel modification is also in H3.

- 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 the proposed residence is not within H1. The project has been designed and sited, and will be conditioned to ensure minimal impacts to wildlife corridors and any adverse impacts will be mitigated. The project is consistent with the LIP because it utilizes colors and materials that reduce impacts to wildlife, because it will be prohibited from utilizing reflective glazings and because no perimeter fence is proposed or authorized.

- 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.

The residence is sited adjacent to S. Foote Road and has a driveway from the road.

PROJECT SPECIFIC RECOMMENDATIONS

Biology

No changes or modifications are necessary to reduce or avoid biological impacts. The report is accurate and complete in its inventory of biological resources on site.

ERB PROJECT GENERAL RECOMMENDATIONS

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

Staff Recommendation: X **Consistent** **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.