LA COUNTY PLANNING

ENVIRONMENTAL REVIEW BOARD

BIOLOGICAL RESOURCES DESCRIPTION AND RECOMMENDATIONS

Meeting Date: April 21, 2025—Monday

PROJECT: Bluewater Single-Family Residence

Project No.: PRJ2023-002436
Permit Nos.:
CDP Major RPPL2023003235
APNs:
4457-002-053 (on-site);
4457-002-045, 4457-002-054, 4457-002-055 (off-site)
Address: [none, south of Francisco Ranch Rd, Malibu, CA 90265]
Location: Malibu Creek watershed
USGS Quad: Malibu Beach
Project Applicant: Martin Rasmussen, Keystone Strategic Planning
Project Biologist: Daryl Koutnik, Environmental Science Associates
Staff Planner: Tyler Montgomery
Staff Biologist: Joe Decruyenaere

Project Description with respect to Impacts to Biological Resources: The proposed project is the development of a single-family residence on a 6.26-acre parcel (APN 4457-002-053) and associated access driveway over portions of its eastern adjacent parcels (APNs 4457-002-055, 4457-002-054, and 4457-002-045). In addition, a water well and septic system are proposed off-site within parcel APN 4457-002-055 within the access driveway grading limits.

The project site is located within the Malibu Creek watershed. There are no properties within 1000 ft of the project site that are protected as open space by local, state, or federal agencies.

The project parcel is mapped in the LCP as H1, H2, and H2 High Scrutiny. These designations correspond to National Park Service (NPS) mapped vegetation polygons comprising the following, all of which are named for their dominant native constituents[1]:

[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.

- California walnut / California sagebrush / giant wild rye woodland/forest association as H1;
- greenbark ceanothus shrubland association and laurel sumac shrubland alliance as H2; and
- birch leaf mountain mahogany-greenbark ceanothus shrubland association and laurel sumac-ashy buckwheat shrubland association as H2 high scrutiny.

In addition to the above plant communities, the proposed access road would also be aligned through stands of vegetation mapped by NPS as California sagebrush / giant wild rye shrubland association and giant wild rye herbaceous association and designated in the LCP as H2 High Scrutiny.

Construction of the project as proposed would impact 1.18 acres of H1, 1.00 acre of H2, and 0.32 acres of H3 habitats on and off site. Fuel-modification and off-site brush thinning impacts would amount to 2.41 acres of H2.

Due to the length of the proposed access road, the sensitivity of habitat types that would be impacted for its construction, and the number of parcels that would be traversed, Staff requested that the applicant present an analysis of a more direct approach to the subject parcel that would involve fewer parcels and reduce impacts to H1. The applicant prepared two alternatives. Alternative 1 sites the SFR in the same location as the proposed project but with a more direct approach from Rancho Francisco Rd. that avoids the parcels to the east. Alternative 2 approaches the Project Site from a similar point along Rancho Francisco Rd. as Alternative 1 but sites the SFR near the northern property line. Both alternatives were determined by the applicant to be infeasible due to the depth of cut required to meet the maximum 15% slope allowance for fire access and the resulting height of retaining walls that would be required, as well as the overall extent of impacts to H1 which would not necessarily be reduced under either of the alternative designs.

Proposed changes to habitat categories: Based on the results of site investigations by the Project Biologist, vegetation types within the project footprint differ from NPS-mapped stands primarily in their extent rather than in their characteristic species. The following are the general differences between the NPS mapping and the ground-truthed mapping of the Biological Assessment (BA):

- California walnut / greenbark ceanothus woodland/forest was identified in the BA, rather than the NPS-identified California walnut / California sagebrush / giant wild rye woodland/forest and with little overlap between the two except near the western end of the project site. California walnut / greenbark ceanothus woodland/forest is proposed for designation as H1.
- Greenbark ceanothus shrubland, as identified in the BA incorporates areas similarly mapped by NPS, as well as stands mapped by NPS as birch leaf mountain mahogany-greenbark ceanothus shrubland. The overall distribution is similar in areas not otherwise found to be dominated by walnuts. Greenbark ceanothus shrubland is proposed for designation as H2.

- Laurel sumac shrubland and laurel sumac-ashy buckwheat shrubland are collectively mapped in the BA over much of the same area that those communities are mapped by NPS, but with relatively less coverage of ashy buckwheat shrubland in the BA. These communities are proposed for designation as H2.
- California sagebrush / giant wild rye shrubland is not individually mapped in the BA. Instead, it is condensed with the giant wild rye herbaceous association, with a similar collective distribution on the project site and off-site areas. Giant wild rye herbaceous association is proposed for designation as H1.
- Disturbed areas associated with the existing dirt road and trail network are mapped in the BA but not by NPS. Disturbed areas are proposed for designation as H3.

Changes to habitat category mapping would result in designation of 2.62 acres of H1, 6.63 acres of H2, and 0.32 acres of H3 on site and within off-site areas directly impacted by access road construction and off-site brush thinning. These changes would represent a net increase in mapped H1 and H3 and a net reduction in H2.

Landscape and Fuel Modification: A landscaping plan has not been prepared; however, the BA recommends that southern California black walnut be included in any landscaping plan developed for the project. In addition, see ERB Project General Recommendation #1 below for requirements of a landscaping plan.

ADEQUACY OF THE BIOLOGICAL REPORT

The report is accurate and complete in its inventory of biological resources on site. Updates are needed to distinguish acreages of on-site fuel modification from off-site brush thinning impacts.

PROJECT SPECIFIC RECOMMENDATIONS

Staff recommends a habitat mitigation and monitoring plan be developed to compensate for impacts to H1 walnut and giant wildrye communities. To the extent possible, those communities should be reestablished on site within project impact areas, and additional acreage for mitigation should be identified off site. Total mitigation provided should be at a minimum ratio of 3:1, per LIP requirements for mitigation of non-riparian H1.

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.

<u>CONSISTENCY</u>

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 has been sited to minimize impacts to H1 Habitat and H1 Habitat 100-foot Buffer, but the proposed driveway does traverse both H1 Habitat and H1 Habitat 100-foot Buffer as it travels through the proposed easement on the property to the east of the Project Site. Included in this encroachment into the H1 Habitat areas is the testing area for the proposed potable water well and pilot road proposed as part of this request. The proposed configuration represents the alternative with the fewest impacts to sensitive coastal resources by limiting grading, limiting direct development within sensitive habitat areas, and by allowing the proposed development to be situated on as small of a building pad as is feasible.

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

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. The proposed project has been designed and sited to limit these impacts, and the home is situated in a location as far away from H1 Habitat Quiet Zone as possible while reducing potential impacts to other scenic and biological resources.

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 project (both the pilot road and test wells and the proposed dwelling) is situated within LCP-mapped H2 Habitat "High Scrutiny". However, the Biological Assessment Report provided by the applicant proposes to alter the County generated maps based on field surveys of the project site. As a result of the remapping provided by the applicant, which is supported by the County, there are no impacts to H2 "High Scrutiny" because the impacted areas have been reclassified as H2 Habitat or H1 Habitat. The Applicant provided five alternatives for development (Including the chosen alternative). Each of unchosen alternatives Included either Increased grading quantities (up to 710,000 cubic yards In one alternative), or In the case of the alternatives with less grading than the alternative selected, included impacts to H1 Habitat of about two acres, which is approximately double the H1 area impacted by the selected alternative.

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 proposed development, including the proposed driveway is situated within LCP-mapped H2 Habitat "High Scrutiny". The proposed driveway traverses unmapped H1 habitat (as depicted on the Applicant's Biological Assessment Report). The proposed project represents the alternative with the minimal possible trespass of and impacts to H1 Habitat, H1 100-foot Buffer, H2 Habitat, H2 "High Scrutiny," and migratory paths while still supporting the allowable use of single-family residence and associated improvements. The project will be conditioned to ensure that the Applicant adequately mitigates all impacts to H1 Habitat, H1 Habitat 100-foot Buffer, H2 Habitat, and H2 Habitat "High Scrutiny."

Staff recommends a determination that the project is consistent with the provisions of the LIP.

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