

# BIOLOGICAL RESOURCES DESCRIPTION AND RECOMMENDATIONS

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

PROJECT: Burns Single-Family Residence

**Project No.:** 2017-003698-(3)

**Permit No.:** Minor CDP RPPL-2017008419

**APN:** 4448-019-049

**Address:** 21655 Saddle Peak Road, Topanga, CA 90290

**Location:** Topanga Canyon (Dix Canyon) Watershed

**USGS Quad:** Topanga

**Project Applicant:** Martin Rasmussen

**Project Biologist:** Andrew Forde, Forde Biological Consultants

**Staff Planner:** Tyler Montgomery

**Staff Biologist:** Joe Decruyenaere

**Project Description with respect to Impacts to Biological Resources:** The project is the proposed 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 landscaping/hardscaping on a 6.8-acre lot. The proposed single-family residence would have a floor area of 2,005 square feet with an 859-square-foot detached garage on a building site of 9,055 square feet. A total of 686 cubic yards (“CY”) of grading is proposed—45 CY cut, 641 CY fill, 596 CY export. The lot would be accessed from Saddle Peak Road, a 60-foot-wide limited secondary highway and designated scenic route to the north, by an existing paved 20-foot-wide shared driveway with a length of 700 feet. The subject parcel is surrounded by single-family residences to the north and west and vacant land and open space to the south and east. The proposed residence would be constructed entirely on a previously graded pad, accessed from an existing driveway from Saddle Peak Road. Improvements to the driveway are required to widen the turning radius to accommodate emergency vehicles.

The project site is located within the Dix Canyon watershed, which is tributary to Topanga Creek. MRCA-owned property is present adjacent to the project parcel but further than 200 ft. from the proposed residence.

The project parcel is mapped in the LCP as H1, H2, and H3. These designations correspond to National Park Service (NPS) vegetation mapping polygons comprising the following:

- “California bay-California sycamore woodland/forest” as H1;

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- “big pod ceanothus shrubland”, “big pod ceanothus-chamise shrubland”, and “big pod ceanothus-laurel sumac shrubland” as H2; and
- “cleared land” and “urban buffer shrubs” as H3.

Native associations designated H1 and H2 are named for their dominant constituents. “Cleared land” is sparsely vegetated or non-vegetated disturbed land, such as isolated house pad lots that may be graded or under construction. “Urban buffer shrubs” is a vegetation type that is transitional between relatively undisturbed natural vegetation and built-up areas that can be classified as non-vacant and nonagricultural land use.<sup>1</sup>

Existing graded areas were graded in the early 1990s and were revegetated with native species in keeping with tract map conditions.

**Proposed changes to habitat categories:** LCP-mapped H1 areas were found to align closely with ground-truthed vegetation and are mapped in the Biological Assessment (BA) as coast live oak woodland and forest. LCP-mapped H2 areas were found to support laurel sumac scrub.

Previously graded and revegetated areas support introduced stands of needlegrass-melic grass grassland, deerweed scrub, and California brittle bush-ashy buckwheat scrub, and are designated H3 in the BA. Non-graded areas within 200 ft. of existing permitted development are also designated H3 in the BA.

Proposed revisions to LCP-mapped habitat categories would result in 0.11 acres of H1, 4.31 acres of H2, and 2.39 acres of H3 on site.

**Landscape and Fuel Modification:** Construction would affect 0.01 acres of H2 and 0.21 acres of H3. Irrigated fuel-modification would affect 0.04 acres of H2 and 1.06 acres of H3. Non-irrigated fuel-modification would affect 0.15 acres of H2 and 0.73 acres of H3. New brush thinning on adjacent parcels would affect 0.70 acres of H2 and 0.81 acres of H3, if fully implemented out to 200 ft from the residence.

Habitat category	On-site impacts [acres]				Off-site impacts [acres]			
	Construction	Fuel-modification zones			Total	Construction	New brush thinning	Total
		A	B	C				
<b>H1</b>	0.00	0.00	0.00	0.00	<b>0.00</b>	0.00	0.00	<b>0.00</b>
<b>H2</b>	0.01	0.02	0.02	0.15	<b>0.20</b>	0.00	0.70	<b>0.70</b>
<b>H2HS</b>	0.00	0.00	0.00	0.00	<b>0.00</b>	0.00	0.00	<b>0.00</b>
<b>H3</b>	0.21	0.20	0.86	0.73	<b>2.00</b>	0.00	0.81	<b>0.81</b>
<b>Total</b>	<b>0.22</b>	<b>0.22</b>	<b>0.88</b>	<b>0.88</b>	<b>2.20</b>	<b>0.00</b>	<b>1.51</b>	<b>1.51</b>

No landscaping is proposed; however, per LIP Section 22.44.1240 B (Landscaping), landscaping or revegetation of areas disturbed by construction is required and shall

<sup>1</sup> 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.

consist primarily of locally-indigenous, drought tolerant species and shall be consistent with Fire Department requirements.

### ADEQUACY OF THE BIOLOGICAL REPORT

The biological assessment combines survey results and impact analysis for two adjacent parcels, and therefore parcel-specific Habitat Category acreages and impacts arising from development of the proposed project have not been individually assessed. (They have been estimated by Staff in the above analysis.) A full quantification of on-site Habitat Categories and impacts due to irrigated (Zones A and B) and non-irrigated (Zone C) fuel-modification, as well as off-site brush thinning is needed prior to project approval. Incorporation of the above table and analysis into the biological assessment would provide the required information and shall be prepared prior to public hearing for the project.

### PROJECT SPECIFIC RECOMMENDATIONS

None.

### 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

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fuel modification zones, the driveway area, and areas within 50 ft. of them. The biologist should also survey 300 ft. beyond these areas, as access allows.

- b. If avoidance of the avian breeding season is not feasible, a qualified biologist with experience in conducting breeding bird surveys in the Santa Monica Mountains shall conduct weekly bird surveys beginning thirty days prior to the initiation of project activities, to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 500 ft. of the disturbance area. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of project activities. If a protected native bird is found in suitable nesting habitat, all project activities within 300 ft. of on- and off-site suitable nesting habitat (within 500 ft. for suitable raptor nesting habitat) may be delayed until August 31. Alternatively, the qualified biologist may continue the surveys in order to locate any active nests. If the biologist determines that there are active nests within or adjacent these areas, they should establish appropriate buffer zones, as defined in "c" below.
- c. If an active nest is found, regardless of time of year, project activities within 300 ft. of the nest (within 500 ft. for raptor nests) or as determined by a qualified biological monitor, must be postponed until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. Flagging, stakes, or construction fencing shall be used to demarcate the inside boundary of the buffer of 300 ft. (or 500 ft.) between the project activities and the nest. Project personnel, including all contractors working on site, shall be instructed on the sensitivity of the area.
- d. The qualified biologist shall provide County Planning with a brief report summarizing the results of the surveys, as well as a description and assessment of implemented protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds.
- e. If the qualified biologist determines that a narrower buffer between the project activities and observed active nests is warranted, he/she shall submit a written explanation as to why (e.g., species-specific information; ambient conditions and birds' habituation to them; and the terrain, vegetation, and birds' lines of sight between the project activities and the nest and foraging areas) to County Planning and CDFW. Based on the submitted information, County Planning (in consultation with CDFW) will determine whether to allow a narrower buffer.
  - i. In circumstances when activities are scheduled to occur between an original buffer and a reduced buffer, a qualified biologist should monitor the nest before, during, and after the activities, to determine if it is being affected.
  - ii. The only activities that shall be allowed between the original buffer and the reduced buffer are those that generate noise levels less than 60 dBA as measured at the resource. The biologist shall record noise levels every hour and must have the authority to stop any activities

that exceed 60 dBA if they determine that it is affecting, or has the potential to affect the outcome of a nest.

- iii. The biologist shall send weekly monitoring reports to County Planning and, upon request, to CDFW, documenting the status of monitored nests, and shall notify County Planning immediately if project activities damage active avian nests.
9. **Temporary wildlife fencing** shall be utilized to reduce the potential for wildlife being harmed by or moving into the work site. The project proponent's contractor shall delineate the grading limits/approved development area and shall fence the area in its entirety with green screen before beginning removal of any vegetation, as follows:
  - a. To install the screen, laborers will remove a 5-foot strip of vegetation at the limits of the grading limits/development area using hand-held tools to allow wildlife, including special status species, a chance to escape and reduce the potential of them being crushed by heavy machinery.
  - b. The green screen shall be partially buried, or fitted with silt fence that is partially buried, in a manner that reduces the potential for wildlife moving back in.
  - c. Laborers installing the fence shall remain within the cut areas and any paths leading to it.
  - d. A biologist shall monitor fence installation so that they can capture and relocate wildlife as necessary, and to ensure that no protected trees or special status plants are impacted during installation.
  - e. The biologist must hold a CDFW Scientific Collectors Permit authorizing handling of invertebrates, reptiles, amphibians, and mammals.
  - f. A gated entrance shall allow ingress and egress. The gates shall remain open until after the project biologist conducts a pre-construction survey and shall be closed only after vegetation is cleared from within the fenced area (see below).
10. **Pre-Construction Biological Resources Survey & Site Clearance**—A pre-construction biological resources survey shall be conducted within the area that is screened and within areas adjacent the driveway the day after screening.
  - a. The project proponent's contractor shall plan to remove vegetation from within the screened area no more than 1 day after completion of the Pre-Construction Biological Resources Survey.
  - b. Laborers shall use hand-held tools to remove the vegetation. Using hand-held tools will allow wildlife, including special-status species, a chance to escape and reduce the potential of them being crushed by heavy machinery.
  - c. A biologist shall monitor vegetation removal so that they can capture and relocate wildlife as necessary.
  - d. The biologist must hold a CDFW Scientific Collectors Permit authorizing handling of invertebrates, reptiles, amphibians, and mammals.
11. **Initial Grubbing & Grading**—Initial grubbing and grading shall occur 3 to 7 days after vegetation has been cleared from the proposed development area/grading limits. The delay between vegetation clearance and the grubbing and grading activities will allow wildlife, including special-status species, a chance to escape and reduce the potential of them being crushed by heavy machinery.

- a. A biologist shall monitor initial grading and grubbing so that they can capture and relocate wildlife as necessary.
  - b. The biologist must hold a CDFW Scientific Collectors Permit authorizing handling of invertebrates, reptiles, amphibians, and mammals.
- 12. Initial Fuel Modification**—The site shall only be fuel-modified after the construction phase of the proposed project has been completed or as otherwise directed by the Fire Department.
- a. A qualified biologist shall implement the Nesting Bird Survey & Protection Plan before fuel modification occurs.
  - b. A qualified biologist shall be present during initial fuel modification activities and shall stake the limits of fuel modification and flag any areas or plants to be excluded from fuel modifications.
  - c. The stakes shall remain in place until after fuel modification activities have been completed.
  - d. A qualified biologist shall be present during initial fuel modification activities to ensure that no protected trees or special-status species are damaged by the fuel modification activities.

### CONSISTENCY

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

- 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;  
*The project does not propose development within the 100-foot 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 1.09 acres of non-irrigated fuel modification within H2 Habitat, all direct development is sited within H3 Habitat and as far from H2 Habitat as is feasible. 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

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*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.*

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

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

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