# City of Malibu

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(310) 456-2489  FAX (310) 456-7650

BIOLOGY REVIEW

REFERRAL SHEET

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**TO:** City of Malibu City Biologist  
**DATE:** 12/3/2007

**FROM:** City of Malibu Planning Department

**PROJECT NUMBER:** CDP 07-144, IS 09-007, TTM 07-003, EIR 09-001

**JOB ADDRESS:** 24120 PACIFIC COAST HWY

**APPLICANT / CONTACT:** Robert Gold

**APPLICANT ADDRESS:** 315 S. Beverly Dr. Ste. 315  
Beverly Hills, CA 90212

**APPLICANT PHONE #:** (310)734-2353

**APPLICANT FAX #:** (310) 734-2297

**PROJECT DESCRIPTION:** "Crummer" Subdivision & 5 New Single-Family Residences - Revisions

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**TO:** Malibu Planning Division and/or Applicant

**FROM:** Dave Crawford, City Biologist

The project review package is **INCOMPLETE** and; **CANNOT** proceed through Final Planning Review until corrections and conditions from Biological Review are incorporated into the proposed project design (See Attached).

The project is **APPROVED**, consistent with City Goals & Policies associated with the protection of biological resources and **CAN** proceed through the Planning process.

The project may have the potential to significantly impact the following resources, either individually or cumulatively: Sensitive Species or Habitat, Watersheds, and/or Shoreline Resources and therefore **Requires Review** by the Environmental Review Board (ERB).

**SIGNATURE**  
**DATE: 7/31/07**

Additonal requirements/conditions may be imposed upon review of plan revisions. City Biologist may be contacted Tuesday and Thursday between 8:00 am and 11:00 am, by leaving an email at dcrawford@malibucity.org or by leaving a detailed voice message at (310) 456-2489, extension 277.
BIOLOGICAL REVIEW

Site Address: 24120 Pacific Coast Highway
Applicant/Phone: Robert Gold/ 310.734.2353
Project Type: “Crummer” Pipeline and common areas
Project Number: CDP 07-144
Project Planner: Ha Ly

REFERENCES: Bio Assessment for Pipeline route (GLA 5/22/12); Bio Assessment Update (GLA 5/22/12); Irrigation Plans (5/12), Plant Schedule and Notes (6/04/12)

DISCUSSION:

This review is associated with the proposed “Crummer” subdivision and is limited to only include the proposed water pipeline and common area (HOA Maintained) landscaping. Approval in this review does not constitute approval of the entire subdivision project and is subject to revision pending the results of the Final Environmental Impact Report (FEIR) for the project.

Landscaping

1. The Maximum Applied Water Allowance (MAWA) for this portion of the project totals 945,213 gallons per year. The Estimated Applied Water Use (EAWU) totals 600,135 gpy, thus meeting the Landscape Water Conservation Ordinance Requirements.

RECOMMENDATIONS:

1. The project is APPROVED with the following conditions:

   A. With the exception of the newly proposed water line no new development, planting, or irrigation is permitted within public easements. Any new structure, plant or irrigation system occurring in the public easement shall be removed at the owner’s expense.

   B. Prior to Final Plan Check Approval, if your property is serviced by the Los Angeles County Waterworks Department, please provide landscape water use approval from that department. For approval contact:

Kirk Allen
Address: 23533 Civic Center Way, Malibu, CA 90265
Email: KALLEN@DPW.LACOUNTY.GOV (preferred)
Phone: (310) 317-1388
A. Invasive plant species, as determined by the City of Malibu, are prohibited.

B. Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property at any given time (given consideration of its future growth).

C. Vegetation forming a view impermeable condition (hedge), serving the same function as a fence or wall, occurring within the side or rear yard setback shall be maintained at or below six (6) feet in height. View impermeable hedges occurring within the front yard setback serving the same function as a fence or wall shall be maintained at or below 42 inches in height.

E. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as copper arsenate.

F. Prior to final landscape inspection, provide a signed copy of the Certificate of Completion, certifying the irrigation installation and operational efficiency is consistent with the approved plans.

G. Pursuant to Section 3.6 F(6) of the LIP: Setbacks from parklands: New development adjacent to parklands, where the purpose of the park is to protect the natural environment and ESHA, shall be sited and designed to minimize impacts to habitat and recreational opportunities, to the maximum extent feasible. Natural vegetation buffer areas shall be provided around parklands. Buffers shall be of a sufficient size to prevent impacts to parkland resources, but in no case shall they be less than 100 feet in width.

i. New development, including, but not limited to, vegetation removal, vegetation thinning, or planting of non-native or invasive vegetation shall not be permitted in required park buffer areas, except that habitat restoration and invasive plant eradication may be permitted if designed to protect and enhance habitat values.

ii. Variances or modifications to park buffer standards shall not be granted except where there is no other feasible alternative for siting the primary structure. In such cases, one primary structure shall be the only permitted development on the site, and the structure shall be restricted in size and designed to maximize the buffer standard to the maximum extent feasible.

iii. Permitted development located within or adjacent to parklands that adversely impact those areas may include open space or conservation restrictions or easements over parkland buffer in order to protect resources.

H. Grading shall be scheduled only during the dry season from April 1 - October 31st. If it becomes necessary to conduct grading activities from November 1 - March 31, a comprehensive erosion control plan shall be submitted for approval prior to issuance of a grading permit and implemented prior to initiation of vegetation removal and/or grading activities.

I. Grading/excavation/grubbing or any other site preparation activities that has the potential to remove or encroach into existing vegetation (including the pipeline project) scheduled
between February 1 and August 30 will require nesting bird surveys by a qualified biologist prior to initiation of grading activities. Should active nests be identified, a buffer area no less than 300 feet (500 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. **A report discussing the results of nesting bird surveys shall be submitted to the City Biologist prior to ANY vegetation removal on site. Nesting bird survey reports are valid for no more than 5 days.**

J. Construction fencing shall be installed within five (5) feet of the limits of grading adjacent to native habitat prior to the beginning of any construction and shall be maintained throughout the construction period to protect the site's sensitive habitat areas.

K. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded so it is directed downward and inward so that there is no offsite glare or lighting of natural habitat areas.

L. Up-lighting of landscape trees beyond 50 feet of any habitable structure is prohibited.

M. Necessary boundary fencing of any single area exceeding one half (1/2) acre shall be of an open rail-type design with a wooden rail at the top (instead of wire), be less than 40 inches high, and have a space greater than 14 inches between the ground and the bottom post or wire. A split rail design that blends with the natural environment is preferred.

N. The upper reaches of the water pipeline are proposed close proximity of an ESHA area on the northwest side of Malibu Canyon Road. As designed, no impacts to ESHA would occur. In the event of any changes of design or construction methodologies that have the potential to extend beyond the identified easement/right-of-way, the City Biologist shall be notified immediately and before any work is done outside the easement/right-of-way.

2. **UPON COMPLETION OF LANDSCAPE PLANTING IN THE PROPOSED COMMON AREAS,** the City Biologist shall inspect the project site and determine that all planning conditions to protect natural resources are in compliance with the approved plans.

Reviewed By: Dave Crawford, City Biologist  
310-456-2489 ext.277 (City of Malibu); e-mail dcrawford@malibucity.org  
Available at Planning Counter Tuesdays 9:00 to 11:00 a.m.