

City of Malibu

23815 Stuart Ranch Road, Malibu, California 90265
(310) 456-2489 Fax (310) 456-7650

Planning Department

BIOLOGICAL REVIEW

Site Address: 23401 Civic Center Way

Applicant/Phone: Marny Randall/(310)395-2615

Project Type: N Shop Cntr – Whole Foods (REVISED REVISED LANDSCAPE)

Project Number: CDP 10-022

Project Planner: Bonnie Blue

RESOURCES: Protected Native Trees

DISCUSSION

1. This is a review of revisions of the revisions to the proposed project. All conditions of approval herein apply to the project as are any previously outlined conditions of approval in previous reviews. In the event of conflict between conditions of approval, the more strict condition shall apply.
2. The Maximum Applied Water Allowance (MAWA) for this project totals 1,134,106 gallons per year. The Estimated Applied Water Use (EAWU) totals 574,961 gpy, thus meeting the Landscape Water Conservation Ordinance Requirements.

RECOMMENDATIONS:

1. The revised project is **APPROVED** with the following conditions:
 - A. Prior to Final Plan Check Approval, if the property is serviced by the Los Angeles County Department of Water and power, 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
 - B. Invasive plant species, as determined by the City of Malibu, are prohibited.
 - C. 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).

- D. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as copper arsenate.
- E. LIP Section 5.5 describes the required mitigation options for approved impacts to native trees.

- 1. Tree Replacement

- A. Prior to the issuance of the CDP that includes native tree removal or the loss or worsened health of native trees resulting from encroachment, the applicant shall submit a native tree replacement planting program, prepared by a qualified biologist, arborist, or other resource specialist, which specifies replacement tree locations, tree or seedling size, planting specifications, and a monitoring program to ensure that the replacement planting program is successful, including performance standards for determining whether replacement trees are healthy and growing normally, and procedures for periodic monitoring and implementation of corrective measures in the event that the health of replacement trees declines.
- B. Where the removal of native trees cannot be avoided or where development encroachments into the protected zone of native trees result in the loss or worsened health of the trees, mitigation measures shall include, at a minimum, the planting of replacement trees on site, if suitable area exists on the project site, at a ratio of no less than 10 replacement trees for every one tree removed. The applicant shall plant seedlings, less than one year old on an area of the project site where there is suitable habitat. In the case of oak trees, the seedlings shall be grown from acorns collected in the area.

A revised plan has been prepared and indicates 8 protected western sycamore trees will require removal and 80 western sycamore trees will be planted on site as mitigation and part of the site landscaping. This project is conditioned such that a minimum of 80 western sycamore trees be planted on site as illustrated in the final approved landscape plans.

- F. For a period of not less than 10 years, a qualified arborist, biologist or resource specialist shall conduct annual monitoring of each of the 80 sycamore trees planted on site. The monitor shall evaluate the overall health of each tree annually and provide a detailed report no later than December 30 each year describing the current condition of each tree and any recommended actions to correct deficiencies in the successful establishment and growth of any of the mitigation trees. Should any of the mitigation trees die or show indications of failing health, those trees shall be replaced on a 1:1 basis. If at the end of 10 years all 80 western sycamore trees are healthy, no further action is required. If at the end of 10 years one or more of the trees are unhealthy or have died, additional monitoring may be required to ensure successful growth.

- G. 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.
- H. Grading or other site preparation activities (i.e. tree removal) scheduled between February 1 and August 30 will require nesting bird surveys by a qualified biologist no more than 5 days prior to initiation of those 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.**
- I. The landscape plan has been conditioned to protect natural resources in accordance with the Local Coastal Program. All areas shall be planted and maintained as described in the final approved landscape. Failure to comply with the landscape conditions is a violation of the conditions of approval for this project.
- J. 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.
- K. All landscape lighting shall be installed and maintained as designed and described in the approved "Site Lighting Plan." (Plan page LT-1.0)
2. Pursuant to LUP Chapter 5 (C) (3) 5.5, the proposed project will **REQUIRE REVIEW** by the **Environmental Review Board** because the project occurs within ESHA and/or ESHA buffer.
3. **PRIOR TO ISSUING A CERTIFICATE OF OCCUPANCY**, 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@ci.malibu.ca.us

Available at Planning Counter Tuesdays and Thursdays 8:00 to 10:00 a.m.

Date: _____

4/17/12