



## **Appendix C**

*Biological Evaluation Report*



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March 29, 2012

Project Number: 10-67050

Richard Mollica  
City of Malibu  
Environmental and Community Development Department  
23815 Stewart Ranch Road  
Malibu, California 90265

**Subject: Preliminary Biological Constraints Analysis for the  
City of Malibu 2008-2014 Housing Element Update**

Dear Mr. Mollica:

Rincon Consultants, Inc. has completed a preliminary biological review of nine (9) parcels in Malibu, California. The following presents the methods and results of the field survey.

**METHODOLOGY**

Prior to conducting the reconnaissance field surveys of the subject parcels, Rincon reviewed the applicable USGS 7.5-minute topographic maps, aerial photography (Google Earth 2011), and conducted a search of California Department of Fish and Game's (CDFG's) California Natural Diversity Data Base (CNDDDB) most recent update of RareFind3 for information on special-status species and habitat occurrences within the Point Dume and Malibu Beach, California Quadrangles. Rincon also reviewed the U.S. Fish and Wildlife Service (USFWS) critical habitat portal (<http://criticalhabitat.fws.gov/>), the City of Malibu Local Coastal Program Environmentally Sensitive Habitat Areas (ESHA) Overlay Maps, and the South Coast Missing Linkages Report (Penrod, 2001 and 2006).

Rincon's Senior Biologist, Cher Batchelor, visited the project sites on March 22, 2011 to identify any areas of each property that could potentially contain regulated sensitive biological resources. Dominant plant species observed and any wildlife species observed or detected during the survey were recorded. The assessment was performed by walking transects of convenience, as allowed by topography and vegetative cover, to generally characterize the existing biological resources within the proposed development footprint. The onsite habitat types were also evaluated to determine their potential to support special-status species or otherwise be of concern to the United States Fish and Wildlife Service (USFWS), CDFG, U.S. Army Corps of Engineers (Corps), and/or the Los Angeles Regional Water Quality Control Board (RWQCB). The sites were photographed and the vegetation was mapped. However, it should be noted that the work performed was at a reconnaissance level, and no specific or protocol-level surveys for special-status plants or wildlife were conducted.



## RESULTS

The following presents the individual survey results for each of the nine parcels with regard to biological resources. Specifically, this section presents each parcel's existing conditions, provides the potential for individual parcels to support special-status species, and discusses any potential biological resources constraints to parcel development. It should be noted that all nine sites do not lie within any mapped wildlife linkage or corridor; therefore, no significant constraint to development associated with mapped wildlife movement corridors is anticipated. Any potential constraints to development discussed below are presented in bold font.

### APN 4467-013-022 (Candidate Site 1)

- **Level of Disturbance:** High; several areas likely graded/filled and periodically maintained. Much of the parcel is a filled ephemeral drainage.
- **Plant Communities:** Brome-oat grassland, black mustard ruderal grassland, coyote brush scrub, southern California black walnut woodland, native and ornamental woodland. The walnut woodland is considered a sensitive habitat by CDFG. Impacts to walnut woodland would likely require mitigation, but this issue is not likely an unusual constraint to development.
- **Dominant Plant Species Observed:** Dominant grassland species include *Avena barbata*, *Bromus madritensis* ssp. *rubens*, *Bromus diandrus*, *Anagallis arvensis*, *Euphorbia* sp., *Erodium cicutarium*. Dominant scrub species include *Baccharis pilularis* and *Encelia californica*. Dominant tree species include *Platanus racemosa*, *Juglans californica* var. *californica*, *Sambucus mexicanus*, *Salix lasiolepis*, *Heteromeles arbutifolia*, and ornamental tree species.
- **Potential for Special-Status Plant Species:** *Juglans californica* var. *californica* (southern California black walnut) was observed onsite and is a California Rare Plant Rank 4. Impacts to individual walnut trees would require replacement mitigation because it is a protected tree (see protected tree discussion below). Other than the walnut, the potential for rare plants onsite is low due to the current level of disturbance. This issue is not an unusual constraint to development.
- **Protected Trees:** Yes; *Platanus racemosa*, *Sambucus mexicanus*, *Salix lasiolepis*, *Juglans californica*, *Heteromeles arbutifolia*. Mitigation would be required, and this issue may be a low to moderate constraint to development depending on the number of tree removals.
- **Wildlife Observed:** Common raven, red-tailed hawk, California towhee, western fence lizard, California ground-squirrel, big-eared woodrat (nest).
- **Potential for Special-Status Wildlife Species:** Low, due to current level of disturbance. This issue is likely not a constraint to development.
- **Local Wildlife Movement:** The property does not lie within any regional wildlife linkages or corridors. On a local scale, the ruderal grassland onsite provides minimal wildlife habitat. While the woodland habitats provide moderate wildlife habitat, the habitat is isolated and fragmented. This issue would not be a constraint to development.



- Nesting Bird Habitat: Nesting habitat exists throughout the property within the grassland and tree habitats. Raptors may nest within the mature groves of trees onsite. This will require limitations on construction timing, and/or it may require bird nesting surveys, but this issue is a low to moderate constraint to development.
- Critical Habitat: None
- Wetlands/Jurisdictional Areas: Likely. The drainage onsite appears to have been graded over or is filled in/maintained. Riparian vegetation (walnut woodland with willows) and likely wetlands exist where the drainage intersects with the PCH, where the soil becomes saturated to inundated. Permits and/or agreements from the regulatory agencies are anticipated to be required for development of the property, and *this issue may become a high constraint if the fill within the drainage was not previously permitted.*
- ESHA: *The wetland area may be considered ESHA and if so, this may be a high constraint* and will require mapping and further study.

**APN 4467-012-005 (Candidate Site 2)**

Note: This parcel was generally surveyed from the parcel boundaries only.

- Level of Disturbance: High; the entire parcel appears to be a residence and yard.
- Plant Communities: Ornamental trees, lawn, developed. No sensitive habitats onsite.
- Dominant Plant Species Observed: *Eucalyptus globulus* and other ornamental tree species.
- Potential for Special-Status Plant Species: Low. This issue is likely not a constraint to development.
- Protected Trees: A possible *Juglans californica* may be within the site boundaries, but this issue is likely not an unusual constraint to development.
- Wildlife Observed: None
- Potential for Special-Status Wildlife Species: Low, due to current level of disturbance. This issue is likely not a constraint to development.
- Local Wildlife Movement: The property does not lie within any regional wildlife linkages or corridors. On a local scale, the parcel contains minimal native or natural habitat. This issue is not a constraint to development.
- Nesting Bird Habitat: Nesting habitat exists throughout the property and in particular raptors may nest within the mature trees onsite. This will require limitations on construction timing, and/or it may require bird nesting surveys, but this issue is not an unusual constraint to development.
- Critical Habitat: None
- Wetlands/Jurisdictional Areas: Likely. None
- ESHA: None

**APN 4458-021-003 (Candidate Site 3)**



- Level of Disturbance: High; the entire parcel is a plant nursery.
- Plant Communities: Ornamental trees, developed. No sensitive habitats onsite.
- Dominant Plant Species Observed: None
- Potential for Special-Status Plant Species: None
- Protected Trees: None
- Wildlife Observed: None
- Potential for Special-Status Wildlife Species: Low to none, due to current level of disturbance.
- Local Wildlife Movement: The property does not lie within any regional wildlife linkages or corridors. On a local scale, the parcel contains minimal native or natural habitat and is surrounded by development. This issue is not a constraint to development.
- Nesting Bird Habitat: While native species may nest within the site, the active nursery use of the site likely minimizes such nesting and this is not a constraint to development.
- Critical Habitat: None
- Wetlands/Jurisdictional Areas: None
- ESHA: None

**APN 4458-021-005 (Candidate Site 4)**

- Level of Disturbance: High; most of the parcel is frequently disked.
- Plant Communities: Ornamental trees, ruderal grassland, remnant native shrubs, garden, and developed. No sensitive habitats onsite.
- Dominant Plant Species Observed: None. The entire southern portion is a dirt field. The only remaining natural plants observed are remnant *Malosma laurina*.
- Potential for Special-Status Plant Species: Low; limited to the northwestern corner (where the *Malosma* exists) where a low potential for special-status plant species such as *Calochortus* spp. could exist. Rare plant surveys may be required prior to development, but would not be an unusual constraint to development.
- Protected Trees: None
- Wildlife Observed: Pacific slope flycatcher (from adjacent wetland), California ground squirrel, common raven, red-tailed hawk, raccoon (prints), and coyote (scat).
- Potential for Special-Status Wildlife Species: Low to none, due to current level of disturbance.
- Local Wildlife Movement: The property does not lie within any regional wildlife linkages or corridors. On a local scale, the northern portion of the property connects to habitat areas to the north; however, the parcel itself contains minimal native or natural



habitat and is otherwise surrounded by development. This issue is not a constraint to development.

- Nesting Bird Habitat: Yes, within the ornamental trees onsite and the northwestern corner. This will require limitations on construction timing, and/or it may require bird nesting surveys, but this issue is not a constraint to development.
- Critical Habitat: None
- Wetlands/Jurisdictional Areas: Unknown; the southwestern corner is adjacent to a wetland and much of the southern portion of the site is very wet and may be classified as a “farmed wetland.” If so, this will require additional jurisdictional review of a complex, atypical situation and an extended regulatory permit process. The parcel is large enough (relative to the other parcels surveyed) that if the southern area is not developed but allowed to return to a natural habitat, this constraint could be minimized. However, if development of the entire site is envisioned, this poses a moderate constraint.
- ESHA: None mapped. Farmed wetlands are not considered ESHA under the LCP.

**APN 4458-022-012 (Candidate Site 5)**

- Level of Disturbance: High; the entire parcel was a nursery, but has recently burned, and has recently been regraded/terraced.
- Plant Communities: Ornamental trees, remnant native shrubs, bare ground, and developed. No sensitive habitats onsite.
- Dominant Plant Species Observed: None. Most of the parcel is a dirt field.
- Potential for Special-Status Plant Species: Low; however, the coastal sage scrub in the adjacent parcel could support rare plants. If fuel modification is required for that area, this may cause a low constraint to development depending on the results of rare plant surveys.
- Protected Trees: None
- Wildlife Observed: Western fence lizard, red-tailed hawk, rufous hummingbird, and side-blotched lizard.
- Potential for Special-Status Wildlife Species: Low to none, due to current level of disturbance.
- Local Wildlife Movement: The property does not lie within any regional wildlife linkages or corridors. On a local scale, the northern and eastern portion of the property connects to natural habitat areas; however, those areas are limited by residential development on the upper hillsides. This issue is not a constraint to development.
- Nesting Bird Habitat: Yes, within the ornamental trees onsite and within the adjacent coastal sage scrub habitat. This will require limitations on construction timing, and/or it may require bird nesting surveys, but this issue is not a constraint to development.
- Critical Habitat: None
- Wetlands/Jurisdictional Areas: None



- ESHA: None

**APN 4458-022-019 (Candidate Site 6)**

- Level of Disturbance: Moderate; much of the parcel appears to have been graded at one time or another, but natural vegetation has begun to reestablish onsite.
- Plant Communities: Successional coastal sage scrub in the northern portion and brome-oat grassland and wild radish ruderal grassland in the southern portion. No sensitive habitats onsite, and the coastal sage scrub adjacent to the northern parcel boundary is not considered ESHA because of the nearby residential development on the hillsides. No constraint to development likely.
- Dominant Plant Species Observed: Dominant grassland species include *Avena barbata*, *Bromus madritensis* ssp. *rubens*, *Bromus diandrus*, *Hordeum glaucum*, *Brassica nigra*, and *Chrysanthemum*. Dominant scrub species include *Encelia californica*, *Rhus integrifolia*, *Malosma laurina*, *Salvia mellifera*, *Baccharis pilularis*, *Lotus scoparius*, *Datura wrightii*.
- Potential for Special-Status Plant Species: Low to moderate for species such as Coulter’s saltbush, Malibu baccharis, round-leaved filaree, slender mariposa lily, and Plummer’s mariposa lily that may have become re-established within site boundaries. To confirm presence/absence of these and other special-status plant species onsite, seasonal rare plant surveys would likely be required prior to development, but this issue likely is not an unusual constraint to development.
- Protected Trees: None
- Wildlife Observed: Western fence lizard, red-tailed hawk, and side-blotched lizard, red-winged blackbird (many), California towhee, American kestrel, Botta’s pocket gopher, western scrub-jay, California ground squirrel, song sparrow.
- Potential for Special-Status Wildlife Species: Moderate for species such as coastal whiptail, bats, and coast horned lizard. Pre-construction clearance surveys and construction monitoring for special-status wildlife species would likely be required prior to construction as mitigation to minimize impacts to potential special-status wildlife species that may be inhabiting or frequenting the project site, but this issue is not an unusual constraint to development.
- Local Wildlife Movement: The property does not lie within any regional wildlife linkages or corridors. On a local scale, the northern and eastern portion of the property eventually connects to natural habitat areas; however, nearby residential development limits connectivity and the parcel itself contains marginal habitat for movement and is otherwise surrounded by development. This issue is not a constraint to development.
- Nesting Bird Habitat: Yes, throughout the parcel. This will require limitations on construction timing, and/or it may require bird nesting surveys, but this issue is not an unusual constraint to development.
- Critical Habitat: None
- Wetlands/Jurisdictional Areas: None
- ESHA: None



**LIMITATIONS, ASSUMPTIONS, AND USER RELIANCE**

This limited Biological Assessment was prepared for use solely and exclusively by the City of Malibu. This report shall not be relied upon by or transferred to any other party without the express written authorization of Rincon Consultants. City of Malibu has requested this assessment and may use it for the project site selection process. No other use or disclosure is intended or authorized by Rincon. City of Malibu agrees to hold Rincon harmless for any inverse condemnation or devaluation of said property that may result if Rincon’s report or information generated is used for other purposes. Also, this report is issued with the understanding that it is to be used only in its entirety. It is intended for use only by the client, and no other person or entity may rely upon the report without the express written consent of Rincon.

This work has been performed in accordance with good commercial, customary, and generally accepted biological investigation practices conducted at this time and in this geographic area. The biological investigations are necessarily limited by the scope of work performed, as discussed in the methodology section. In particular, the identification of potential special-status species habitat has been based on a suitability analysis level only and did not include definitive surveys for the presence or absence of the species that may be present. Definitive surveys for special-status wildlife and plant species generally require specific survey protocols requiring extensive field survey time to be conducted only at certain times of the year. No other guarantee or warranties, expressed or implied are provided.



Sincerely,  
**RINCON CONSULTANTS, INC.**

**Cher Batchelor**  
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**Duane Vander Pluym, D.Env.**  
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March 5, 2012

Project Number: 10-67050

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Malibu, California 90265

**Subject: Preliminary Biological Constraints Analysis for the City of Malibu  
2008-2014 Housing Element Update: 3700 La Paz Lane (Site #7)**

- Level of Disturbance: Moderate. The dirt road portion of the project site traversing in a north-south direction is significantly disturbed and invaded by nonnative plant species. The southeastern portion of the larger northern portion of the site is heavily disturbed as well likely a result of past grading, discing, and/or fuel management activities. The northwestern portion of the larger northern portion of the site is primarily intact and consists of sandstone rock outcrops and is dominated by native coastal sage scrub species.
- Plant Communities: Mixed ruderal grassland occurs primarily along the road and in the field north of the existing work yard associated with the adjacent parcel. Mixed coastal sage scrub occurs at the northern steeper portion of the parcel on sandstone rock outcroppings. No sensitive habitats exist onsite, and the coastal sage scrub adjacent to the northern parcel boundary would likely not be considered ESHA because of the nearby disturbances and residential development on the hillsides. No constraint to development with regard to sensitive plant communities is anticipated.
- Dominant Plant Species Observed: Dominant nonnative grassland species include *Avena barbata*, *Bromus madritensis* ssp. *rubens*, *Bromus diandrus*, *Hordeum glaucum*, *Centaurea melitensis*, *Brassica nigra*, *Foeniculum vulgare*, *Raphanus sativus*, *Euphorbia peplus*, *Chrysanthemum* sp., and *Ricinus communis*. Dominant native scrub species include *Encelia californica*, *Opuntia littoralis*, *Rhus integrifolia*, *Malosma laurina*, *Marah macrocarpus*, *Salvia leucophylla*, *Lotus scoparius*, *Salvia mellifera*, *Malacothamnus fasciculatus*, *Baccharis pilularis*, *Leymus condensatus*, *Artemisia californica*, and *Hazardia squarrosa*.
- Potential for Special-Status Plant Species: Moderate for species such as *Astragalus brauntonii*, *Atriplex coulteri*, *California macrophylla*, *Calochortus clavatus* var. *gracilis*, and *Calochortus plummerae*. To confirm presence/absence of these and other special-status plant species onsite, seasonal rare plant surveys would likely be required prior to development, but this issue is not an unusual requirement. The level of constraint is dependent on the actual species present, with listed species such as *Astragalus brauntonii* being the highest constraint.



- Protected Trees: Yes, *Sambucus mexicanus* (~3) and *Juglans californica* var. *californica* (4 trees) observed onsite. Mitigation could be required for removal of these species, and this issue is a low constraint to development.
- Wildlife Observed: House finch, common raven, red-tailed hawk, Anna's hummingbird, wren, black phoebe, mourning dove, red-winged blackbird, California towhee, western meadowlark, western scrub-jay, Botta's pocket gopher (burrows), California ground squirrel, coyote (scat).
- Potential for Special-Status Wildlife Species: Moderate for species such as Cooper's hawk (raptor foraging habitat, not nesting habitat), coastal whiptail, and coast horned lizard. Pre-construction clearance surveys and construction monitoring for special-status wildlife species would likely be required prior to construction as mitigation to minimize impacts to potential special-status wildlife species inhabiting or frequenting the project site, but this issue is not an unusual constraint to development.
- Local Wildlife Movement: The property does not lie within any regional wildlife linkages or corridors. On a local scale, the entire parcel provides marginal raptor foraging habitat. A few local wildlife movement paths were also observed throughout the parcel. The site provides limited open space habitat for wildlife species but the road portion of the site provides some connection to habitats to the north; however, given the development surrounding the subject parcel, development of the site would not constrict or restrict movement from one large block of habitat to another. This issue is likely not a constraint to development.
- Nesting Bird Habitat: Nesting habitat exists throughout the property and birds that are protected by the Federal Migratory Bird Treaty Act and the California Fish and Game (CFG) Code 3503, including special-status bird species, undoubtedly nest within the property. This will require limitations on construction timing, and/or it may require bird nesting surveys, but this issue is a minimal constraint.
- Critical Habitat: None
- Wetlands/Jurisdictional Areas: None
- ESHA: the coastal sage scrub adjacent to the northern parcel boundary would likely not be considered ESHA because of the nearby disturbances and residential development on the hillsides. No constraint to development with regard to sensitive plant communities is anticipated.