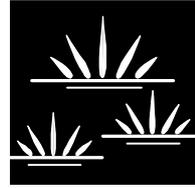


GLENN LUKOS ASSOCIATES

Regulatory Services



May 22, 2012

PCH Project Owner, LLC
c/o BRP Management, LLC
Attention Robert Gold
315 South Beverly Drive
Suite 211
Beverly Hills, California 90212

SUBJECT: Update to: 2009 *Biological Resource Study, 24200 Pacific Coast Highway a.k.a. Crummer Site, City of Malibu, California* Prepared for Crummer Project, City of Malibu, Los Angeles County, California

Dear Mr. Gold:

Background

PCH Project Owner, LLC 's predecessor in interest (the "Owner") has filed for six (6) Coastal Development Permits ("CDP") with the City of Malibu to subdivide an approximately 24-acre vacant site located at 24200 (aka 24120) Pacific Coast Highway, Malibu, CA (the "Crummer Site" or "Site"). One CDP is being requested for each of the proposed five single-family residences and a the other CDP is being requested for a Vesting Tract Map. In addition, to the five residential lots there will be two additional lots as part of the proposed subdivision of the Site. One lot would contain a private gated street, on-site wastewater treatment system and open space to be owned by a Homeowners Association. The other lot consisting of approximately 1.75 acres will be donated to the City of Malibu to be used for active and passive recreation, parking for the general public and seepage pits for the OSWTS. The proposed development described above on the seven lots is hereinafter referred to as the Project.

Owner had previously engaged Impact Sciences to complete biological resources studies of the Crummer Site which have been submitted to the City of Malibu as follows:

29 Orchard
Telephone: (949) 837-0404

▪ Lake Forest

▪ California 92630-8300
Facsimile: (949) 837-5834

Robert Gold
PCH Project Owner LLC
May 22, 2012
Page 2

- Impact Sciences. 2009. *Biological Resource Study, 24200 Pacific Coast Highway a.k.a. Crummer Site, City of Malibu, California* (“Biological Resource Study”).¹
- Impact Sciences. 2006. *Biological Resource Evaluation and Special-Status Plant Survey Results: Crummer Project Site, City of Malibu, California*.

In addition, GLA prepared a Jurisdictional Delineation Report of the two ephemeral drainages located on the Site, August 5, 2008, Revised August 26, 2008, (“Jurisdictional Report”) which Report concluded that the Site did not contain streams that would be subject to the jurisdiction of US Army Corps of Engineers, California Department of Fish and Game or the California Coastal Commission.

In view of the fact that approximately three (3) years have passed from the date of the 2009 Biological Resource Study, the City of Malibu’s Biologist, has requested that the Owner update the biological assessments in order to confirm the current Site conditions with respect to biological resources.

A biologist from Glenn Lukos Associates, Inc. (GLA) conducted an assessment of the biological resources on the Site to verify that conditions on the Site have not changed from the conditions set forth in the Biological Resource Study. Exhibit 1 depicts the location of the site and Exhibit 2 is a recent aerial photograph of the site with the project boundary.

SUMMARY OF RESULTS

As explained in detail below, GLA has determined that conditions on the Site have not changed and the description of the biological resources provided by Impact Sciences in their Biological Resources Study remains accurate and the analysis of potential impacts is also accurate. With implementation of the proposed mitigation measures set forth by Impact Sciences, the Project would not result in significant impacts to biological resources.

METHODOLOGY

In order to determine whether conditions on the Site are consistent with the conditions described in the Biological Resource Study, GLA Senior Biologist Tony Bomkamp first reviewed the Biological Resource Study followed by a Site survey on April 16, 2012. During the Site survey,

¹ Impact Sciences. 2009. *Biological Resource Study, 24200 Pacific Coast Highway a.k.a. Crummer Site, City of Malibu, California*. It is also important to note, as explained by Impact Sciences, the *Biological Resource Study* incorporated the results of site surveys in 2006 and 2007 as well as previous surveys conducted by BonTerra in 1999, providing a substantial amount of information for the site relative to the biological resources present.

the entire Site was walked in a careful manner so as to ensure visual inspection of the entire Site. Special focus was given to the eucalyptus trees on the Site, carefully examining each tree for both active and abandoned raptor nests as well as for perching or roosting raptors. During the Site visit, all of the plants and animals observed were recorded in field notes. The survey was conducted between 7:00 a.m. and 10: a.m. Temperatures ranged from 64 degrees at the start to 70 degrees at the completion of the survey. Wind was less than five miles per hour and visibility was high during the entire site visit.

RESULTS

The *Biological Resource Study* addressed the following biological resources on the Crummer Site:

- On-Site Habitats and Plant Communities
- Common Wildlife
- Special-Status Biological Resources
 - Special-Status Plants
 - Special-Status Wildlife
- Protected Tree Resources
- Jurisdictional Resources
- Wildlife Movement Corridors
- Coastal Biological Resources

On-Site Habitats and Plant Communities

Impact Sciences identified the following habitats or plant communities on the Crummer Site: Mixed Sage Scrub (1.35 acres), Coastal Sage Chaparral Scrub (7.75 acres), Non-Native Grassland (Disked areas) (14.56 acres), and Eucalyptus Trees (0.21 acre).

Mixed Sage Scrub (1.35 acres)

Mixed sage scrub occurs along the northern boundary of the Site overlooking Pacific Coast Highway. This vegetation association is dominated by California sagebrush (*Artemisia californica*), black sage (*Salvia mellifera*), purple sage (*Salvia leucophylla*), ashy-laved buckwheat (*Eriogonum cinereum*), California buckwheat (*Eriogonum fasciculatum*), toyon (*Heteromeles arbutifolia*), and a few individuals of southern California black walnut (*Juglans californica*). Based on the 2012 GLA Site visit, this community has not changed and the description in the 2009 *Biological Resource Study* remains accurate.

Coastal Sage Chaparral Scrub (7.75 acres)

Coastal Sage Chaparral Scrub occurs on the slopes of the two small ravines as well as on the east-facing slope and at the southeast corner of the Site. This vegetation association is dominated by California sagebrush (*Artemisia californica*), black sage (*Salvia mellifera*), purple sage (*Salvia leucophylla*), (*Baccharis pilularis*), laurel sumac (*Malosma laurina*), and giant wild rye (*Elymus condensatus*). Based on the 2012 GLA Site visit, this community has not changed and the description in the 2009 *Biological Resource Study* remains accurate.

Non-Native Grasslands (14.56 acres)

Non-native grasslands cover the majority of the Site and include a substantial component of non-native Mediterranean grasses as well as a variety of forbs. Essentially all of the species within this land cover are considered weeds and are non-native. Species observed include slender wild oats (*Avena barbata*), ripgut (*Bromus diandrus*), false brome (*Brachypodium distachyon*), Mediterranean barley (*Hordeum murinum leporinum*), rattail fescue (*Vulpia myuros*), tocalote (*Centaurea melitensis*), summer mustard (*Hirschfeldia incana*), black mustard (*Brassica nigra*), terracina spruce (*Euphorbia terracina*), and fillaree (*Erodium botrys*). Occasional native species occur including purple needlegrass (*Stipa pulchra*), narrow leaved milkweed (*Asclepias fascicularis*), and telegraph weed (*Heterotheca grandiflora*); however, these natives comprise less than an estimated two-percent of the total cover within the Non-Native Grasslands .

Eucalyptus Trees (0.21 acres)

Approximately five mature bluegum eucalyptus trees (*Eucalyptus globulus*) occur along the northwestern boundary of the Site overlooking Pacific Coast Highway.

The blue gum eucalyptuses are generally mature and appear to be potential raptor nesting areas based on structure. The potential fitness of these trees is at least partially reduced due to their proximity to Pacific Coast Highway. No active or abandoned raptor nests were detected during the Site survey, which included checking each tree methodically for nests.

Common Wildlife

Impact Sciences reported that the mixed sage scrub and coastal sage chaparral scrub plant communities, and to a lesser extent the non-native grassland, may provide habitat for several common wildlife species known to occur in the region. However, as a consequence of previous human disturbance on the Site (i.e., disking) and adjacent land uses such as Pacific Coast Highway, Malibu Bluffs Park, and Malibu Road, the number of terrestrial wildlife species expected to occur on the Site is low. Species observed or expected are common and widespread.

Robert Gold
PCH Project Owner LLC
May 22, 2012
Page 5

Impact Science determined that due to these factors, the potential for special-status wildlife on the Site is limited. GLA concurs with Impacts Sciences' conclusions with respect to special-status wildlife on the Site.

Reptiles

Impact Sciences determined that several common reptile species also have the potential to occur on the Site. Based on our review, GLA concurs. Reptiles observed on Site during various field surveys include side-blotched lizard (*Uta stansburiana*) and western fence lizard (*Sceloporus occidentalis*). Additional common species with the potential to occur within the Site, although they were not observed during any of the field surveys conducted by Impact Sciences in 2006 and 2007 or GLA 2012, include southern alligator lizard (*Elgaria multicarinatus*), gopher snake (*Pituophis melanoleucus*), common kingsnake (*Lampropeltis getulus*), and southern Pacific rattlesnake (*Crotalus viridis helleri*).

Mammals

Impact Sciences determined that only a limited number of common mammals are likely to occur on or in the vicinity of the Site, due to its disturbed condition and due to adjacent land uses. Common mammals either directly observed or for which diagnostic sign was detected during surveys of the Site include California ground squirrel, brush rabbit (*Sylvilagus bachmani*), and coyote (scat) (*Canis latrans*). Other mammal species with the potential to occur, although they were not observed during any of the field surveys conducted by Impact Sciences in 2006 or 2007 and GLA in 2012, include Virginia opossum (*Didelphis virginiana*), common raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), long-tailed weasel (*Mustela frenata*), ornate shrew (*Sorex ornatus*), broad-footed mole (*Scapanus latimanus*), western harvest mouse (*Reithrodontomys megalotis*), deer mouse (*Peromyscus maniculatus*), California mouse (*Peromyscus californicus*), brush mouse (*Peromyscus boylii*), and California vole (*Microtus californicus*). Non-native mammal species including house mouse (*Mus musculus*), Norway rat (*Rattus norvegicus*), and black rat (*R. rattus*) also may occur on Project Site. None of these are special-status species. GLA concurs with Impact Sciences' conclusion with respect to mammals on the Site.

Birds

The Site has the potential to provide foraging, roosting, and nesting habitat for a variety of common native bird species such as European starling (*Sturnus vulgaris*), house finch (*Carpodacus mexicanus*), rock pigeon (*Columbia livia*), mourning dove (*Zenaida macroura*), northern mockingbird (*Mimus polyglottos*), western scrub-jay (*Aphelocoma californica*), Anna's hummingbird (*Calypte anna*), American crow (*Corvus brachyrhynchos*), bushtit (*Psaltriparus*

Robert Gold
PCH Project Owner LLC
May 22, 2012
Page 6

minimus), California towhee (*Pipilo crissalis*) and lesser goldfinch (*Carduelis psaltria*). Impact Science determined that all of these are common and there is no habitat on the Site for special-status species and very limited potential for occurrence of any special-status avifauna and GLA concurs.

Special-Status Biological Resources

Special-status biological resources are separated into plants and animals as addressed below.

Special-Status Plants

Impact Sciences and/or GLA identified the following plant species that have potential to occur based on historic occurrences in the vicinity and based upon habitat characteristics: Braunton's milk-vetch (*Astragalus brauntonii*), Catalina mariposa lily (*Calochortus catalinae*), Plummer's mariposa lily (*Calochortus plummerae*), Parry's spineflower (*Chorizanthe parryi* var. *parryi*), Dune larkspur (*Belphinium parryi* ssp. *blochmaniae*), Southern California walnut (*Juglans californica*), and chaparral nolina (*Nolina cismontana*).

Two special-status plants have been detected on the Site: Catalina mariposa lily and the Southern California black walnut (both are CNPS List 4 species). Both of these species occur within areas of scrub habitat that are outside of the Project's grading and will be avoided.

Special-Status Wildlife

Impact Sciences identified the following species that have potential to occur on the Site based on historic occurrences in the vicinity and based upon habitat characteristics: Monarch butterfly (*Danaus plexippus*), California mountain kingsnake (*Lampropeltis zonata pulchra*), coast horned lizard (*Phrynosoma coronatum blainvilli*), coast patch-nosed snake (*Salvadora hexalepis virgultea*), Bell's sage sparrow (*Amphispiza belli belli*), and San Diego desert woodrat (*Neotoma lepida intermedia*). (The Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*) was also identified; however, subsequent to the date of the Biological Resource Study this species was removed from the list of Special Concern species in California).

Impact Science determined that the Monarch butterfly has no potential to occur on the Site while the remaining special-status wildlife species identified to have potential to occur on the Site were determined to have low potential to occur on the Site. GLA generally concurs with Impact Sciences conclusion. However, we believe that there is no potential for Bell's sage sparrow due to the lack of large areas of contiguous sage scrub or chaparral on the Site and GLA believes there is no potential for the coast horned lizard due to the lack of suitable sandy soils on the Site.

Robert Gold
PCH Project Owner LLC
May 22, 2012
Page 7

Protected Trees

Impact Sciences identified six individual California black walnuts on the Site that would be subject to the City's native tree protection ordinance. All of the walnuts occur in areas that will not be impacted by the Project as depicted on Figure 9 of the *Biological Resources Study*.

Jurisdictional Resources

The City of Malibu GIS Database depicts no streams within the Site. There are two erosion channels located on the Site; however, there is no resource dependent riparian vegetation present and only elements of the coastal sage chaparral scrub community are present on the Site. The proposed area of development for the Project would not disturb or impact either of these channels. Moreover, an approximately 100-foot buffer would be incorporated between the developed portions of the Site and these two on-site erosion features (See Figure 2 of the *Biological Resources Study*). No wetlands relating to Section 4.4.3 of the Malibu LIP (page 126) occur on the Site. In addition, GLA's Jurisdictional Report concluded that the Site did not contain streams that would be subject to the jurisdiction of US Army Corps of Engineers, California Department of Fish and Game or the California Coastal Commission. Runoff generated from the Site would be diverted into a water quality treatment system, to be constructed as part of the Project, prior to discharge from the Site. Some runoff will be directed north to Pacific Coast Highway.

The Pacific Ocean to the south of the Site is traditional navigable water and is regulated by the U.S. Army Corps of Engineer and the California Coastal Commission. Runoff generated from the Site will be diverted, in compliance with the National Pollutant Discharge Elimination System (NPDES) requirements, into water quality treatment system to be constructed as part of the Project prior to discharge from the Site. Currently the storm water runoff is untreated prior to discharge from the Site.

Wildlife Movement Corridors

Impact Sciences determined that the Site does not provide a corridor for wildlife movement to and from adjacent sites, because the Site occurs in an area with residential development and the following additional constraints: the "Pacific Ocean to the south, PCH to the north, with Winter Mesa Drive and Malibu Bluffs Park to the west, the vacant tow yard facility to the east, a Malibu retail center further to the east and the Pepperdine University campus to the northwest across Pacific Coast Highway." Impact Sciences further determined "that potential wildlife movement to or from the remnant open space west of Malibu Bluffs Park and south of PCH would occur through Puerco Canyon to the northwest" and that "core wildlife habitat areas exist to the north of PCH and the band of urban development that parallels the highway through most of the City

Robert Gold
PCH Project Owner LLC
May 22, 2012
Page 8

of Malibu.” As such, it was determined by Impact Sciences, and GLA concurs, that migration or movement of mammalian species to and from large open space areas in the Project region is not expected to occur through the Site and no sign of the Site being used as a corridor was observed at the time of either the 2006, 2007, or 2012 surveys.

Coastal Biological Resources

The City of Malibu’s Local Coastal Program LIP GIS database does not depict any environmentally sensitive habitat area (ESHA) on the Site. The Site does not support any biological resources that can be considered to be rare, especially valuable, and easily disturbed or degraded by human activities or the proposed development of the Site. As observed by Impact Sciences and confirmed by GLA, the southern, southwestern, eastern and northern boundaries of the Site contain native plant communities; however, no special-status species covered by the Malibu LIP were observed on the Site. The Catalina mariposa lilies located near the eastern boundary are CNPS List 4, as is the Southern California black walnut, both of which are located in areas that will not be affected by Project grading.

The City of Malibu’s Local Coastal Program LIP GIS database depicts ESHA to the southwest of the Site. This ESHA is identified in the City’s LCP on “ESHA Overlay Map: 3, Dan Blocker to Malibu Pier”. The proposed Project would have no direct impacts on this identified ESHA and the development footprint has been designed to be approximately 200 feet from the off-site designated ESHA.

POTENTIAL IMPACTS

Impacts to Habitats and Plant Communities

Impacts to habitats and plant communities are set forth below.

Mixed Sage Scrub

As noted, the mixed sage scrub is limited to the north-facing slope overlooking Pacific Coast Highway and represents an isolated fragment of scrub covering 1.35 acres. Approximately 0.52 acre of the 1.35 acres would be affected by the Project. Impact Sciences did not find this impact to be significant. Given the fragmented character of this habitat and its proximity to Pacific Coast Highway, which reduces the overall habitat value of this linear patch of scrub, the loss of 0.52 acre would not be considered significant. GLA concurs that the loss of 0.52 acres would not be significant.

Coastal Sage Chaparral Scrub

Because this plant community is located on the slopes of the erosional features/ravines and at the southeast corner of the Site, impacts are limited to only 0.43 acre of the 7.75 acres present on site (or about six percent). Impact Sciences did not find this impact to be significant, presumably due to the limited area of impact totaling 0.43 acre of coastal sage chaparral scrub. GLA concurs that this limited impact would not be considered significant.

Eucalyptus Trees

While Eucalyptus trees are considered non-native invasive species, they can support nesting raptors. Nevertheless, there is no evidence of active or prior raptor nesting on the Site during the 2006, 2007 and 2012 surveys. The Project would impact 0.12 acre of the 0.21 acre of eucalyptus on the Site. This impact would not be considered significant.

Non-Native Grassland

The Project will impact 11.76 of the 14.56 acres of non-native grassland. The non-native grassland does not support any special-status species and consists almost entirely of non-native species. Impacts to the non-native grassland would not be considered significant.

Special-Status Biological Resources

Based on surveys in 2006, 2007 and 2012, the Project will not impact any special-status plants or animals. Impact Sciences determined that there is very limited potential for Braunton's milk-vetch to occur on the Site and that should it occur, such impacts would be considered to be significant. GLA did not observe Braunton's milk vetch during its 2012 Site survey and does not believe that there is any potential for this species to occur due to the disturbed character of the site. Nevertheless, in an abundance of caution, with mitigation measure MM-1 the potential for such impacts would be reduced to less than significant.

No other significant impacts, associated with the Project were identified by Impact Sciences, with the exception of potential impacts to nesting birds if occupied vegetation is removed during the breeding season. With the proposed mitigation measures MM-5 and MM-6, any potential impacts to nesting birds would be reduced to less than significant.

While the southern California black walnut trees mapped by Impact Sciences will not be impacted by the Project, in order to ensure the long-term health and persistence of these trees a management plan will be prepared.

Robert Gold
PCH Project Owner LLC
May 22, 2012
Page 10

Cumulative Impacts

Impact Sciences determined that the Project would not result in significant cumulative impacts on biological resources. Based on GLA's review of the Site, we concur that the Project would not result in significant cumulative impacts to biological resources.

PROPOSED MITIGATION MEASURES

GLA has reviewed the Mitigation Measures MM-1 through MM-6 in the Biological Resource Study and concurs that with implementation of these measures any potential impacts associated with the Project would be reduced to less than significant.

CONCLUSION

GLA has determined that conditions on the Site have not changed and the description of the biological resources provided by Impact Sciences in their Biological Resources Study remains accurate and the analysis of potential impacts is also accurate. With implementation of the proposed mitigation measures set forth by Impact Sciences, the Project would not result in significant impacts to biological resources.

If you have any questions regarding the findings set forth in this report, please contact me at (949) 837-0404 ext. 41.

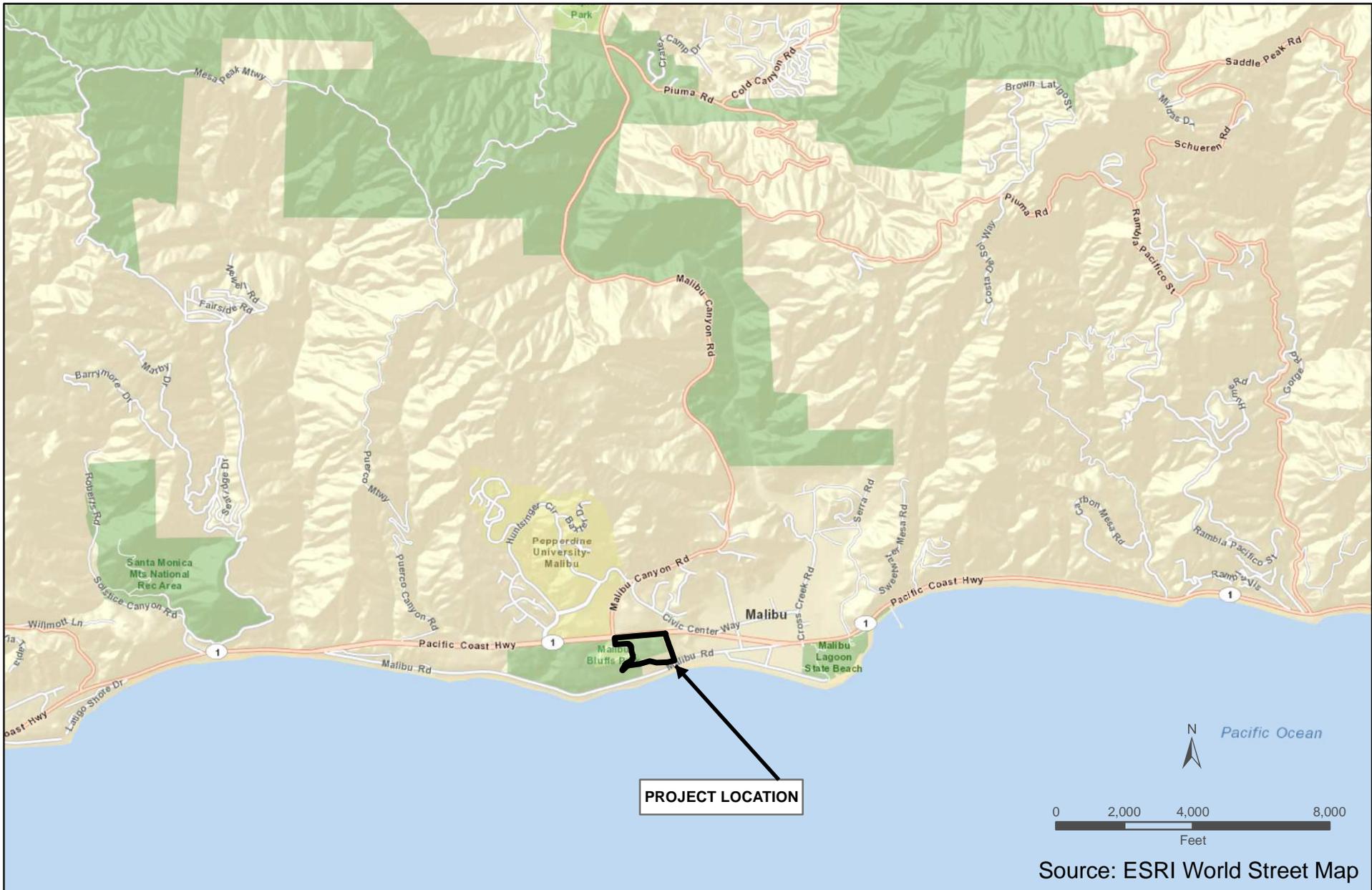
Sincerely,

GLENN LUKOS ASSOCIATES, INC.



Tony Bomkamp
Senior Biologist

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CRUMMER PROJECT
 Project Location Map

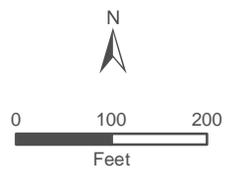
GLENN LUKOS ASSOCIATES



Exhibit 1



CRUMMER PROJECT
Aerial Photo



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Exhibit 2

