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Subject: Updated Biological Inventory Report for the Rancho Malibu Religious Memorial Project, 4000 Malibu Canyon Road, City of Malibu, California

This letter report updates the previous findings of the Biological Inventory Report (BIR) for the Rancho Malibu Religious Memorial Project due to a change in the project scope and grading plan. An Environmental Impact Report (EIR) was first prepared for this site (CBA, 1997) and certified by the City of Malibu City Council (March 23, 1998) along with conditions of approval contained in Conditional Use Permit No. 96-005. A BIR was prepared for the project site by Rincon Consultants, Inc. (Rincon) in May 2007 for plans to build a 146 room luxury hotel. An updated report was prepared in September 2011 (Rincon) as part of a Coastal Development Permit (CDP) application and Site Plan Review. In February of 2012, Rincon conducted a native tree assessment. In 2011 a reconnaissance survey and BIR update was prepared by Rincon to support the applicant's plans to change the project from the development of a luxury hotel to a religious memorial and cemetery. This BIR (October 2015) documents the changes in potential impacts to special-status biological resources as they relate to the revised scope and grading plan for the proposed religious memorial and cemetery.

PROJECT LOCATION AND DESCRIPTION

The project site is located in the central portion of the City of Malibu, immediately north of Pacific Coast Highway between Malibu Canyon Road and Civic Center Way at 4000 Malibu Canyon Road. The site is depicted on the *Malibu Beach, California, United States Geological Survey (USGS) topographic map*. It is located on Assessor's Parcel Numbers 4458-028-019, 4458-028-015, and 4458-030-007 within the County of Los Angeles. The project site is bounded by two or four lane roads on all sides. Land use includes the Santa Monica Mountains National Recreational Areas (SMMNRA) to the north and south, separated by the aforementioned roadways. The SMMNRA lands to the north of the site consist of coastal sage scrub. The SMMNRA lands to the south of the site include disced fields, a recreational field area, and scattered development to the far south. Pepperdine University is to the west of the project site, and residential areas to the east.



According to the project description provided by Green Acres dated November 17th, 2015, the project site will be redeveloped into the Malibu Memorial Park and Chapel, comprised of approximately 21.0 acres of a 27.8 acre property. The unstable slope areas along the perimeter of the site comprise the remaining 7 acres of the parcel that Green Acres has elected not to develop. The proposed Memorial Park project contains approximately 17,500 gross square feet of floor area ratio development and will include the construction of a 8,500 square-foot Main Chapel facility, 8,500 square-foot subterranean parking basement (19 parking spaces), 48 free-standing Mausoleum structures totaling approximately 9,000 square-foot (approximately 186 square-foot/each), approximately 30,600 plot spaces will allow for various crypt configurations, cremation and fractional burial options, as well as surface parking for 132 guest vehicles along the entry drive and Chapel ring.

METHODOLOGY

The biological inventory for the project site included a review of relevant literature available for the site. Rincon first reviewed the previously prepared biological and environmental impact reports (Rancho Malibu Hotel Project EIR), and site specific biological reports, to assess earlier habitat conditions and determine additional survey requirements, if necessary. To ensure consistency with the requirements set forth by the City of Malibu Local Coastal Program (LCP) Land Use Plan, adopted by the California Coastal Commission (CCC) in 2002, geographic information systems (GIS) software was used to review the City's updated data layers to check locations of Environmentally Sensitive Habitat Area (ESHA) and other sensitive biological resources or planning areas. In addition, the California Department of Fish and Wildlife (CDFW) California Natural Diversity Data Base (CNDDB) RareFind5 (October 6, 2015, expires April 6, 2016) and the California Native Plant Society's (CNPS) Electronic Inventory (CNPS 2014) were reviewed for recently tracked occurrences of special-status species or other special-status biological resources within 5 miles of the project site. Site plans provided by the client, aerial photographs, and topographic maps were also examined.

A native tree assessment was conducted at the site on February 16, 2012 by Rincon biologist Stephanie Lopez (certified arborist) and senior botanist Cher Batchelor, under the direction of certified arborist Julie Broughton. During the site visit all trees were identified to the lowest taxonomic level possible. For each tree assessed, tree height, canopy width and trunk diameter at breast height (DBH, four and one-half feet above natural grade) was determined. Tree height and canopy width was visually estimated and DBH was measured using a Forestry Suppliers English unit diameter tape and/or tree calipers. GPS data points were collected for native trees using a Trimble GeoXT unit with sub-meter accuracy.

A field reconnaissance survey was conducted in October 2014 to document existing site conditions and the potential presence of sensitive biological resources, including sensitive plant and wildlife species, sensitive plant communities, jurisdictional waters and wetlands, and habitat for nesting birds. Rincon biologist, Leslie Yen conducted the site visit on October 3, 2014 between 1300 and 1330 hours. Average weather conditions during the survey included temperatures of approximately 87 degrees Fahrenheit, winds of 1 to 3 miles per



hour, and clear skies (<5% cloud cover). The project site was accessed directly from Malibu Canyon Road. The survey area consists of the area within the proposed limits of work. The field biologist surveyed the project site on foot and recorded the biological resources present on site such as plant and wildlife species. Where portions of the survey area were inaccessible on foot (e.g., fenced-off development), these areas were visually inspected with binoculars (10 x 42).

The potential presence of sensitive species is based on a literature review and field survey designed to assess habitat suitability only. Definitive surveys to confirm the presence or absence of special-status species were not performed. Definitive surveys for sensitive plant and wildlife species generally require specific survey protocols and extensive field survey time, and are conducted only at certain times of the year.

A reconnaissance survey was not performed in 2015 in support of this project revision because the site has remained in similar condition since the original project proposal in 1997, and all design modifications are within the 2014 survey area. The findings and opinions conveyed in this report are based on this methodology.

ENVIRONMENTAL CONDITIONS

Most of the project site consists of a bluff top with sloping sides towards the public road ways. The top of the site contains drivable dirt roads as the site was formerly used as a nursery. No structures remain on the property, but vagrant activity is evident.

Vegetation Communities

The property vegetation is generally comprised of coastal sage scrub and native grasslands, but also contains many non-native nursery trees and shrubs and patches of ruderal grassland. Much of the central portions of the property are open and disturbed; however, the majority of the landscape is succeeding to coastal sage scrub habitat, and the general landscape provides cover and habitat for a variety of common native birds, reptiles, and small mammals.

Per the 1997 EIR, the site contained approximately 8 acres of undisturbed coastal sage scrub along the northern bluff, 18 acres of recovering coastal scrub mixed with landscaping plants on the bluff top, and about 1.8 acres dominated by landscaping and ornamental plants.

Based on field reconnaissance surveys, the plant communities are similar to that in 1997 except for the continued succession of coastal sage scrub into the abandoned nursery area and the establishment of a native saltgrass-fasciculed tarplant grassland. Currently, the site vegetation is comprised of five general plant communities. These plant communities are mapped on Figure 1, represented in Figure 2, and discussed in the bullets below:

- ***Dense, Intact Coastal Sage Scrub.*** The lower, north-facing slope (bluff face) in the northeastern portion of the site contains dense, intact coastal sage scrub. The established coastal sage scrub is dominated by laurel sumac (*Malosma laurina*). Associate species of the intact coastal sage scrub onsite include California sagebrush (*Artemisia californica*),



- coyote brush (*Baccharis pilularis*), southern California black walnut (*Juglans californica* var. *californica*), coast ash buckwheat (*Eriogonum cinereum*), white sage (*Salvia apiana*), purple sage (*Salvia leucophylla*), and sawtooth goldenbush (*Hazardia squarrosa*). The openings of this area contain Foothill Needlegrass Patches discussed below.
- **Foothill Needlegrass Patches.** The foothill needlegrass patches observed onsite are located along the top of the north-facing slope between the abandoned nursery and the intact coastal sage scrub. These patches are dominated by *Stipa lepida* (foothill needlegrass), and associate species includes cudweed aster (*Lessingia filaginifolia*), soap plant (*Chlorogalum pomeridianum* var. *pomeridianum*), and small-flowered melicgrass (*Melica imperfecta*), with elements of coastal sage scrub mixed in at lesser levels. One patch was approximately 11,300 square feet and a larger patch was approximately 14,700 square feet. These patches are approximately 200 feet away from each other. The two patches together would be approximately 0.6 acres.
 - **Successional Coastal Sage Scrub with Ornamentals.** The majority of the project site is comprised of remnant and successional coastal sage scrub with abandoned/escaped nursery/ornamental plantings. The successional coastal sage scrub onsite is less dense and more disturbed than that on the north-facing bluff, and is also dominated by laurel sumac. The associate species in this portion of the site include those mentioned above for the intact coastal sage scrub, but this area also includes a significant number of species such as myoporum (*Myoporum laetum*), Mexican fan palm (*Washingtonia robusta*), European olive (*Olea europia*), Tasmanian blue gum (*Eucalyptus globulus*), Brazilian pepper tree (*Schinus terebenthifolius*), and fountain grass (*Pennisetum setaceum*). The understory contains species such as red brome (*Bromus madritensis* ssp. *rubens*), soft chess (*Bromus hordeaceus*), sweet fennel (*Foeniculum vulgare*), black mustard (*Brassica nigra*), and summer mustard (*Hirschfeldia incana*). Five coast live oaks (*Quercus agrifolia*) were found onsite, and all were on the flat, former nursery section of the site. The openings of this area contain saltgrass-fasciculed tarplant fields discussed below.
 - **Saltgrass-Fasciculed Tarplant Fields.** Open field areas dominated by two native species, the perennial, alkaline saltgrass (*Distichlis spicata*) and fasciculed tarplant (*Deinandra fasciculata*), were observed in several large openings of the abandoned nursery. Other associate species include western ragweed (*Ambrosia psilostachya* var. *californica*), scarlet pimpernel (*Anagallis arvensis*), southwestern carrot (*Daucus pusillus*), cudweed aster, green everlasting (*Pseudognaphalium californicum*), deerweed (*Lotus scoparius*), coast prickly-pear (*Opuntia litorallis*), and annual grasses. The patches range in size from 2,000 – 19,700 square feet and total about 1.8 acres.
 - **Disturbed/Ruderal.** The site also contains several open dirt areas with sparse ruderal vegetation, in particular an approximate 0.5 acre area at the northern tip of the project site. Species observed here include horsetail (*Conyza canadensis*), summer mustard (*Hirschfeldia incana*), tree tobacco (*Nicotiana glauca*), and annual grasses.

Special-Status Plant Species

Per the 2014 BIR, two California Native Plant Society (CNPS) List 4 species were observed onsite: Plummer's baccharis (*Baccharis plummerae* var. *plummerae*) and southern California



black walnut (*Juglans californica* var. *californica*). Both species are on the Watch List as “limited in distribution” in California. A complete list of all plant species observed onsite is attached.

General Wildlife

The project site provides habitat for wildlife species that commonly occur within urban and rural areas of Los Angeles County. Common, non-special status, species observed on site during the 2007, 2011, and 2014 surveys included western fence lizard (*Sceloporus occidentalis*), California side-blotched lizard (*Uta stansburiana*), Botta’s pocket gopher (*Thomomys bottae*), Audubon’s cottontail (*Sylvilagus audubonii*), California ground squirrel (*Spermophilus beecheyi*), and coyote (*Canis latrans*). Common avian species observed included, red-shouldered hawk (*Buteo lineatus*), American kestrel (*Falco sparverius*), greater roadrunner (*Geococcyx californianus*), mourning dove (*Zenaida macroura*), California towhee (*Melospiza crissalis*), American crow (*Corvus brachyrhynchos*), house finch (*Carpodacus mexicanus*), wrenit (*Chamaea fasciata*), and Anna’s hummingbird (*Calypte anna*). No special-status wildlife species, nesting birds or raptors, were observed onsite.

Other common wildlife species that might be expected to frequent the area based on available habitats would include western rattlesnake (*Crotalus viridis*), gopher snake (*Pituophis catenifer*), American goldfinch (*Carduelis tristis*), red-tailed hawk (*Buteo jamaicensis*), California quail (*Callipepla californica*), western scrub-jay (*Aphelocoma californica*), American crow (*Corvus brachyrhynchos*), house sparrow (*Passer domesticus*), common bushtit (*Psaltriparus minimus*), American kestrel (*Falco sparverius*), turkey vulture (*Cathartes aura*), pacific-slope flycatcher (*Empidonax difficilis*), western bluebird (*Sialia mexicana*), yellow-rumped warbler (*Dendroica coronata*), black phoebe (*Sayornis nigricans*), big-eared woodrat (*Neotoma macrotis*), brush rabbit (*Sylvilagus bachmani*), and mule deer (*Odocoileus hemionus*).

Native Trees

Per the native tree protection ordinance, native oak (*Quercus* spp.), California walnut (*Juglans californica*), western Sycamore (*Platanus racemosa*), alder (*Alnus rhombifolia*), and toyon (*Heteromeles arbutifolia*) trees, with at least one trunk measuring six inches or more in diameter, or a combination of any two trunks measuring a total of eight inches or more in diameter, measured at four and one-half feet above natural grade are protected and require a tree protection plan (City of Malibu, 2002). During the tree assessment conducted in 2012 (Rincon 2012), the project site did not contain any native trees that meet the City’s requirements for protection.

SENSITIVE BIOLOGICAL RESOURCES

In response to legislative mandates, regulatory authorities have defined sensitive biological resources as those specific organisms that have regionally declining populations such that they may become extinct if declining population trends continue. Habitats are also considered sensitive biological resources if they have limited distributions, have high wildlife value, include sensitive species, or are particularly susceptible to disturbance. Two communities of special concern identified by the CNDDDB occur within the vicinity of the project area: Southern Coastal Salt Marsh and Valley Oak Woodland. Neither of the



communities identified as special concern by CNDDDB or CDFW is present within the project area.

Several resource studies have been prepared that address the general biological resource values within the Project site and general vicinity. These studies include the Malibu Parks Public Access Enhancement Plan (MPPAEP) Environmental Impact Report (EIR) (Dudek, 2010), Revised Biological Inventory Report for the Rancho Malibu Resort Project (Rincon Consultants Inc, 2011), Revised Biological Inventory Report for the Rancho Malibu Religious Memorial Project (Rincon 2014), and the South Coast Missing Linkages Project Santa Monica-Sierra Madre Connection (South Coast Wildlands, 2006).

The project design was revised again in October 2015 to exclude work in sensitive habitat areas, reducing the overall project footprint from 27.8 acres to 21 acres, resulting in an overall reduction in potential impacts to special-status biological resources.

Special-Status Vegetation Communities

CNDDDB tracks three sensitive habitat types in the vicinity: Southern coast live oak riparian forest, southern coastal salt marsh, and valley oak woodland. None of these habitats exist onsite. The coastal sage scrub on the northern bluff was considered sensitive by the City of Malibu per the 1997 EIR as it was relatively undisturbed habitat. This habitat is identified on Figure 1 as “Dense, Intact Coastal Sage Scrub.” New project plans also show that portions of the coastal sage scrub on the unstable slopes along the northeast and eastern sides will be avoided, minimizing impacts to this habitat community.

Special-Status Plant Species

In addition to the two special-status plant species observed onsite (Plummer’s baccharis and southern California black walnut); CNDDDB tracks 15 special-status plant species within five miles of the project site. Suitable habitat exists onsite for 7 of the 15 tracked plant species, including Coulter’s saltbush (*Atriplex coulteri*), Davidson’s saltscale (*Atriplex serenana* var. *davidsonii*), Malibu Baccharis (*Baccharis malibuensis*), Santa Susana tarplant (*Deinandra minthornii*), Blochman’s dudleya (*Dudleya blochmaniae* ssp. *Blochmaniae*), and Santa Monica dudleya (*Dudleya cymosa* ssp. *ovatifolia*). None of the CNDDDB special-status plant species were observed during the 2007, 2011, or the 2014 reconnaissance surveys; however, a moderate potential exists for these species to occur onsite in the intact coastal sage scrub area. While two locally important plant species were observed onsite, the presence of these species alone does not qualify the onsite habitat to be ESHA since the species are not considered to be especially valuable as they lack special nature and specific roles in the onsite ecosystem. They also are not either List 1 or 2 plants, which are considered worthy of rarity status as noted in the Malibu LCP Land Use Plan Policy 3.4.d. The complete CNDDDB report for the area within 5 miles of the project site is attached.

Special-Status Wildlife Species

CNDDDB also tracks 13 special-status wildlife species within five miles of the project site. Suitable habitat for 3 of the 13 special-status wildlife species tracked by CNDDDB occurs



within the project site, including coastal whiptail (*Aspidoscelis tigris stejnegeri*), Bryant's [San Diego desert] woodrat (*Neotoma bryanti* [*N. lepida intermedia*]), and coast horned lizard (*Phrynosoma blainvillii*). None of these special-status species were observed during the 2007, 2011, or the 2014 reconnaissance surveys; however, a moderate potential exists for these species to occur onsite in the intact coastal sage scrub. An additional special-status species discussion with respect to ESHA designation is discussed below.

Potentially sensitive wildlife that could use the isolated coastal sage scrub habitat on site includes the loggerhead shrike (*Lanius ludovicianus*, a California species of special concern while nesting) that could potentially use the site for nesting. However, these birds were not observed on site during the May 2007 breeding season. The coastal western whiptail (*Aspidoscelis tigris stejnegeri*), a California species of special concern, require an area of at least 0.25 acre to establish home ranges; therefore, this species could also potentially use the fragmented coastal sage scrub area onsite. However, isolated habitats tend to lose rare species over time through changes in the local environment that create conditions that are no longer conducive to their existence. In addition, the fire that occurred in 2007 could have extirpated many of the rare species if they were previously present on site. If locally extirpated, the chance of re-colonization of coastal western whiptails is substantially decreased due to habitat isolation. The San Diego woodrat could also potentially utilize the habitat that exists on site; however, during the most recent survey, no woodrat middens were observed within the project area. Lastly, the coast horned lizard was historically found along the Pacific coast, but the range has now been severely fragmented. This species more often occurs in chaparral with open areas. Furthermore, the coast horned lizard requires loose friable soils to burrow beneath and native any populations as a food source. It is likely that most ant species that occur on site are non-native due to the former site use as a nursery of ornamental species. The amount of suitable habitat present is limited and consequentially, any population of sensitive wildlife would also be limited. The nearest connection from the northern edge of the property to intact sage scrub habitat is more than 350 feet to a steep hillside north of the intersection of Malibu Canyon Road and Civic Center Way. The lack of cover and suitable habitat over this distance significantly limits the movement of animals from lower trophic levels (most invertebrates, amphibians, reptiles, and small mammals). Furthermore, according to updated project plans, most of the intact sage scrub habitat where these species are most likely to occur will be avoided.

Native Trees

The tree assessment conducted in 2012 determined that the project site does not contain native trees that meet the City's requirements for protection. Native trees were observed on site; however, none met the size criteria for protection or were within the project disturbance boundaries. A single oak tree meeting the size criteria was observed on site, but was identified as a cork oak (*Quercus suber*) that is native to southwestern Europe and northern Africa (Bringham, 2005). Three native qualifying California walnuts were observed to the east and outside the project boundary.



Nesting Birds

Coastal sage scrub and large trees could be attractive for nesting birds protected under the California Fish and Game Code. Although accessible trees and shrubs throughout the property were examined with binoculars and no active nests were observed, birds are expected to nest within the habitats and trees onsite generally between February 15 and August 15.

Jurisdictional Drainages

No riparian/riverine habitat, vernal pools, or potential vernal pools occur within the project site. In addition, the soils onsite are considered well-drained and are unlikely to form vernal pools. A potential drainage does exist north of the project site (USFWS National Wetlands Inventory website <http://www.fws.gov/wetlands/>, 2006), on the opposite side of Civic Center Way. The drainage crosses Civic Center Way outside the north east corner of the project site and continues into an adjacent property, immediately below the bluffs on the eastern side of the project site, and turns into Winter Canyon southwest of the project site. Current project plans do not anticipate modification of the drainage or canyon. No riparian or wetland habitats occur on site that would qualify as ESHA.

Critical Habitat

No critical habitat is mapped onsite and the project would not affect any federal designated critical habitat. The closest mapped federal designated critical habitat from the project site is for tidewater goby (*Eucyclogobius newberryi*), which is approximately 0.85 mile east of the project site in Malibu Canyon Creek.

ESHA

According to the City of Malibu LCP ESHA Overlay Map 3: *Dan Blocker to Malibu Pier* (Malibu LCP), the property is not within any currently mapped ESHA. However, unmapped coastal sage scrub or native grassland patches could be defined as an ESHA if these areas would need to meet the following definition:

“...any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.” Malibu LCP LIP, page 10.

Further instruction regarding the ESHA designation is provided on page 48 of the Malibu LCP Land Use Plan (Land Use Plan Policy 3.1):

“... unless there is site-specific evidence that establishes that a habitat area is not especially valuable because of its special nature or role in the ecosystem...”

The 2010 MPPAEP EIR does not list the Project site as an important habitat linkage. The 2011 BIR prepared for the Project site specifically addresses the connectivity potential of the site and concludes the site does not have high habitat function nor habitat connectivity. Lastly, results of the 2006 Wildlands Study indicate that the Project site in its current condition is a constriction point for the focal species examined in the 2006



Wildlands Study. Constriction points are areas where habitats have been narrowed by surrounding development and can prevent organisms from moving through. The 2006 Wildlands Study indicates that the Malibu Bluffs and the Project site provide patch size or less than a patch size habitat for numerous species (mountain lion, mule deer, loggerhead shrike, and California thrasher). Thus, the Project site currently functions as an isolated habitat and would not be considered especially valuable. Due to the high road density within the Project area, the Project site as it exists is already functionally isolated from the Santa Monica Mountains. Further, PCH also serves to isolate the site from the Malibu Bluffs to the south for most of the lower trophic levels. The discussions below further supports that this project does not qualify as an ESHA.

The coastal sage scrub habitat within the project site, identified in Figure 1 as “Successional Coastal Sage Scrub with Ornamentals” would not qualify as ESHA since this area lacks connectivity to other nearby large native habitat blocks. Native grassland patches have developed within the former nursery area. These patches are relatively small, with no single patch greater than 0.5 acres, and are isolated from other known ESHA grasslands in the area to the west, and do not contain rare plant species. They do not appear to be “especially valuable because of its special nature or role in the ecosystem” given that the onsite ecosystem is a former nursery within which native vegetation is mixed extensively with well-established non-native horticultural species.

MITIGATION RECOMMENDATIONS

Although no ESHA occurs on site, several measures are recommended herein to avoid and minimize potential impacts to biological resources.

Special-Status Vegetation Communities

Although the coastal sage scrub habitat onsite does not necessarily qualify as ESHA, this habitat is still considered sensitive by the City of Malibu. Rincon concurs, as the habitat is located within the coastal zone within the Santa Monica Mountains and provides suitable habitat for local wildlife species. Any potential impacts to the intact coastal sage scrub may be required to be mitigated to compensate for the loss of coastal habitat. Similarly, while the foothill needlegrass and saltgrass- fasciculed tarplant grassland patches does not appear to qualify as ESHA, they nonetheless could still be considered sensitive by the City of Malibu and mitigation required.

Special-Status Plant Species

Due to the occurrence of two locally important plant species and the potential for other special-status plant species to occur, the following measure is recommended to minimize and avoid impacts to special status plant species:

- Prior to vegetation clearing/ground disturbance, seasonal rare plant surveys are recommended to be conducted by a qualified botanist. Surveys should be conducted during the blooming periods of special-status species with the potential to occur on site (typically up to 3 surveys between March and July). Rare plant surveys should be conducted in accordance with CNPS and CDFG protocol.



- If rare plant species (CNPS List 1 or 2) are discovered, then a recovery and revegetation plan shall be implemented in the event that they cannot be avoided by site design. Alternatively, in lieu fees for conserved habitat in the Santa Monica Mountains suitable for the species found may be provided at a mitigation ratio of 5:1 for the onsite occupied habitat.

Special-Status Wildlife Species

Due to the potential for special-status wildlife species, such as coastal whiptail, coast horned lizard, and San Diego woodrat, to occur onsite, the following measure is recommended to minimize and avoid impacts to special-status wildlife species:

- Prior to ground disturbance, a qualified biologist should conduct wildlife clearance surveys for animals within the proposed areas of disturbance. The biologist should also be present during initial ground disturbance activities and until clearance has been completed. If woodrat middens are located within the construction footprint to be disturbed, the middens and any associated nests will be carefully dismantled allowing the woodrats to leave on their own. The midden materials will be relocated to suitable undisturbed habitat so that they may be reused by woodrats. If coast horned lizards, coastal whiptails, or other special status animal species are present within the disturbance area, the biologist will relocate them to suitable habitat away from the edge of the construction footprint. CDFG and City should be notified and consulted regarding the presence of a special-status wildlife species onsite. If a federally listed species is found prior to grading of the site, the USFWS shall also be notified to determine whether an Endangered Species Act Section 10 Habitat Conservation Plan is necessary to proceed.

Native Trees

If native trees that would qualify for protection under the Malibu LCP Native Tree Protection Ordinance are present on site, impacts or removal of qualifying trees would need to be carried out in accordance with the Malibu LCP Native Tree Protection Ordinance.

Nesting Birds

The following measure is recommended to maintain compliance with the California Fish and Game Code with respect to nesting birds:

- If initial clearing activities take place between February 15 and August 15, nesting bird surveys are recommended to be performed by a qualified biologist/ornithologist with results reported subsequently to the City of Malibu prior to grading and clearing. If nesting birds are found, a City-approved construction buffer of at least 200' may be required until all young are no longer dependent on the nest.

Jurisdictional Drainages

Should project plans change or anticipate any impacts to the drainage adjacent to the project site, a jurisdictional delineation survey is recommended, and consultation and potential



permits from CDFG, U.S. Army Corps of Engineers (USACE), or Los Angeles Regional Water Quality Control Board (RWQCB) could be required.

LIMITATIONS

This document was prepared for use solely and exclusively by Green Acres, LLC, care of Jake Jesson, Assistant Project Manager. Mr. Jesson has requested this assessment on behalf of Green Acres, LLC, who may use it to provide information to satisfy regulatory agency requirements. No other use or disclosure is intended or authorized by Rincon, nor shall this report be relied upon or transferred to any other party without the express written consent of Rincon Consultants. 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 findings and opinions conveyed in this report are based on a suitability analysis level only and did not include definitive surveys for the presence or absence of the special-status 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. The findings and opinions conveyed in this report are based on this methodology. It is understood that Rincon is to be held harmless for any inverse condemnation or devaluation of said property that may result if Rincon’s report or information generated during our performance of services is used for other purposes.



Thank you for the opportunity to assist you with this project. If you have any questions regarding this biological inventory report, please contact us at 805/644-4455.

Sincerely,
RINCON CONSULTANTS, INC.

Leslie Yen
 Biologist

Laci Davis, MESM
 Principal Biologist

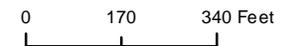
- Attachments: *Figure 1. Aerial Photograph and Vegetation Map*
Figure 2. Site Photographs
Plant Species Observed Onsite
CNDDDB RareFind5 Report (5 mile radius from project site)



Bing Maps Aerial: (c) 2010 Microsoft Corporation and its data suppliers.

Legend

- Site Boundary
- Dense, Intact Coastal Sage Scrub
- Disturbed/Ruderal
- Foothill Needlegrass Patches
- Saltgrass-Fasciculed Tarplant Fields
- Successional Coastal Sage Scrub with Ornamentals
- Location of Concrete Box
- Approximate Location of Eroded Canyon



Aerial Photograph and Vegetation Map

Figure 1



Photo 1 - View looking west from western portion of site showing disturbed portions of the site with mix of remnant/successional scrub species, ornamental trees/shrubs, and native and nonnative herbs and grasses.



Photo 2 - View looking west from middle of site showing mix of native and ornamental species.



Photo 3 - View looking south from middle of site showing field dominated by native saltgrass and fascicled tarplant.



Photo 4 - View looking southeast of ridgeline and boundary between abandoned nursery area to the south and intact coastal sage scrub to the north.

Site Photographs

Figure 2a

Project Delivery Analysts, LLC





Photo 5 - View looking northwest of north-facing slope on north/northeast portion of the site occupied by dense relatively undisturbed coastal sage scrub.



Photo 6 - View looking southeast of same north-facing slope occupied by coastal sage scrub and needlegrass grassland patches.



Photo 7 - View looking south from dirt lot/ruderal field at north tip of site showing north-facing slope with southern California black walnut specimens emergent from the coastal sage scrub (light green background).



Photo 8 - Plummer's baccharis along the north ridgeline in the middle of the site; observed in a needlegrass opening within the coastal sage scrub.

Site Photographs

Figure 2b

Project Delivery Analysts, LLC





Plant Species Observed – Rancho Malibu Resort

Scientific Name	Common Name
<i>Adenostoma fasciculatum</i>	Chamise
<i>Ambrosia psilostachya</i> var. <i>californica</i>	Western ragweed
<i>Anagallis arvensis</i>	Scarlet pimpernel
<i>Artemisia californica</i>	California sagebrush
<i>Artemisia douglasiana</i>	Mugwort
<i>Asclepias fascicularis</i>	Narrowleaf milkweed
<i>Astragalus trichopodus</i> var. <i>phoxus</i>	Antisell three-pod milkvetch
<i>Avena barbata</i>	Slender wild oat
<i>Baccharis pilularis</i>	Coyote brush
<i>Baccharis plummerae</i> var. <i>plummerae</i>	Plummer's baccharis
<i>Brassica nigra</i>	Black mustard
<i>Bromus hordeaceus</i>	Soft chess
<i>Bromus madritensis</i> ssp. <i>rubens</i>	Red brome
<i>Cardionema ramosissimum</i>	Sand mat
<i>Carpobrotus chinensis</i>	Ice plant
<i>Carpobrotus edulis</i>	Hottentot fig
<i>Centaurea melitensis</i>	Tocalote
<i>Chamaesyce albomarginata</i>	Rattlesnake spurge
<i>Chlorogalum pomeridianum</i> var. <i>pomeridianum</i>	Soap plant
<i>Conyza canadensis</i>	Horseweed
<i>Cynodon dactylon</i>	Bermuda grass
<i>Daucus pusillus</i>	Southwestern carrot
<i>Deinandra fasciculata</i>	Fascicled tarplant
<i>Distichlis spicata</i>	Saltgrass
<i>Dudleya pulverulenta</i> ssp. <i>pulverulenta</i>	Chalky live-forever
<i>Encelia californica</i>	California bush sunflower
<i>Eriogonum cinereum</i>	Ash coast buckwheat
<i>Eriogonum fasciculatum</i> var. <i>fasciculatum</i>	California buckwheat
<i>Eucalyptus globulus</i>	Tasmanian blue gum
<i>Foeniculum vulgare</i>	Sweet fennel
<i>Geranium molle</i>	Annual cranesbill
<i>Grindelia camporum</i> var. <i>bracteosum</i>	Bracted gumplant
<i>Hazardia squarrosa</i> var. <i>squarrosa</i>	Sawtooth goldenbush
<i>Helianthus annuus</i>	Common sunflower
<i>Hesperoyucca</i> [<i>Yucca</i>] <i>whipplei</i> ssp. <i>whipplei</i>	Our Lord's candle
<i>Heteromeles arbutifolia</i>	Toyon
<i>Heterotheca grandiflora</i>	Telegraph weed
<i>Hirschfeldia incana</i>	Summer mustard
<i>Juglans californica</i> var. <i>californica</i>	Southern California black walnut
<i>Lessingia filaginifolia</i> var. <i>filaginifolia</i>	California cudweed-aster
<i>Leymus condensatus</i>	Giant wildrye
<i>Lotus scoparius</i> var. <i>scoparius</i>	Deerweed
<i>Lupinus longifolius</i>	Long-leaved bush lupine
<i>Malacothrix saxatilis</i> var. <i>saxatilis</i>	Cliff-aster
<i>Malosma laurina</i>	Laurelleaf sumac



Plant Species Observed – Rancho Malibu Resort

Scientific Name	Common Name
<i>Melica imperfecta</i>	Small-flowered melicgrass
<i>Mimulus aurantiacus</i> var. <i>aurantiacus</i>	Bush monkeyflower
<i>Myoporum laetum</i>	Myoporum
<i>Nassella lepida</i>	Foothill needlegrass
<i>Nicotiana glauca</i>	Tree tobacco
<i>Olea europaea</i>	European olive
<i>Opuntia littoralis</i>	Coastal prickly pear
<i>Pennisetum setaceum</i>	Fountain grass
<i>Picris echioides</i>	Bristly ox-tongue
<i>Pinus</i> sp.	Pine
<i>Piptatherum miliaceum</i>	Smilo grass
<i>Plantago lanceolata</i>	English plantain
<i>Polypogon monspeliensis</i>	Rabbitsfoot grass
<i>Pseudognaphalium californicum</i>	California everlasting
<i>Quercus agrifolia</i>	Coast live oak
<i>Rhus integrifolia</i>	Lemonade berry
<i>Ricinus communis</i>	Castor bean
<i>Rumex crispus</i>	Curly dock
<i>Salvia leucophylla</i>	Purple sage
<i>Salvia mellifera</i>	Black sage
<i>Schinus terebenthifolius</i>	Brazilian pepper tree
<i>Sonchus asper</i> ssp. <i>asper</i>	Prickly Sow-thistle
<i>Stellaria media</i>	Common chickweed
<i>Stephanomeria virgata</i> ssp. <i>virgata</i>	Twiggy wreath plant
<i>Venegasia carpesioides</i>	Canyon sunflower
<i>Washingtonia robusta</i>	Mexican fan palm



Selected Elements by Scientific Name
California Department of Fish and Wildlife
California Natural Diversity Database



Query Criteria: BIOS selection

Rancho Malibu Religious Memorial Project, 4000 Malibu Canyon Road, Malibu, California

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Aquila chrysaetos</i> golden eagle	ABNKC22010	None	None	G5	S3	FP
<i>Aspidoscelis tigris stejnegeri</i> coastal whiptail	ARACJ02143	None	None	G5T3T4	S2S3	
<i>Astragalus brauntonii</i> Braunton's milk-vetch	PDFAB0F1G0	Endangered	None	G2	S2	1B.1
<i>Atriplex coulteri</i> Coulter's saltbush	PDCHE040E0	None	None	G2	S2	1B.2
<i>Atriplex serenana var. davidsonii</i> Davidson's saltscale	PDCHE041T1	None	None	G5T1	S1	1B.2
<i>Baccharis malibuensis</i> Malibu baccharis	PDAST0W0W0	None	None	G1	S1	1B.1
<i>California macrophylla</i> round-leaved filaree	PDGER01070	None	None	G3?	S3?	1B.2
<i>Calochortus clavatus var. gracilis</i> slender mariposa-lily	PMLIL0D096	None	None	G4T2T3	S2S3	1B.2
<i>Chorizanthe parryi var. parryi</i> Parry's spineflower	PDPGN040J2	None	None	G3T3	S3	1B.1
<i>Danaus plexippus pop. 1</i> monarch - California overwintering population	IILEPP2012	None	None	G4T2T3	S2S3	
<i>Deinandra minthornii</i> Santa Susana tarplant	PDAST4R0J0	None	Rare	G2	S2	1B.2
<i>Diadophis punctatus modestus</i> San Bernardino ringneck snake	ARADB10015	None	None	G5T2T3Q	S2?	
<i>Dudleya blochmaniae ssp. blochmaniae</i> Blochman's dudleya	PDCRA04051	None	None	G3T2	S2	1B.1
<i>Dudleya cymosa ssp. marcescens</i> marcescent dudleya	PDCRA040A3	Threatened	Rare	G5T2	S2	1B.2
<i>Dudleya cymosa ssp. ovatifolia</i> Santa Monica dudleya	PDCRA040A5	Threatened	None	G5T1	S1	1B.1
<i>Emys marmorata</i> western pond turtle	ARAAD02030	None	None	G3G4	S3	SSC
<i>Eucyclogobius newberryi</i> tidewater goby	AFCQN04010	Endangered	None	G3	S3	SSC
<i>Euderma maculatum</i> spotted bat	AMACC07010	None	None	G4	S3	SSC
<i>Eumops perotis californicus</i> western mastiff bat	AMACD02011	None	None	G5T4	S3S4	SSC
<i>Falco peregrinus anatum</i> American peregrine falcon	ABNKD06071	Delisted	Delisted	G4T4	S3S4	FP



Selected Elements by Scientific Name
California Department of Fish and Wildlife
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Gila orcuttii</i> arroyo chub	AFCJB13120	None	None	G2	S2	SSC
<i>Isocoma menziesii</i> var. <i>decumbens</i> decumbent goldenbush	PDAST57091	None	None	G3G5T2T3	S2	1B.2
<i>Lampropeltis zonata</i> (<i>pulchra</i>) California mountain kingsnake (San Diego population)	ARADB19063	None	None	G4G5	S1S2	SSC
<i>Lasiurus blossevillii</i> western red bat	AMACC05060	None	None	G5	S3	SSC
<i>Lasthenia glabrata</i> ssp. <i>coulteri</i> Coulter's goldfields	PDAST5L0A1	None	None	G4T2	S2	1B.1
<i>Monardella hypoleuca</i> ssp. <i>hypoleuca</i> white-veined monardella	PDLAM180A3	None	None	G4T2T3	S2S3	1B.3
<i>Myotis ciliolabrum</i> western small-footed myotis	AMACC01140	None	None	G5	S3	
<i>Myotis yumanensis</i> Yuma myotis	AMACC01020	None	None	G5	S4	
<i>Neotoma lepida intermedia</i> San Diego desert woodrat	AMAFF08041	None	None	G5T3T4	S3S4	SSC
<i>Oncorhynchus mykiss irideus</i> steelhead - southern California DPS	AFCHA0209J	Endangered	None	G5T1Q	S1	SSC
<i>Pentachaeta lyonii</i> Lyon's pentachaeta	PDAST6X060	Endangered	Endangered	G1	S1	1B.1
<i>Phrynosoma blainvillii</i> coast horned lizard	ARACF12100	None	None	G3G4	S3S4	SSC
<i>Southern California Coastal Lagoon</i> Southern California Coastal Lagoon	CALE1220CA	None	None	GNR	SNR	
<i>Southern California Steelhead Stream</i> Southern California Steelhead Stream	CARE2310CA	None	None	GNR	SNR	
<i>Southern Coastal Salt Marsh</i> Southern Coastal Salt Marsh	CTT52120CA	None	None	G2	S2.1	
<i>Thamnophis hammondi</i> two-striped garter snake	ARADB36160	None	None	G4	S3S4	SSC
<i>Valley Oak Woodland</i> Valley Oak Woodland	CTT71130CA	None	None	G3	S2.1	

Record Count: 37