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## **Appendix D**

*Constraints Study*



# Rincon Consultants, Inc.

Environmental Scientists      Planners      Engineers

## M E M O R A N D U M

### ■ Ventura

180 North Ashwood Avenue  
Ventura, California 93003  
8 0 5 6 4 4 4 4 5 5  
F A X 6 4 4 4 2 4 0  
info@rinconconsultants.com  
www.rinconconsultants.com

### □ San Luis Obispo

1530 Monterey Street, Suite D  
San Luis Obispo, California 93401  
8 0 5 5 4 7 0 9 0 0  
F A X 5 4 7 0 9 0 1  
info@rinconconsultants.com  
www.rinconconsultants.com

### □ Carlsbad

5355 Avenida Encinas, Suite 103  
Carlsbad, California 92008  
7 6 0 9 1 8 9 4 4 4  
F A X 9 1 8 9 4 4 9  
info@rinconconsultants.com  
www.rinconconsultants.com

### □ Monterey

437 Figueroa Street, Suite 203  
Monterey, California 93940  
8 3 1 3 3 3 0 3 1 0  
8 3 1 3 3 3 0 3 4 0  
info@rinconconsultants.com  
www.rinconconsultants.com

**Date:** March 28, 2012

**To:** Richard Mollica

**Organization:** City of Malibu - Environmental and Community Development Department

**From:** Rob Fitzroy, 2008-2014 Housing Element Update EIR Project Manager

**Email:** [rfitzroy@rinconconsultants.com](mailto:rfitzroy@rinconconsultants.com)

**Re:** Housing Candidate Site Preliminary Constraints Analysis

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The purpose of this technical memorandum is to identify existing environmental constraints on each of the seven proposed candidate housing sites for the City of Malibu 2008-2014 Housing Element Update Environmental Impact Report (EIR). The information contained herein is intended to provide a generalized level of analysis of the environmental constraints on each Candidate Site. Table 1 at the end of the constraints analysis narrative, summarizes the constraints identified for each of the candidate sites.

The analysis identifies constraints related to cultural resources, biological resources, geologic hazards and other hazards. The following information is based on project site surveys and independent analysis performed by Rincon Consultants, Inc. relative to biological resources, geologic hazards, and other hazards. Information relative to cultural resources is based on the Phase I Archaeological Survey Report (April 2011) prepared by Historical Environmental Archaeological Research Team and the La Paz Development Agreement Project EIR (2008) for Candidate Site #7.

Additional information for biological resources and cultural resources are included in Appendices A and B, respectively.

## Candidate Site 1

Candidate Site 1 (APN 4467-013-022, -023) is located east of Zuma View Place and 28517 PCH, west of 28401 PCH, south of 6324 Zumirez Drive, and north of the PCH.

### *Cultural Resources*

No cultural resources were encountered during the survey. Potential cultural resources-related constraints would therefore be low.

### *Biological Resources*

Plant Communities. Brome-oat grassland, black mustard ruderal grassland, coyote brush scrub, southern California black walnut woodland, native and ornamental woodland are present on the project site. The walnut woodland is considered a sensitive habitat by CDFG. Impacts to walnut woodland would likely require mitigation, but this is not likely to be an unusual constraint to development.

Potential for Special-Status Plant Species. Southern California black walnut (*Juglans californica* var. *californica*) 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 is not an unusual constraint to development.

Nesting Bird Habitat. Nesting habitat is present 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 nesting bird surveys, but this issue is a low to moderate constraint to development.

Wetlands/Jurisdictional Areas. The drainage onsite appears to have been graded over or filled in/maintained. Riparian vegetation (walnut woodland with willows) and likely wetlands exist where the drainage intersects with the PCH, and here the soil appears to be saturated to inundated at times. 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 because additional fines, after-the-fact permitting and potentially additional mitigation may be required.

ESHA. A small portion of the site is mapped as an ESHA according to the City's ESHA Overlay Map 2. This area is associated with the wetland area described above. This may be a high constraint and will require mapping and further study.

### *Geologic Hazards*

No landslide hazards or surface faults were identified on Candidate Site 1. As shown in Figure 1, the site primarily contains slopes of 0-14.99%. Some slopes along the northeastern boundary and northwestern boundary range from 15-29.99% to 30-49.99%. Due to the proportion of the site that contains slopes that range from 15-29.99% to 30-49.99%, slopes would be a moderate constraint.

#### *Other Hazards*

ADL may occur near the boundary of the project site adjacent to PCH. If development were to occur within approximately 10 feet of PCH, soil samples may be required to determine whether actionable levels of lead are present. If present, remediation and/or removal may be necessary. However, this would be a minimal constraint to development.

#### **Candidate Site 2**

Candidate Site 10a (APN 4467-012-005) is located at 28401 PCH.

#### *Cultural Resources*

No cultural resources were encountered during the survey. Potential cultural resources-related constraints would therefore be low.

#### *Biological Resources*

Nesting Bird Habitat. Nesting habitat is present 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 nesting bird surveys, but this issue is not an unusual constraint to development.

#### *Geologic Hazards*

No landslide hazards or surface faults were identified on Candidate Site 2. As shown in Figure 1, the site contains a mixture of slopes that range from 0-14.99% and 15-29.99%, with a small portion near the center ranging from 30-49.99%. Slopes would present a minimal constraint to development.

*Other Hazards*

ADL may occur near the boundary of the project site adjacent to PCH. If development were to occur within approximately 10 feet of PCH, soil samples may be required to determine whether actionable levels of lead are present. If present, remediation and/or removal may be necessary. However, this would be a minimal constraint to development.

**Candidate Site 3**

Candidate Site 3 (APN 4458-021-003) is located at 3542 Coast View Drive and represents a 6.99-acre existing commercial land use (Allied Nursery).

*Cultural Resources*

No cultural resources were encountered during the survey. Potential cultural resources-related constraints would therefore be minimal.

*Biological Resources*

No biological resources were identified. Therefore, biological constraints would not occur.

*Geologic Hazards*

No landslide hazards or surface faults were identified on Candidate Site 14. As shown in Figure 2, the site primarily contains slopes that range from 0-14.99% and 15-29.99%, with a small portion near the southwestern boundary ranging from 30-49.99%. Due to the proportion of the site that contains slopes that range from 15-29.99%, slopes would be a moderate constraint.

*Other Hazards*

Due to the existing use (nursery), pesticides may be present in the soils on Candidate Site 3. In addition, a ground water monitoring well was identified to the south of Stewart Ranch Road, near the project boundary, adjacent to the parking lot for the Malibu Racquet Club. This may indicate that groundwater contamination exists within the vicinity and/or on the project site. No other hazards were identified.

**Candidate Site 4**

Candidate Site 4 (APN 4458-021-005) is located at 23833 Stuart Ranch Road.

*Cultural Resources*

No cultural resources were encountered during the survey. Potential cultural resources-related constraints would therefore be low.

*Biological Resources*

Nesting Bird Habitat. Nesting bird habitat is present within the ornamental trees onsite and the northwestern corner. This will require limitations on construction timing, and/or it may require nesting bird surveys, but this is a low constraint to development.

Wetlands/Jurisdictional Areas. The southwestern corner is adjacent to a wetland and much of the southern portion of the site is 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.

*Geologic Hazards*

No landslide hazards or surface faults were identified on Candidate Site 4. As shown in Figure 2, the site primarily contains slopes that range from 0-14.99%. The northern portion of the site contains slopes that range from 15-29.99% and 30-49.99%, but these are generally confined to a small portion of the site. Slopes would present a minimal constraint to development.

*Other Hazards*

No other hazards were identified.

**Candidate Site 5**

Candidate Site 5 (APN 4458-022-012) is located at 23801 Stuart Ranch Road.

*Cultural Resources*

No cultural resources were encountered during the survey. Potential cultural resources-related constraints would therefore be low.

*Biological Resources*

Potential for Special-Status Plant Species. The potential for special -status plant species is 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.

Nesting Bird Habitat. Nesting bird habitat is present 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 nesting bird surveys, but this issue is not a constraint to development.

### *Geologic Hazards*

No landslide hazards or surface faults were identified on Candidate Site 5. As shown in Figure 2, the site primarily contains slopes that range from 0-14.99%. The western portion of the site, near the boundary, contains slopes that range from 15-29.99% and 30-49.99%. Due to the proportion of the site that contains slopes that range from 15-29.99% and 30-49.99%, slopes would be a moderate constraint.

### *Other Hazards*

No other hazards were identified.

### **Candidate Site 6**

Candidate Site 6 (APN 4458-022-019) is bordered on the south by 23525 Civic Center Way, on the north by 3216 Colony View Circle, 23708 Harbor Vista Drive, on the west by 23801 and 23789 Stuart Ranch Road and on the east by 3700 La Paz Lane.

### *Cultural Resources*

No cultural resources were encountered during the survey. Potential cultural resources-related constraints would therefore be low.

### *Biological Resources*

Potential for Special-Status Plant Species. The potential for special-status plant species is 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 is not an unusual constraint to development.

Potential for Special-Status Wildlife Species. The potential for special-status wildlife species is 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.

Nesting Bird Habitat. Nesting bird habitat is present throughout the site. This will require limitations on construction timing, and/or it may require nesting bird surveys, but this issue is not an unusual constraint to development.

### *Geologic Hazards*

No landslide hazards or surface faults were identified on Candidate Site 6. As shown in Figure 2, the site primarily contains slopes that range from 0-14.99%. The northern portion of the site contains slopes that range from 15-29.99% and 30-49.99%. Due to the proportion of the site that contains slopes that range from 15-29.99% and 30-49.99%, slopes would be a moderate constraint.

### *Other Hazards*

No other hazards were identified.

### **Candidate Site 7**

Candidate Site 7 (APN 4458-022-023,-024) is located at 3400 La Paz Lane.

### *Cultural Resources*

Based on the cultural resource analysis in the La Paz Development Agreement Final Environmental Impact Report (2008), there are no known historical or archeological resources on the La Paz property. Potential cultural resources-related constraints would therefore be low.

### *Biological Resources*

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.

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.

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.

*Geologic Hazards*

No landslide hazards or surface faults were identified on Candidate Site 7. As shown in Figure 2, the site primarily contains slopes that range from 0-14.99%. The northern portion of the site contains slopes that range from 15-29.99% and 30-49.99%. Due to the proportion of the site that contains slopes that range from 15-29.99% and 30-49.99%, slopes would be a moderate constraint.

*Other Hazards*

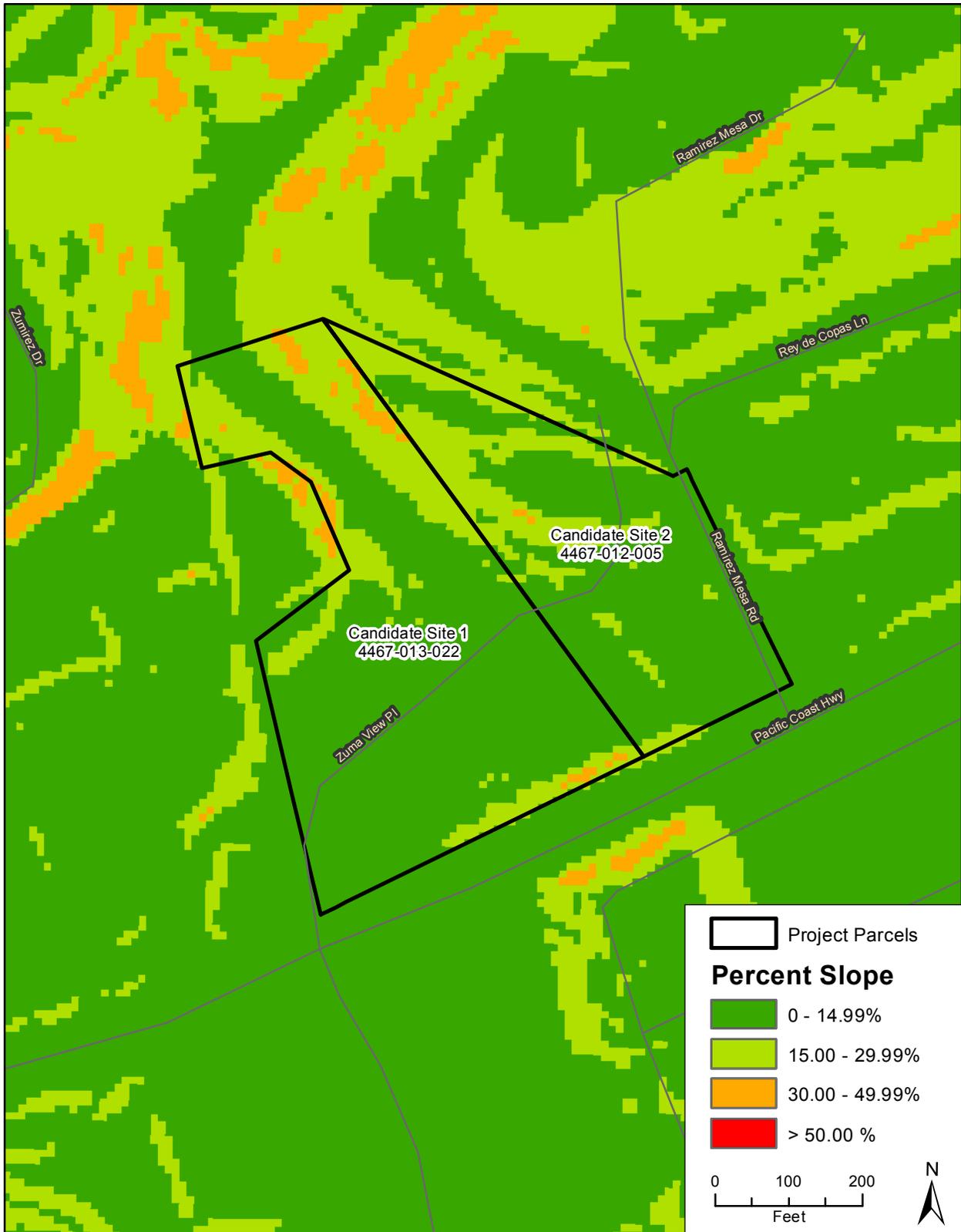
Three 5 gallon buckets filled with an unknown substance were present on site. The contents of the buckets should be confirmed. If hazardous materials are contained in the buckets, remediation and/or removal may necessary. However, this would be a minimal constraint to development.

**Table 1. Environmental Constraint Summary Matrix**

	No Constraint	Minimal Constraint	Moderate Constraint	Major Constraint
<b>Candidate Site 1</b>				
Cultural Resources		X		
Biological Resources				
<i>Wetlands</i>				X
<i>ESHA</i>				X
<i>Other Resources</i>			X	
Geologic Hazards			X	
Other Hazards		X		
<b>Candidate Site 2</b>				
Cultural Resources		X		
Biological Resources				
<i>Wetlands</i>	X			
<i>ESHA</i>	X			
<i>Other Resources</i>		X		
Geologic Hazards		X		
Other Hazards		X		
<b>Candidate Site 3</b>				
Cultural Resources		X		
Biological Resources				
<i>Wetlands</i>	X			
<i>ESHA</i>	X			
<i>Other / Resources</i>	X			
Geologic Hazards		X		
Other Hazards	X			
<b>Candidate Site 4</b>				
Cultural Resources		X		
Biological Resources				
<i>Wetlands</i>			X	
<i>ESHA</i>	X			
<i>Other Resources</i>		X		
Geologic Hazards		X		
Other Hazards	X			
<b>Candidate Site 5</b>				
Cultural Resources		X		
Biological Resources				

**Table 1. Environmental Constraint Summary Matrix**

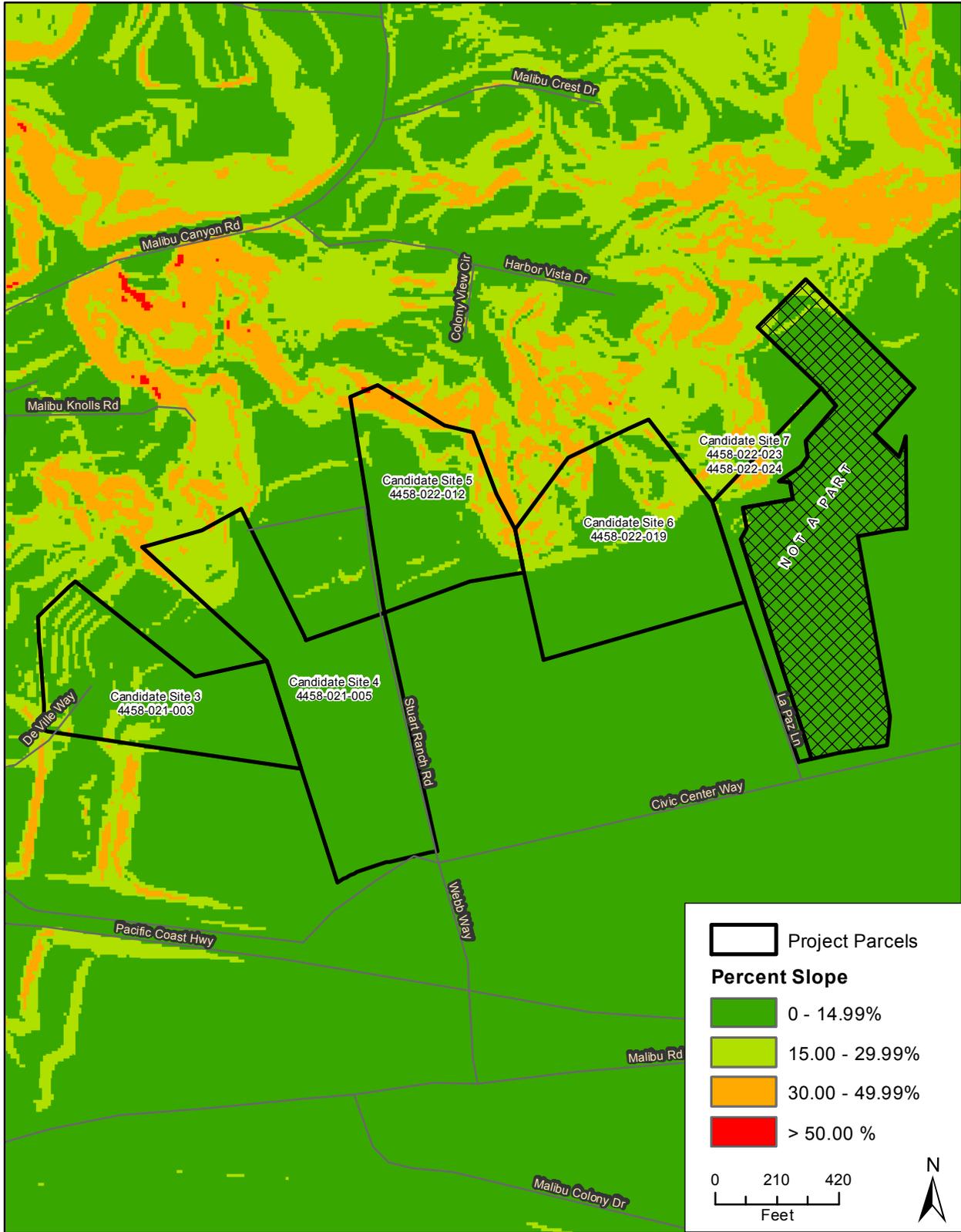
	<b>No Constraint</b>	<b>Minimal Constraint</b>	<b>Moderate Constraint</b>	<b>Major Constraint</b>
<i>Wetlands</i>	X			
<i>ESHA</i>	X			
<i>Other Resources</i>		X		
Geologic Hazards			X	
Other Hazards	X			
<b>Candidate Site 6</b>				
Cultural Resources		X		
Biological Resources				
<i>Wetlands</i>	X			
<i>ESHA</i>	X			
<i>Other Resources</i>		X		
Geologic Hazards			X	
Other Hazards	X			
<b>Candidate Site 7</b>				
Cultural Resources	X			
Biological Resources				
<i>Wetlands</i>	X			
<i>ESHA</i>	X			
<i>Other Resources</i>		X		
Geologic Hazards			X	
Other Hazards		X		



Slope Map 1

Figure 1





Slope Map 2

Figure 2

**APPENDIX A**

**PRELIMINARY BIOLOGICAL CONSTRAINTS ANALYSIS**



**Rincon Consultants, Inc.**

180 North Ashwood Avenue  
Ventura, California 93003

805 644 4455

FAX 644 4240

info@rinconconsultants.com

www.rinconconsultants.com

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)**

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- 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**  
Senior Biologist/Project Manager

**Duane Vander Pluym, D.Env.**  
Principal Biologist



**Rincon Consultants, Inc.**

180 North Ashwood Avenue  
Ventura, California 93003

805 644 4455

FAX 644 4240

info@rinconconsultants.com

www.rinconconsultants.com

March 5, 2012

Project Number: 10-67050

City of Malibu (Richard Mollica)  
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: 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, wrenit, 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.

**APPENDIX B - CONFIDENTIAL**  
**PHASE I ARCHAEOLOGICAL STUDY**