



City of Malibu

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Biological Studies Required for Review of Development Projects

New development projects that require a Coastal Development Permit may also require a biological study. For purposes of determine whether a project needs a biological study, there are three categories of projects: (1) exempt projects, (2) projects requiring a Biological Inventory, and (3) projects requiring a Biological Assessment. In all cases, the City Biologist will determine if or what type of biological study is required.

Exempt projects

The following project types are exempt. No biological study is required and the project is not subject to review by the Environmental Review Board¹:

- A. Remodeling an existing structure that does not extend the existing structure footprint.
- B. Additions to existing structures that are within the lawfully established graded pad area, or the existing developed/landscaped area if there is not graded pad, and that do not require additional fuel modification.
- C. Demolition of an existing structure and construction of a new structure within the existing building pad area where no additional fuel modification is required.
- D. New structures and landscaping proposed within the permitted graded pad or permitted development area if there is no graded pad, authorized in a previously approved coastal development permit.
- E. New structures within existing, developed neighborhoods where the parcel is not within 200 feet of an ESHA, as shown on the ESHA overlay map.

If your project is not exempt, a biological study will be required. There are two different levels of study that may be required – Biological Inventories and Biological Assessments. The type of report required will depend upon where your proposed development is situated relative to a known (mapped) ESHA².

If your proposed development (including required fuel modification) is not within 200 feet of the nearest mapped ESHA, a Biological Inventory shall be submitted with your application package.

If your Biological Inventory indicates the presence or potential for sensitive species or habitat on site, **or** if your proposed development (including required fuel modification) occurs within 200 feet of a known (mapped) ESHA, a detailed Biological Assessment is required with your application package.

¹ See Sections 4.4.4 and 4.4.2 of the Malibu LIP (Local Implementation Plan)

² Environmentally Sensitive Habitat Area



The following is a description of information to be included in each type of study:

Biological Inventory Reporting Requirements (LIP Sec. 13.6)

- A. Provide a list of dominant plant species present on the subject property
- B. Provide a list of wildlife observed and likely to occur on the subject property
- C. Provide clear photographs illustrating the existing conditions on the entire property.
- D. Provide a description of the existing conditions on the subject property including, but not limited to vegetation communities and surrounding development.
- E. Provide information regarding the presence of any native trees on or immediately adjacent to the subject parcel.
- F. If a jurisdictional stream or ESHA occur on or near the subject parcel, provide a map (to scale) that accurately depicts the limits of that resource relative to the subject parcel.
- G. Provide a statement regarding the presence or absence on the site of natural resources that meet the definition of ESHA.

Biological Assessment Reporting Requirements (LIP Sec. 4.4.2)

- A. A study identifying all biological resources, both existing on the site and potentially occurring or expected resources. Where trees suitable for nesting or roosting, or significant foraging habitat is present, a formal raptor survey will be required (in some cases this survey may be more appropriately conducted immediately prior to permitted site grubbing/grading activities). The Biological Assessment will account for seasonal variations in presence and abundance and will follow standard protocols developed by state or federal resource agencies when available. In the absence of standard protocols for raptors, for nesting raptor surveys (February 15-July 30) or for wintering raptor surveys (December 1- February 15) at a minimum, the area will be surveyed for 2 hours between dawn and 10:00 a.m. on five occasions with at least one week between surveys. If there is appropriate habitat for owls on site, on at least three of the surveys, surveys will also be conducted during the period immediately before nightfall.
- B. Photographs clearly illustrating existing conditions on the entire site.
- C. A discussion of the physical characteristics of the site, including, but not limited to, topography, soil types, microclimate, and migration corridors.
- D. An analysis of the frequency of wildfire affecting the site and the length of time since wildfire has last burned the site vegetation.
- E. A full size map (drawn to scale) that clearly illustrates the distribution of vegetation communities on site. The map shall also include the actual boundary(ies) of ESHA within the subject property as well as locations of any identified special-status resources (e.g. rare plants, raptor nests, etc.). All maps should be folded to 8 1/2"x11."
- F. Provide full size copies of the scaled site plan both with and without the proposed project illustrated that include the actual boundary(ies) of ESHA within the subject property as well as locations of any identified special-status resources. All maps should be folded to 8 1/2"x11."

August 21, 2006

- G. An identification of rare, threatened, or endangered species that are designated or are candidates for listing under State or Federal Law, and identification of “fully protected” species and/or “species of special concern,” and an identification of any other species for which there is compelling evidence of rarity, for example, plants designated as list 1B or list 2 by the California Native Plant Society, that are present or expected on the project site.
- H. An analysis of the potential impacts of the proposed development to the identified habitat or species.
- I. An analysis of any unauthorized development, including grading or vegetation removal that may have contributed to the degradation or elimination of habitat area or species that would otherwise be present on the site in a healthy condition.
- J. Project alternatives designed to avoid and minimize impacts to sensitive resources.
- K. Mitigation measures that would minimize or mitigate residual impacts that cannot be avoided through project alternatives.