Supplemental Commission Agenda Report

Planning Commission Meeting
08-03-26
Item 5.C.

To: Chair Peak and Members of the Planning Commission

Prepared by: Samantha Elias, Associate Planner

Reviewed by: Joseph Smith, AICP, Contract Principal Planner

Approved by: Yolanda Bundy, MS, PE, CBO, CFCO, Community Development Director and Tyler Eaton, Assistant Community Development Director

Date prepared: July 29, 2026 Meeting date: August 3, 2026

Subject: Coastal Development Permit No. 26-032, Conditional Use Permit 26-005, and Variance No. 26-008 – A follow-up application to Emergency Coastal Development Permit No. 25-017 for a temporary public utility laydown yard to store materials and vehicles; including a variance for development on slopes steeper than 2.5 to 1

Location: 4000 Corral Canyon Road, partially within the appealable coastal zone
APN: 4459-006-270
Owner: Los Angeles Department of Water and Power (LADWP)

RECOMMENDED ACTION: Either 1) adopt Planning Commission Resolution No. 26-23 determining the project is categorically exempt from the California Environmental Quality Act and approving Coastal Development Permit No. 26-032 as follow-up to Emergency Coastal Development Permit No. 25-017 to construct a temporary utility laydown yard to be operated over a period of seven years, including the placement of eight storage trailers, a new access driveway, fencing, vehicle gate, dark sky compliant lighting, six portable toilets, the placement of a permeable aggregate base for the operational area, utility hook-ups, and the complete restoration and improvement of site environmental conditions to conditions existing prior to construction activities at the end of the seven year period; including Conditional Use Permit No. 26-005 for the operation of a public utility facility comprised of a temporary utility laydown yard and Variance No. 26-008 for development on slopes steeper than 2.5 to 1 located in the Rural Residential, 20-Acre zoning district at 4000 Corral Canyon Road (LADWP); or 2) direct staff to return with a resolution consistent with the Planning Commission's decision.

DISCUSSION: Attached is correspondence regarding the proposed project that was previously distributed to the City Council. Also attached is a memorandum prepared by the City Biologist, dated September 15, 2025, regarding the proposed work.

ATTACHMENTS:

1. Correspondence
2. September 15, 2025 City Biologist Memorandum

Received
6/16/26
Planning Div.

From: Tyler Eaton
Sent: Tuesday, June 16, 2026 7:28 AM
To: 'Frank Angel' <fangel@angellaw.com>
Subject: RE: Major Grading Operation on DWP property on Corral Canyon Road across from Malibu RV Park

Hi Frank,

LADWP obtained a permit from the City to install a staging yard to help with fire recovery in nearby areas. The immediate area has been vetted with a biological assessment and determined not to be ESHA by City staff. It was authorized under an emergency CDP and the follow up CDP will be heard at the Planning Commission within the next couple months. We will send inspectors out there and make sure they are within the limits of their permit. This is temporary site so they are supposed to restore the disturbed areas once their rebuild efforts have been completed.

Tyler Eaton

Assistant Community Development Director

Community Development Department

Office: (310) 456-2489 ext. 273

23825 Stuart Ranch Road | Malibu, CA 90265

From: Frank Angel <fangel@angellaw.com>
Sent: Monday, June 15, 2026 6:16 PM
To: Tyler Eaton <teaton@malibucity.org>

Subject: Major Grading Operation on DWP property on Corral Canyon Road across from Malibu RV Park

Hi Tyler,

Following up on my voicemail an earlier this month, below are some pictures from today of this DWP project I mentioned to you. I have no clue what this project is, and have not received or seen any notice of any CDP or other permit.

This operation has created significant resource damage in LCP-designated, undisturbed ESHA.

What permits, if any has the city issued, and what environmental review, if any, has been performed for this project?

Is the city aware of this operation? And if so, is the city inspecting it?

I look forward to hearing from you at your very earliest opportunity. Please call me back. We're not talking about a minor home remodel project here.

Best,


LA DWP


LA
DWP




Diamond
WATER&POWER
PS6306

Frank P. Angel (he/him/his)

[redacted]

[redacted]

@FrankPAngel1

www.angellaw.com

Sent from my 📱

City Council

Subject: Item 4A, city council agenda, June 22, 2026: Major Grading Operation on DWP property on Corral Canyon Road across from Malibu RV Park



FILED
City of Malibu
Office of the City Clerk
Meeting Date 6/22/2026
Agenda Item # 4A

From: Bill Sampson [redacted]
Sent: Sunday, June 21, 2026 7:22 PM
To: City Council <citycouncil@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>; Steve Uhring <suhring@malibucity.org>; Haylynn Conrad <hconrad@malibucity.org>; Marianne Riggins <mriggins@malibucity.org>; Doug Stewart <dstewart@malibucity.org>
Subject: Item 4A, city council agenda, June 22, 2026: Major Grading Operation on DWP property on Corral Canyon Road across from Malibu RV Park

Honorable Mayor and Councilmembers,

Malibu Township Council is calling for immediate action regarding the extensive grading and habitat destruction at the DWP property near 4000 Corral Canyon.

This is mapped ESHA. The site and the surrounding 100-foot buffer are mapped as ESHA on the City of Malibu GIS, and there are also mapped streams in the area. Yet the biological assessment somehow concluded that no habitat on site or in the survey area was rare or especially valuable, and that this area previously identified as ESHA in the LCP ESHA Overlay Map does not actually meet the criteria for ESHA.

That conclusion should never have been accepted.

The photos from the site below show what looks like extensive bulldozing, scraping, road-cutting, equipment staging, disturbed slopes, exposed soil, and large areas cleared of vegetation. This is not a minor impact. This is visible resource destruction in an area the City itself maps as ESHA and within a protected buffer.

If mapped ESHA in Corral Canyon can be dismissed through a cursory checkbox sign-off, then ESHA protection in Malibu has become meaningless.

This is also not the first time. The Bell Lot was paved over after Woolsey under an emergency rationale and remains paved nearly eight years later, despite involving sensitive wetland resources. The Weintraub ESHA landslide property was severely graded and used as an SCE staging area after the Palisades Fire, with no meaningful restoration visible to the public. Now we have Corral Canyon.

At some point, this is no longer an isolated mistake. It is a pattern of failure in the City's biological review process. On behalf of Malibu

Township Council, we are asking the City Manager to remove the current City Biologist from further ESHA determinations in every instance involving mapped or potential ESHA, stream buffers, wetlands, wildlife habitat, or other protected coastal resources, and to retain a qualified, independent biologist who will properly investigate, identify, buffer, and protect those resources.

MTC is asking the City to immediately suspend or rescind the emergency authorization for this work, investigate whether the actual disturbance exceeded what was approved, require full restoration and mitigation, pursue fines and enforcement against LADWP, believed to be the responsible party and or any other responsible party if violations occurred, and remove any City staff from ESHA determinations who cannot reliably identify and protect mapped ESHA.

Put residents first. Protect Malibu's open space. Enforce the Coastal Act. And stop using "emergency" as a blank check to destroy the very resources Malibu is legally required to protect.

Thank you.

Bill Sampson

President, Malibu Township Council

CC: Council; CM; CA ;_____; Ref. Binder; Original to 6/22/2026____ Agenda File


Diamond
888-744-7191




LA
DWP


LA
DWP

Received
7/29/26
Planning Div.

From: Jyoti Drummond [redacted]
Sent: Thursday, June 25, 2026 10:38 AM
To: Joseph Irvin <jirvin@malibucity.org>; Jyoti Drummond [redacted]; Tyler Eaton <teaton@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>
Cc: City Council <citycouncil@malibucity.org>; Steve Uhring <suhring@malibucity.org>; Haylynn Conrad <hconrad@malibucity.org>; Doug Stewart <dstewart@malibucity.org>; Marianne Riggins <mriggins@malibucity.org>; Bill Sampson [redacted] Ann Doneen [redacted]; Patt Healy [redacted]; John Mazza [redacted]; Yolanda Bundy <ybundy@malibucity.org>; Frank Angel <fangel@angellaw.com>; Dawn Ericson [redacted]; andrea slosberg-philipson [redacted]; Dominique Navarro [redacted]; Dru Ann Jacobson [redacted]; Tiffany Murray [redacted]; Jan Ravlich [redacted]; Mariela Guastavino [redacted]; Malibu Township Council [redacted]; Colin Drummond [redacted]
Subject: Re: 4000 corral canyon

Just letting everyone know that there is a ton of activity here today - I can stop and ask on my way back up if they are shutting down operations for now. But wondering if the city has an update! Tysm, Jo



On Jun 22, 2026, at 1:29 PM, Jyoti Drummond [redacted] wrote:

Honorable Mayor, Councilmembers, and City Manager Irvin,

I am submitting this comment in response to the City Manager's email regarding LADWP's emergency staging yard near 4000 Corral Canyon.

I also want to thank Frank Angel for alerting Malibu Township Council to this issue so residents could review it independently, examine the record, look at the site history, and rally around protecting Malibu's coastal resources.

The City Manager's explanation does not resolve the concern. It actually makes the concern worse.

The site is mapped ESHA on the City of Malibu GIS, with mapped streams and a 100-foot buffer. The City now says the maps are only a guide and that a site-specific biological report found no ESHA within 100 feet of the project area. But the Google Earth historical images and current site photos tell a very different story.

Please see the attached photos and historical Google Earth images showing the site over time. Images from 2008, 2024, and 2025 show this area as green, vegetated, open habitat for decades. Even after the Woolsey fire ravaged the area in 2018 the ESHA came back. These images do not show a long-standing developed industrial yard, a regularly used access road, or a disturbed pad of the scale now being used. The current site photos show something entirely different: large-scale scraping, bulldozing, road widening, equipment staging, exposed soil, stockpiled material, cleared vegetation, and major disturbance.

My family has remained displaced in Corral Canyon since January 2025, and we are fortunate to have owned a home in that area since 2022. From our own direct experience, this area has never had a road running through it of the kind now being suggested. The hills were always lush, green, and vegetated. What is there now is not simply the use of a pre-existing road or pad — it is a major transformation of open habitat into an industrial staging area.

Together, these images and our direct experience contradict any suggestion that this was merely the use of an already-disturbed pad with minimal coastal-resource impact. So the question is not whether some portion of this land may have been touched in the 1940s. The

question is whether the City allowed a mapped ESHA and stream-buffer area that had functioned as habitat for decades to be converted into an industrial utility yard under an emergency permit.

The City Manager's email also says this site is "largely unpopulated" and that no residents are directly impacted. That misses the entire point of ESHA protection. Wildlife habitat does not matter only when humans live next door. This land borders Solstice and Corral Canyon Parks and is part of the open-space network wildlife depends on, including mountain lions whose habitat has already been fragmented and degraded across the Santa Monica Mountains.

And how can bulldozing protected habitat in Corral Canyon, 18 miles from the Palisades, be justified as an emergency response to the Palisades Fire? Why was this location necessary? Why were already-disturbed sites not used first? Why was a "laydown yard" never clearly defined? And why was mapped ESHA treated as disposable?

We have seen this pattern before. The Bell wetland lot was paved after Woolsey and still has not been restored nearly eight years later. The Weintraub ESHA landslide property was heavily graded and used for staging after the Palisades Fire and now vacated, with no meaningful restoration visible to residents. Now Corral Canyon appears to be the next casualty.

Meanwhile, fire victims are held to a completely different standard. My home rebuild permit took nine months to issue, and I still cannot start rebuilding because our fire-destroyed pool requires a separate permit we were not initially told about. That separate pool permit has delayed us more than six months, and we still have not been able to break ground.

This is crippling families, delaying rebuilds, keeping people displaced, and forcing residents out of Malibu — while utilities are allowed to disturb and destroy wildlife habitat under emergency exceptions residents could never obtain.

I am asking the City Manager to remove Courtney McCammon as City Biologist. This is not an isolated mistake. The City Biologist has repeatedly failed to protect ESHA, stream buffers, wetlands, wildlife habitat, and open space in Malibu.

We saw this in the Harvester Road stream-bed matter, where renowned UCLA environmental scientist Dr. Travis Longcore determined that the watercourse met Malibu's LIP definition of a stream and therefore qualified as ESHA, yet the City Biologist rejected that conclusion and supported development within the required 100-foot buffer. And now, after the developer represented that he was building a dream home for his family, the same property is being marketed for sale with City-approved plans — showing exactly why the City should not weaken ESHA protections based on applicant narratives.

When mapped or documented ESHA can be dismissed, disturbed, paved, graded, or converted to staging areas again and again, the problem is no longer just one consultant report or one emergency permit. It is a failure of biological oversight. Malibu needs a City Biologist who will defend protected resources, require real field investigation, enforce required buffers, and treat ESHA as legally protected habitat — not as an obstacle to be worked around.

The City cannot allow an outside consultant report and cursory sign-off (see attached) to override Malibu's own ESHA maps and permit mapped habitat to be bulldozed. If mapped ESHA can be dismissed this easily, then Malibu's environmental safeguards have failed.

This emergency authorization should be suspended or rescinded. The damage should be fully investigated, the true extent of disturbance compared against the approved scope, restoration and mitigation required, and LADWP or any responsible party should face enforcement and fines.

Malibu needs to fast-track fire rebuilds, not the destruction of protected habitat. And Joe, I know you are actively helping make that happen. I hope this comment helps give some much-needed perspective on how painful it is for families to remain stuck while utilities are allowed to move quickly through protected habitat.

Put residents first. Rebuild Malibu faster. Protect the land that makes Malibu Malibu.

Thank you.

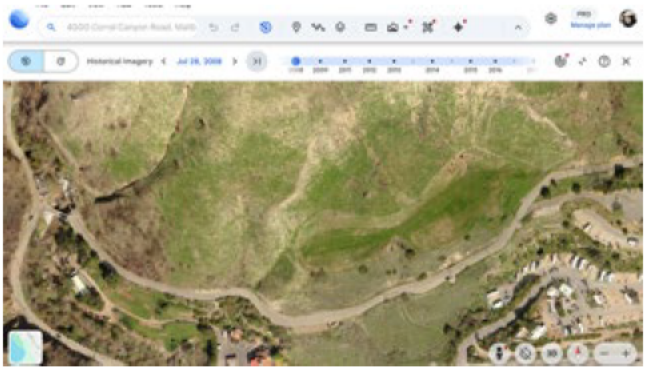
Jo Drummond

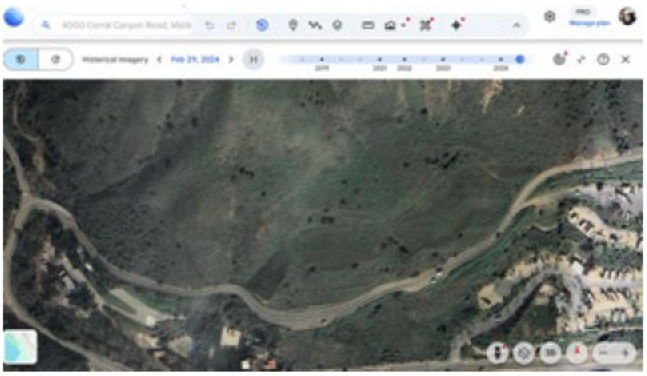
Attachments: Historical Google Earth images; current site photos; biological assessment excerpt; Longcore report regarding 30053 Harvester Road; Harvester Road listing.

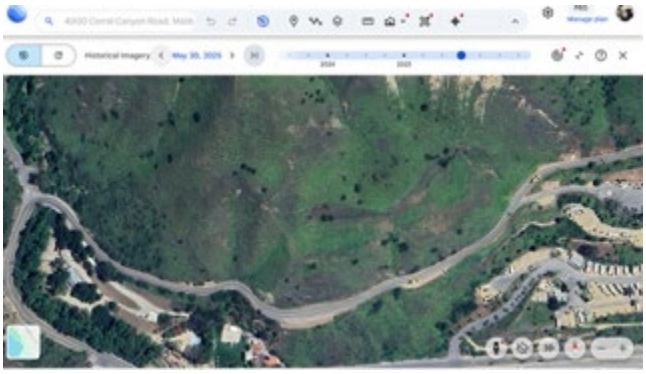


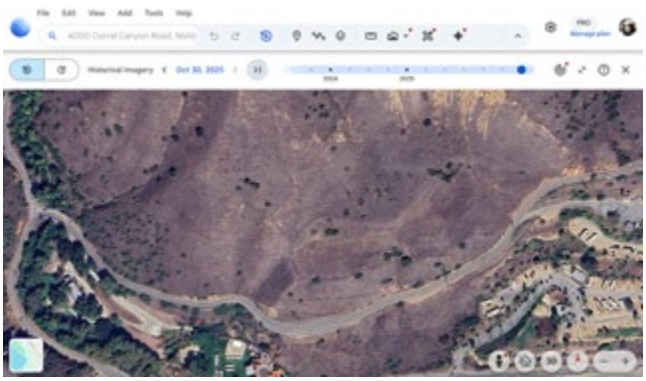
[30053 Harvester Rd, Malibu, CA 90265 | MLS #26821619 | Zillow]

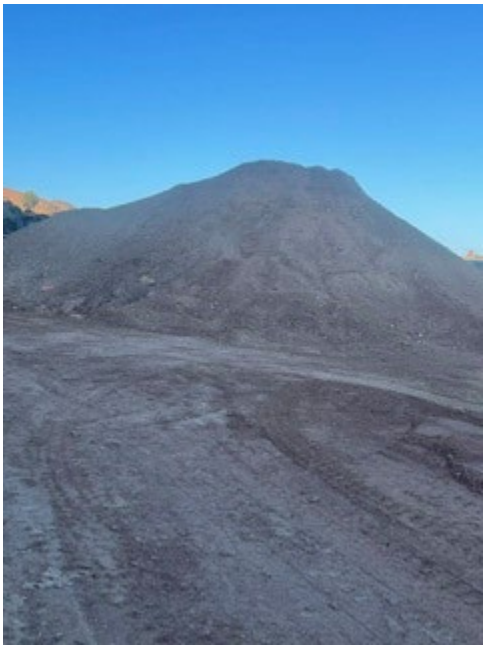
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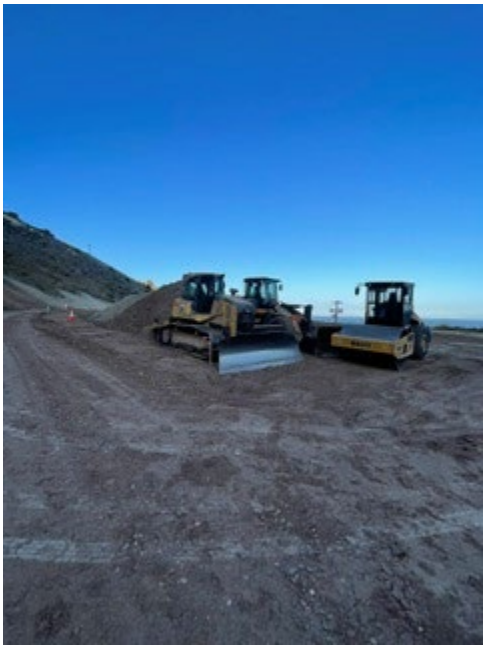






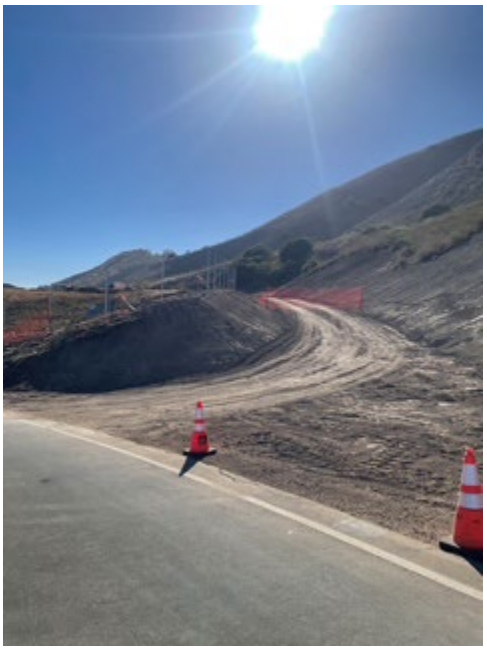














1. The site and the surrounding 100-foot buffer are mapped as ESHA on the City of Malibu GIS. There are also several mapped streams. However, the submitted biological assessment states:

   "Following completion of the biological surveys and assessment of the habitat known for the project area and the survey area, there was no habitat identified on site or in the survey area that would be deemed rare or especially valuable from a local, regional or statewide basis…. Given the evidence of the biological surveys conducted in the area, this region that was previously identified as ESHA within the LCP ESHA Overlap Map does not meet the criteria for ESHA."

   Therefore, the site does not contain ESHA or streams and is in compliance with Chapter 4 of the Malibu LIP. City Biologist Courtney McCammon's cursory sign-off:

www.trinityroseofficial.com

Sent from my iPhone

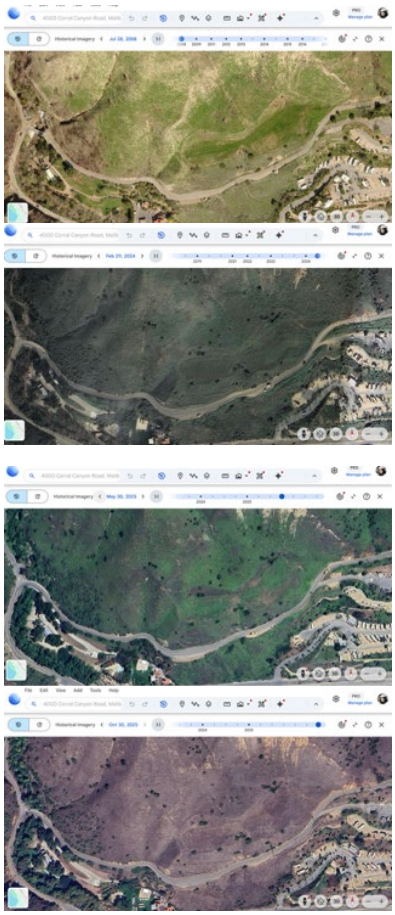
Received
7/29/26
Planning Div.

From: Jyoti Drummond [redacted]
Sent: Monday, June 22, 2026 1:26 PM
To: City Council <citycouncil@malibucity.org>; Steve Uhring <suhring@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>; Haylynn Conrad <hconrad@malibucity.org>; Doug Stewart <dstewart@malibucity.org>; Joseph Irvin <jirvin@malibucity.org>; Marianne Riggins <mriggins@malibucity.org>
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Jo Drummond
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30053 Harvester Rd, Malibu, CA 90265 | MLS #26821619 | Zillow
zillow.com





1. The site and the surrounding 100-foot buffer are mapped as ESHA on the City of Malibu GIS. There are also several mapped streams. However, the submitted biological assessment states:

   "Following completion of the biological surveys and assessment of the habitat known for the project area and the survey area, there was no habitat identified on site or in the survey area that would be deemed rare or especially valuable from a local, regional or statewide basis…. Given the evidence of the biological surveys conducted in the area, this region that was previously identified as ESHA within the LCP ESHA Overlap Map does not meet the criteria for ESHA."

   Therefore, the site does not contain ESHA or streams and is in compliance with Chapter 4 of the Malibu LIP. City Biologist Courtney McCammon's cursory sign-off:

Land Protection Partners

P.O. Box 24020, Los Angeles, CA 90024-0020
Telephone: [redacted]

To: Mayor Stuart and Honorable Members of the City Council, City of Malibu

From: Travis Longcore, Ph.D.

Date: April 25, 2025

Re: Appeals of Planning Commission Resolution No. 24-021 regarding Coastal Development Permit No. 23-019 and Site Plan Review No. 23- 024 – An application to construct a new single-family residence, second unit and associated development (30053 Harvester Road, Owner, Steven Kent; Appellant Dawn N. Ericson

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This memorandum provides field observations and expert interpretation that concludes that the water feature that runs west of the boundary between 30053 and 30069 Harvester Road meets the definition of "stream" under the Malibu Local Coastal Program Local Implementation Plan (LIP) and that the project at 30053 Harvester Road, as sited and designed, does not represent the least environmentally damaging alternative as would be required under the LIP.

Methods

Field Visit

I visited the project site on April 21, 2025, at 4:00 P.M. and spent 90 minutes at 30069 Harvester Road. I spoke with the residents of the property (Dawn Ericson and Dominique Navarro) to learn about the history of the site and any planting activities that had taken place. I inspected the watercourse, took photographs, and walked it several times from end to end. I noted the number and presence of the native plant species along the watercourse and took photographs of them. I then observed the drainage south of Harvester Road and from Cuthbert Road north of the property, noting the location of the story poles on the proposed development site.

Archival Aerial Photography Review

I consulted the Air Photo Archive at the University of California Santa Barbara to obtain historical photographs of the project area. Photographs dating from the 1920s to 1970s are available through a website interface and are free to download. I used a geographic search to identify and review photographs of the site vicinity to ascertain the land use history and natural features of the project site.

Results

Field Visit

I found a channel that carries water located along the eastern boundary of 30069 Harvester Road. At the southern end there is a zone that clearly ponds during rainfall events and then drains under Harvester Road to the south. A channel with bed and bank was evident within this area roughly ten feet north of Harvester Road. At this point the channel is within exotic vegetation and there is debris from previous storm events accumulated on the banks. The channel is 18 inches deep and then as it proceeds north it becomes shallower to about 6 inches. Roughly 40 feet north of Harvester Road, there was a short stretch where the channel was not present for about 40 feet. Then, for the remainder of the property of about 240 feet, a channel was present. The channel shape varied between a V shape (incised) and a U-shaped bed and bank with a flat bottom of sorted sediments (typically sand) and nearly vertical banks. Often the channel was full of leaf litter, but its shape was easily discernable (Figure 1). At the northern end of the property, the bed was made of sediment of pebble to gravel size (Figure 2). The width of the channel varied from 12 to 30 inches across.



Figure 1. Example of channel with bed and bank formation, outlined in red to reflect the topographic variation observed in the field. The plant to the left of the image is a Coast Live Oak (Quercus agrifolia).



Figure 2. Example of stream bed with pebble to gravel sized sediment, located at northeastern corner of 30069 Harvester Road. Note a flat bottom and banks of 6–8 inches height.

I observed the following native plant species within the zone approximately fifteen feet east and west of the stream channel, spread along the distance from the southern to northern end of the 30069 Harvester Road property: California Sycamore (*Platanus racemosa*; 6 specimens, Figure 3 and Figure 4), California Black Walnut (*Juglans californica*; 5 specimens, for example see Figure 5 and Figure 7; 2 saplings were planted by the owner in April 2024), Coast Live Oak (*Quercus agrifolia*; 2 specimens; Figure 5 and Figure 6), Lemonade Berry (*Rhus integrifolia*; 4 specimens, for example Figure 7), Toyon (*Heteromeles arbutifolia*; 6 specimens, for example Figure 7), Holly-leafed Cherry (*Prunus ilicifolia*; 5 specimens, for example Figure 7), and Valley Oak (*Quercus lobata*; 2, which the owner said that she had planted 20 years ago).



Figure 3. Two California Sycamore trees near the southern end of 30069 Harvester Road just to the west of the channel. The owner described these two trees as growing back in the same location as a sycamore had been located and burned in the 2018 Woolsey Fire.



Figure 4. Left: A California Sycamore tree of approximately 12 feet height between the stream channel and the property line fence, with story poles in the background. Middle: Two more California Sycamores to the west of the channel. Right: A California Sycamore growing to the east of the channel along the property line fence, with the story poles in the background. These trees were not planted by the owner of 30069 Harvester Road.



Figure 5. Left: A California Black Walnut tree is located west of the stream along the property line fence near the proposed second garage/ADU site. Right: A Coast Live Oak tree is located immediately on the top of the east bank of the stream and within 30 feet of the proposed second garage/ADU.



Figure 6. This Coast Live Oak tree is located immediately west of the stream channel near the northern edge of 30069 Harvester Road. It appears to have been damaged some in the 2018 Woolsey Fire.



Figure 7. In this thicket of vegetation at the northeastern edge of 30069 Harvester Road, there is a California Black Walnut, several Toyons, two Holly-leafed Cherries, and two Lemonade Berries. The proximity to the proposed second garage/ADU is evident by the story poles. An invasive Castor Bean is also present.

Aerial Photographs

Aerial photographs were obtained and reviewed to ascertain if the drainage channel was natural. The first photograph reviewed is from a large-scale survey in 1928 that photographed nearly the entire county of Los Angeles (for examples of the use of these images in historical ecology, see Longcore and Ethington 2023). It shows a landscape already significantly altered by agriculture, as indicated by the contrast between patches of remaining vegetation with smooth edgees and the relatively uniform color of the fields. The route of the stream is discernable on the map, but the resolution is relatively low (Figure 8). At this point it time, it shares visual characteristics with other stream courses that were subsequently mapped by the USGS as "blue line" streams. There is also an apparent tree or shrub located along the drainage course.



Figure 8. Aerial photograph of the vicinity of 30053 Harvester Road in Malibu in 1928. The green oval indicates the drainage between Harvester Road and Cuthbert Road. The next stream to the east (indicated in red) was mapped as a "blue line" stream in the 1932 1:24,000 scale topographic map of Point Dume (USGS). Source: UC Santa Barbara Library, Flight C-300, Frame H-71.

A higher resolution photograph is available from 1944 (Figure 9). In this image, the tilled area of the fields remains apparent, and it stops on either side of the stream, as one would expect, given the topography. The stream is in the same place, and a stream on the east of 30053 Harvester Road is also visible. I compared this image with the 1932 topographic map, which shows a "blue line" symbol for intermittent stream (Figure 9; inset), a blue line with three dots (see https://pubs.usgs.gov/gip/TopographicMapSymbols/topomapsymbols.pdf), for the stream to the east of 30053 Harvester Road. Although the USGS map is illustrative, researchers have concluded that they often do not accurately include blue lines for the streams highest in a watershed and should not be used for regulatory determinations (Colson et al. 2008). That is, the absence of a blue line to the west of 30053 Harvester Road is not evidence that a stream did not exist at that point in time, while the presence of a blue line to the east of 30053 Harvester Road is confirmatory evidence that it exists. This interpretation of the meaning of blue lines on early USGS topographic maps is consistent with published work and the decades of historical ecology research I have done in southern California (Mattoni and Longcore 1997, Beller et al. 2011, Dark et al. 2011, Beller et al. 2014, Longcore 2016, Safran et al. 2017, Ethington et al. 2020, Longcore and Ethington 2023).

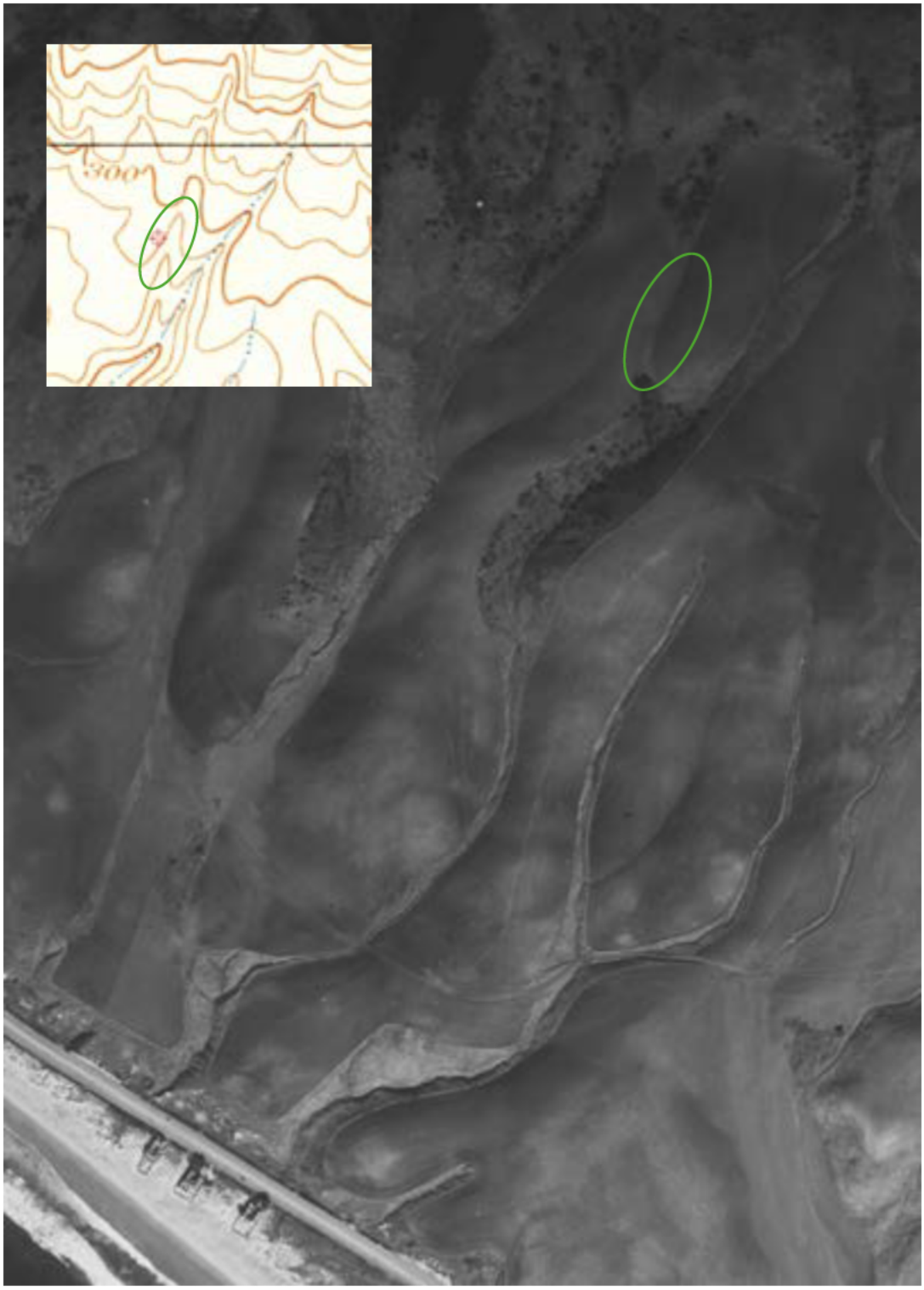


Figure 9. An orthogonal aerial photograph of the coastal drainage including the subject property, taken in January 1944. Inset: 1932 1:24,000 scale USGS topographic map of the project vicinity. Green outline indicates area of the boundary between 30053 and 30069 Harvester Road. Source: UC Santa Barbara Library, Flight C-8666X.

Analysis

Taking the evidence from the field visit, review of historical photographs, project proposal, and relevant scientific literature, I can address and answer two questions.

First, do the conditions on and adjacent to 30053 Harvester Road match the definition of a stream as provided in the LIP Plan and thereby qualify a portion of it as environmentally sensitive habitat area (ESHA) with the associated environmental protection requirements?

Second, is the project at 30053, as sited and designed, the "least environmentally damaging alternative" as required by Section 13.9 of the LIP? The next two sections address these questions.

Conditions Match Definition of a Stream

The LIP (Chapter 2) defines a stream as "a topographic feature that at least periodically conveys water through a bed or channel having banks. This includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation." Textually, the only criteria required to define a stream are a) that it conveys water periodically and b) that it has either a bed or channel with banks. The presence of riparian vegetation is not necessary to define a topographic feature as a stream, but its presence would confirm that determination. That is, the determination is entirely geomorphological, having to do with the shape and function of the land, which then can be supported by an assessment of the plants.

Geomorphological Assessment

The first prong of the geomorphological assessment is that the topographic feature conveys water at least periodically. This condition is obviously met based on the surrounding topography, photographic and video evidence from the appellant, and the confirmation of the City Biologist (Courtney McCammon, memorandum dated March 26, 2024). That the drainage feature along the edge of 30069 conveys water periodically is not disputed.

The second prong of the definition is whether the feature has a bed or channel within banks. Importantly, this test does not require the bed, channel, or banks be of a particular size to be a stream. A "bed" is the relatively flat portion of a drainage feature over which water flows, and it is constrained on either side by a typically steeply sloping "bank" that flattens out at a higher elevation than the bed. Often one observes sorted sediments in a stream bed (sand, pebbles, gravel) depending on the speed of the water that flows in that area (Forman 1995). A "channel" is a concave feature within which water flow is concentrated, and contrasts with "sheet flow" in which water moves uniformly across the land surface without being concentrated (Allaby 2015). A channel may be sinuous, straight, or braided and may have a wide range of width-to-depth ratios (Allaby 2015). A stream bed is typically found within a channel, but not all channels have flat beds at the bottom.

During my April 21, 2025 survey at 30069 Harvester Road, I observed that the topographic feature that conveys water, for approximately 85% of its length had a defined channel with banks (Figure 1) and within those lengths there were well-defined beds with sorted sediments (Figure 2). There were sections where the channel was more V-shaped and others that were more U-

shaped with a bed. These segments met the definition of stream in the LIP and the generally accepted definition within ecology for a channel:

> channel: 1 The preferred linear route along which surface water and groundwater flow is usually concentrated (although water can flow across wide, flat surfaces as sheet flow). It is commonly a linear, concave-based depression (e.g., river channel, submarine fan channel). The geometry may be sinuous, anastomosing, or straight, and with a widely variable width-to-depth ratio (Allaby 2015).

The banks of the stream were in many locations nearly vertical, indicating that the concentrated flows had eroded down the bed to a position lower than the surrounding elevation. This condition meets the definition of being a bed or channel with banks. I have illustrated a cross-section of the stream with pebble-sized sediment and outlined the topography that I observed in the field (Figure 10). In this example, the bed was approximately 18 inches across, and the depth was around 6–9 inches. Either V-shaped or U-shaped channels were present through 85% of the property length, with one 40-foot stretch not exhibiting a defined channel, bed, or bank. This segment, about 40 feet north of Harvester Road, is a very flat section where the water appears to have spread out across a wide area rather than incising a channel. Channels are present south and north of this section.



Figure 10. Cross section of stream at 30069 Harvester Road, showing the sorted sediments in the bed and the change in elevation to the banks.

My professional assessment is that this is an ephemeral stream (sensu Allaby 2015), meaning that it only flows to convey runoff after a rain event and does not have groundwater "baseflow." Ephemeral streams differ from intermittent streams, which occasionally have baseflow from groundwater. Both ephemeral streams and intermittent streams are important parts of the function of watersheds in terms of water flow, recharge of groundwater, nutrient transport, habitat for flora and fauna, and removal of pollutants.

The size and shape of the stream is appropriate for the location in the landscape. It is a "first order" stream, meaning that no other streams flow into it (Forman 1995). First order streams in California riparian systems are typically 20 inches across (Bowler 1989), which is consistent with the size of the channel at 30069 Harvester Road. First order streams are also usually quite straight as they are located higher in watersheds where it is steeper and the topography does not allow for very sinuous or meandering routes (Forman 1995).

This evaluation relies on first-hand observation and detailed understanding of southern California landscape ecology to conclude that the necessary conditions are met to determine a stream is present near the eastern property line of 30069 Harvester Road. The floristic assessment in the next section provides confirmatory evidence of this determination.

Floristic Assessment

The LIP definition of a stream states that streams include "watercourses having a surface or subsurface flow that supports or has supported riparian vegetation." It is already established that surface flows are present following rain conditions, as is expected for an ephemeral stream. Due to its location and the sandy substrates, water from those flows percolates into the ground and provides moisture for vegetation during the year. It is typical that ephemeral streams in southern California support both tree and shrub species that are present exclusively in the streamside (riparian) zone and those that are found there *and* in other nearby habitats. During my field reconnaissance, native species fitting both categories were observed.

California Sycamore (*Platanus racemosa*) is found within the streamside in the southern half of the property (Figure 3 and Figure 4). There are six healthy specimens. I asked the property owner about these six trees, and she confirmed that they were naturally occurring, and that there had been a larger sycamore in this stretch of the stream before the 2018 Woolsey Fire. California Sycamore, when found in an area without irrigation, indicates riparian habitat—this is a species that will "never grow on dry, upland slopes" (Griffin and Critchfield 1972). It is a typical riparian species of mid-drainage and floodplains in southern California riparian systems (Bowler 1989) and has been identified as a riparian "specialist" in the Santa Monica Mountains (Rundel and Sturmer 1998).

The City Biologist's previous assessment noted that the sycamores she saw were "saplings" and implied that they were planted. The size of the trees is irrelevant to whether they have the environmental conditions (soil moisture associated with a riparian setting) to survive, and I specifically confirmed that these six trees were not planted.

California Black Walnut (*Juglans californica*) is a tree species with thin, compound leaves that are green all summer and are dropped in the winter. Because it does not have waxy evergreen leaves like a Coast Live Oak, it needs a more water in the summer to keep its thin leaves

hydrated (Miller 1976, Quinn 1989). I counted five healthy specimens at the site, which would not be possible without the subsurface water associated with the stream. (Subsurface water associated with the stream would be present even though the groundwater table is not high enough to provide baseflow to the stream.) California Black Walnut has long been associated with water courses, especially when occurring on south-facing slopes such as the situation at Harvester Road. Early mentions of the species state that "The California Black Walnut inhabits the banks of streams or alluvial 'washes'" (Jepson 1910). Subsequent studies describe that, "The tree is naturally restricted to cool canyon bottoms, riparian woodlands, or summer-foggy coastal flatlands with deep, well-established soils" (Swanson 1967). It is an uncommon species of mid-drainage southern California riparian systems (Bowler 1989), and specifically associated with riparian woodlands in the Santa Monica Mountains (Rundel and Sturmer 1998, Tiszler and Rundel 2007). Finally, it is known to occur in dry washes and seasonally running washes (Anderson 2002).

I learned that two of the walnuts, which were saplings, had been planted by the owner in April 2024, leaving three naturally occurring walnuts, including one substantial (~15-ft) specimen along the fence line (Figure 5), and others at the northern end of the property.

In this topographic context, and with the sandy/loamy soils, the presence of California Black Walnut indicates riparian conditions with subsurface water available (Tiszler and Rundel 2007). Although California Black Walnuts are found outside of riparian conditions on north-facing slopes with deep soils and high clay content (Quinn 1989), that is not the condition at this site and its presence indicates riparian conditions.

Coast Live Oak (*Quercus agrifolia*) is a typical species in the headwaters of southern California riparian systems (Bowler 1989) and specifically in riparian areas in the Santa Monica Mountains (Tiszler and Rundel 2007). I located two specimens in the northeastern corner of 30069 Harvester Road, one mature tree (Figure 6) and one shrubby specimen (Figure 5). Although Coast Live Oak is not an obligate riparian species (meaning that it can be found outside of riparian zones), its location next to the stream an indicator of its riparian preference. It is known as a "facultative" riparian species (one that takes advantage of riparian conditions but does not require them), and as one of the most abundant and ecologically significant trees in riparian habitats in the Santa Monica Mountains (Rundel and Sturmer 1998).

Holly-leaf cherry (*Prunus ilicifolia*) is found along the streamside area of 30069 Harvester Road. Although it does not require riparian conditions, it is found in alluvial scrub associated with rivers in other southern California regions (Smith 1980) and the vigor of the five specimens on this site is attributable to the riparian conditions.

Lemonade Berry (*Rhus integrifolia*) is another evergreen shrub found within the riparian zone. It is not an obligate riparian species, but is found within alluvial scrub associated with rivers (Smith 1980) and is consistent with the environmental conditions of a first order riparian zone.

Toyon (*Heteromeles arbutifolia*) is present with 4 specimens. Toyon is not a riparian indicator species, but its presence is consistent with conditions near a first order ephemeral stream.

Based on the plant species including both strong riparian indicator species (California Sycamore, California Black Walnut) and facultative riparian species (Coast Live Oak), and a set of other species that are consistent with riparian conditions around a first order stream, my professional conclusion is that this watercourse has surface or subsurface flows that support riparian vegetation, thereby providing an additional confirmation of the geomorphological assessment that the watercourse is a stream under the LIP definition. Because the watercourse meets the definition of a stream, it is also by definition an environmentally sensitive habitat area (ESHA).

Project Siting and Design Is Not the "Least Environmentally Damaging Alternative"

The second question is whether the project at 30053 Harvester Road is the least environmentally damaging alternative. The answer is axiomatically *no*, once the presence of the stream and riparian vegetation along the western project site boundary is acknowledged. The proposed configuration of the second garage and accessory dwelling unit, along with the future leach field location are too close to the environmentally sensitive habitat area. Specifically, these structures are well within the LIP-mandated buffer of no less than 100 feet in width from the outer edge of the canopy of riparian vegetation; and they are substantially less than 100 feet from the outer edge of the bank of the subject stream. Setbacks from riparian zones are required in the LIP to protect the sensitive resources, including water quality and wildlife that are found in such areas.

Giving a proper buffer to the stream would involve removing the development of 30053 Harvester Road to the west of the proposed driveway, by moving the ADU/second garage and future leach field to the east of the driveway. Careful consideration should also be given to the location, configuration, and water quality impacts of the stormwater outfall (including the energy dissipater) proposed to be constructed on the property line to discharge into the stream. As is stenciled on both Harvester Road and Cuthbert Road where they intersect with the stream, the water drains directly to the ocean at Zuma Beach. Maintaining a proper setback is essential to allow overland runoff to be cleansed by infiltrating and flowing through vegetation before it reaches the stream and is conveyed more quickly downstream. This setback also slows water down and decreases the peak stormwater flows and future flooding potential (Marsh 2010).

Providing a buffer to the streamside habitat would reduce impacts on birds through active disturbance and risk of collision with glass windows (Loss et al. 2014). It would be essential to include deterrence to bird collisions through appropriate buffers and use of glass with a low threat rating as defined by the American Bird Conservancy (Sheppard and Phillips 2015) to be considered the least environmentally damaging alternative.

Removing the second garage/ADU from the streamside location would also mitigate the impacts of additional light on the riparian habitat from within the structure. The LIP regulated outdoor lighting, but indoor lighting can similarly be a significant influence on wildlife at night if it is allowed to escape the structure. Riparian zones are particularly vulnerable to this impact (Meyer and Sullivan 2013, Sullivan et al. 2019). The LIP measures light in Watts, which is a unit of energy, not light intensity. Because all new projects now use LEDs, which produce more light per Watt than previous light sources (e.g., incandescent), the conditions for the proposed project should be updated to reflect a maximum light output of 800 lumens (the equivalent of a 60-Watt incandescent bulb). For more details on the environmental issues with LEDs, see Longcore (2018) (attached).

Discussion of City Biologist Determination

The City Biologist, Courtney McCammon, wrote two memos, dated March 26, 2024, and August 6, 2024, evaluating whether a stream is found on the property at 30069 Harvester Road. The first memo contains the most detail and the second memo, written after having access to the 30069 Harvester Road property, purports to confirm the details of the first memo with no additional details. The March 26, 2024 memo contains the assessment that no stream is found on 30069 Harvester and discusses the reasons for this conclusion.

Ms. McCammon concedes that the area along the eastern boundary of 30069 Harvester Road, "likely 'periodically conveys water.'" This is an acknowledgment of a documented and irrefutable fact where there is ample photographic and visual evidence that water flows at the low point in the landscape.

Ms. McCammon goes on to point out that there do not appear to be streams northwest or southeast of 30069 Harvester Road. The presence of an adjacent stream segment is irrelevant to the determination of whether a stream is present at this parcel. Nevertheless, I was able to ascertain through conversations with the residents of 30069 Harvester Road and visual inspection of pipe inflow and outflow locations that the water flows are undergrounded into drainage pipes north and south of 30069 Harvester Road so they would not have been apparent to Ms. McCammon. The infrastructure for the water flows northwest and southeast of the site is present and located along the routes of historical stream flows (see historical aerials, Figure 8 and Figure 9.

Ms. McCammon then comes to the key to her analysis, which is that she claims she did not observe a bed or channel having banks. The presence of either a bed with banks or a channel with banks is the determinative factor in whether a stream is present according to the LIP definition. Her 2024 memos fail to identify the well-documented, clearly defined bed of an ephemeral watercourse and channel having banks. This stream has a clearly defined channel through approximately 85% of the length of the property and has a flat bed in multiple locations along that length in which there was sorted sediment in the form of sand or pebbles. The width varied from a foot across to several feet wide and the depth from 6 to 18 inches.

Ms. McCammon then turned to the vegetation conditions along the watercourse and noted the presence of species that she characterized as weedy and not associated with riparian conditions. I found the same weedy species during my visit. These species, however, are not proof that riparian conditions do not exist, because they are quite opportunistic. In contrast to Ms. McCammon, I observed and documented the presence of native riparian-associated species, as documented in detail above.

Ms. McCammon observed native riparian-associated trees on the site but expressed a belief that the native trees were planted, except for one oak (presumably the large oak at the north end of the property). She later notes the trees are "very young" and asserts, without evidence, that they would correspond to 2021–2022 landscaping.

As documented above, I interviewed the owner of 30069 Harvester Road and asked specifically whether the riparian indicator species — California Sycamore, California Black Walnut, and

Coast Live Oak — had been planted. She readily acknowledged that the two Valley Oaks (*Quercus lobata*) had been planted, that she had planted California Sycamores along Harvester Road and leading up to her driveway, and that she planted two California Black Walnuts that are still small saplings. She did not, however, plant or have planted the other native trees. Rather, she described the loss of trees during the 2018 Woolsey Fire and the subsequent regrowth of the sycamores after the fire. She also acknowledged placing stones in a circle around a sapling California Walnut that had volunteered near the northern end of the property. In the absence of any contrary documentary evidence, there is no reason to conclude that the riparian species now present were planted (the Valley Oaks and two planted California Black Walnuts obviously excluded). Furthermore, the LIP definition for a stream does not distinguish between planted and naturally occurring riparian vegetation — the ongoing survival of the native plants with riparian habitat associations are evidence of the presence of a stream, regardless of whether they were planted.

The City of Malibu Land Use Plan ESHA map update procedures explicitly state that "areas subject to habitat restoration projects shall also be considered for designation as ESHA" (Land Use Plan Section 30242). This provision means that contrary to Ms. McCammon's implication that planted riparian habitat would exclude a site from ESHA status, even if these trees had been planted (which they were not), their presence and recovery would trigger consideration for reclassification as ESHA.

Ms. McCammon then suggests that the stream could not be a stream because the ESHA area identified by the appellants was drawn "as a straight column down the center of the two properties, which is usually not how habitat or plants behave (in a straight line)."

There are two responses to this incorrect assertion. First, the documentary evidence in historical photographs (Figure 8 and Figure 9) shows that this stream course was straight and located in exactly this location since at least 1928. Second, streams that are in the steeper portions of watersheds, at or near headwaters, are always quite straight. These first order streams and their straight nature comes from the steepness of the terrain (Forman 1995). It is not unusual, given both the documentary evidence and known geomorphological attributes, for the stream to be quite straight along this stretch and for the riparian vegetation to follow that straight line.

About the Author

Travis Longcore is a principal of Land Protection Partners. Dr. Longcore is Adjunct Professor in the Institute of the Environment and Sustainability at UCLA, where he is Co-Chair of the professional doctoral program in Environmental Science and Engineering (D.Env.). He has taught, among other courses, Bioresource Management, Environmental Impact Analysis, Field Ecology, The Natural Landscape, and Ecological Factors in Design. He was graduated *summa cum laude* from the University of Delaware with an Honors B.A. in Geography, holds an M.A. and a Ph.D. in Geography from UCLA, and is professionally certified as a Senior Ecologist by the Ecological Society of America and as a GIS Professional by the Geographic Information System Certification Institute. He is a 28-year member of the Los Angeles County Environmental Review Board where he has evaluated hundreds of project proposals in the Coastal Zone for compliance with the Coastal Act and local implementing regulations. Longcore has authored or co-authored over 75 scientific papers in top peer-reviewed journals such as

Science, Applied Geography, Biological Conservation, *Conservation Biology*, *Environmental Management*, *Frontiers in Ecology and the Environment*, *Trends in Evolution and Ecology*, *Journal of Applied Ecology*, and *Basic and Applied Ecology*. Land Protection Partners provided scientific review of environmental compliance documents and analysis of complex environmental issues for local, regional, and national clients for 27 years.

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City of Malibu
MEMORANDUM

To: Yolanda Bundy, Community Development Director, City of Malibu

From: Courtney McCammon; Contract City Biologist

Date: September 15, 2025

Re: 4000 Corral Canyon Road; ECDP 25-017, Biology Site Inspection

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The purpose of this memo is to provide details following a Community Development Director-requested site inspection at 4000 Corral Canyon Road. Some caveats about this site visit include: no formal jurisdictional delineation was requested nor conducted; no formal biological assessment was requested nor conducted; no formal tree survey was requested nor conducted (i.e. tree DBH was not taken). The City Biologist visited the project site on the morning of Monday, September 15, 2025. The City Biologist was tasked with verifying in-field conditions as reported by the Applicants biological assessment dated July 2025.

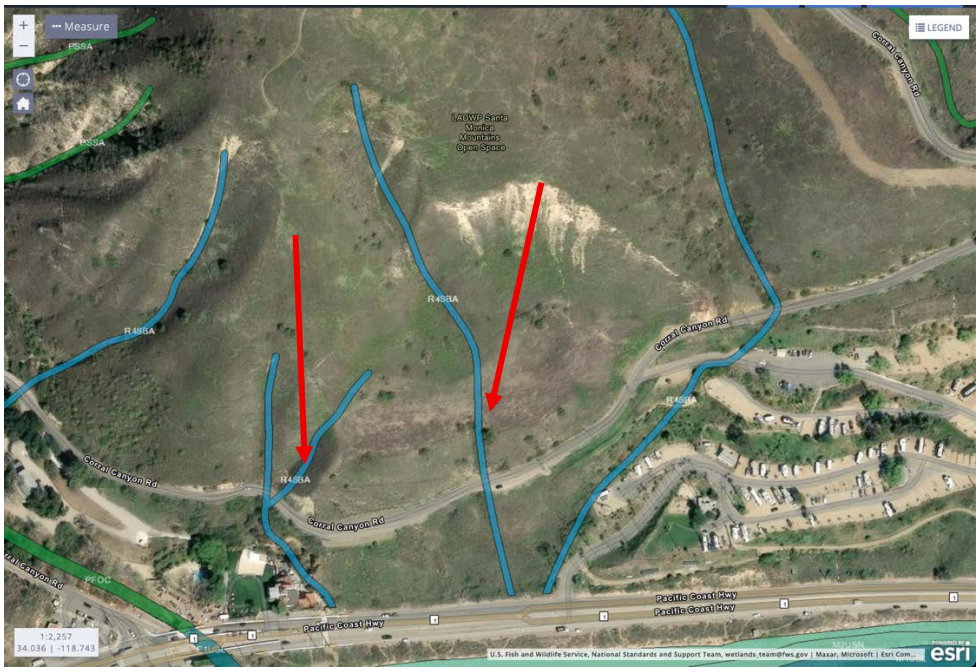
Stream Determination

The Applicant's biological assessment reports the following:

> The National Wetlands Inventory Wetlands Mapper documented riverine habitat (R4SBA) traveling through the center of the site for a span of approximately 50 feet (Figure 4). During the field survey conducted on May 26, 2025, a surveyor located the area of the mapped resources and documented a lack of features on site. Within the area where the feature is mapped, no characteristics were detected that indicate this area supports significant hydrology (i.e., permanent, intermittent, or relatively permanent waters), and no hydric soils were identified. The area lacked evidence of flow features or concavity. No hydric vegetation was detected within the mapped area, and the vegetation composition was consistent with the surrounding area and classified as "Upland." Aerial imagery reviewed for this study shows that this area has been disked on a nearly annual basis within the Project area. Therefore, although this site was historically mapped as riverine, the field survey verified that the area is not a water feature and therefore not jurisdictional.

While it is unclear which riverine feature the Applicant's biologist surveyed, it is assumed that it is the feature that bisects the site as depicted in the screenshot below.

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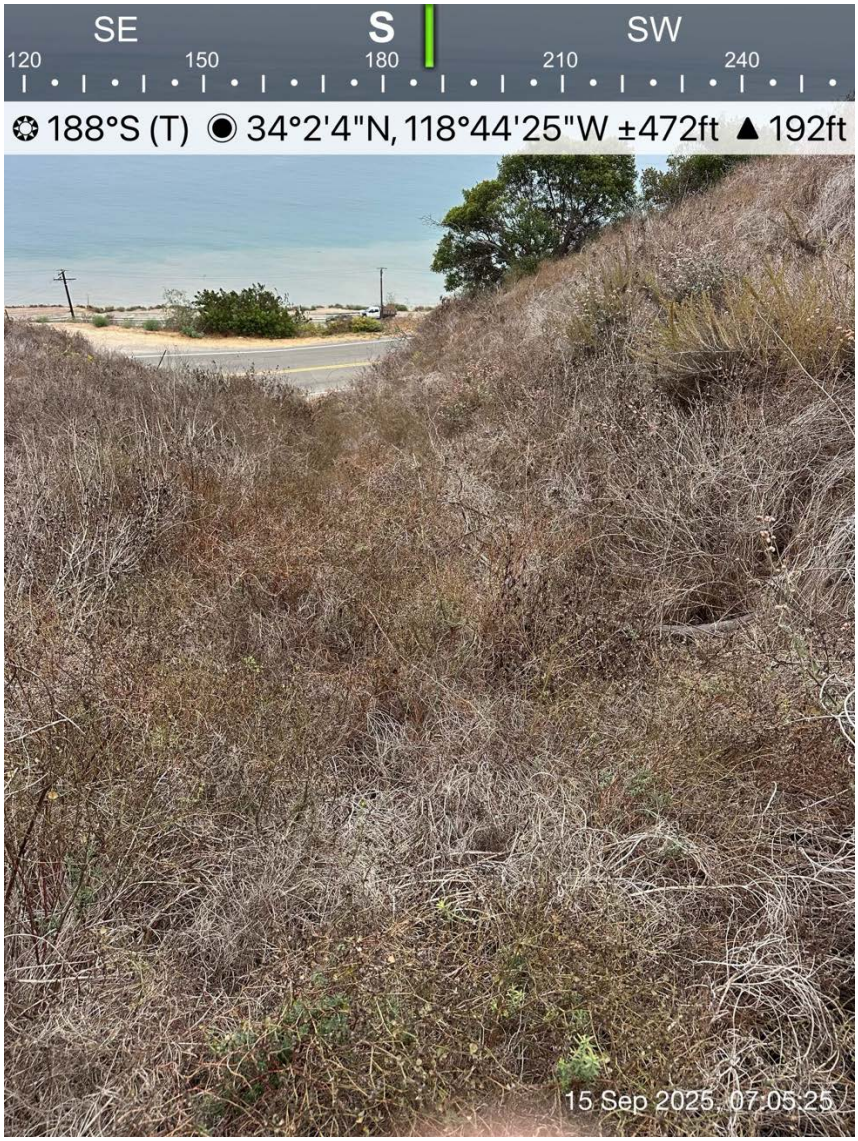


The City Biologist surveyed the two riverine features that are pointed out (red arrows) due to their proximity to the project site. A stream is defined in the LIP as "a topographic feature that at least periodically coveys water through a bed or channel having banks. This includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation." The City Biologist concurs that there was a lack of flow features or concavity (bed or channel having banks). However, at Corral Canyon Road there is an existing culvert that was put in to presumably channel water. It is unclear the route that the water takes while on the project site but it likely travels down a ravine as outlined in the map below with the red arrow.



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The area with the red arrow likely conveys water at least periodically but, again, a defined channel was not observed on the site. Surface flow was not observed. The biologist was not tasked with looking for subsurface flow. There was no riparian vegetation observed either. Below are some photos taken on the site and where the red arrow is.



This picture was taken standing where the red arrow (riverine feature) is. Corral Canyon Road and the culvert is in the background.

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This picture was taken standing along the mapped riverine feature that bisects the property. Flow likely occurs in the middle of the photograph (red arrow) but a bed or channel having banks was not observed.

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ESHA Determination



The submitted biological assessment did not make any statements as to whether there is or is not ESHA on the project site. The above map was provided that shows the extent of ESHA as it is shown on the City of Malibu GIS. A corrected map post-field survey was not provided.

The submitted biological assessment stated that the site could support special status wildlife including but not limited to: San Diego desert woodrat, legless lizard, coastal whiptail, coast horned lizard, and monarch butterfly. The report specifically states:

> The special-status wildlife species identified during the habitat assessment have the potential to occur in the Project area within disturbed areas or within the undeveloped portions of the Santa Monica Mountains (i.e., associated with coastal sage scrub or chaparral habitat).

The City Biologist agrees with the species listed having potential to occur on site and that the habitat on site can support those species. Chapter 4 of the LIP states that ESHA is “Any habitat area that contributes to the viability of species that are designated "fully protected" or "species of special concern" under State law or regulations.” The habitat on site would be considered ESHA since it has the ability to support listed species. Below are photos from the site visit:

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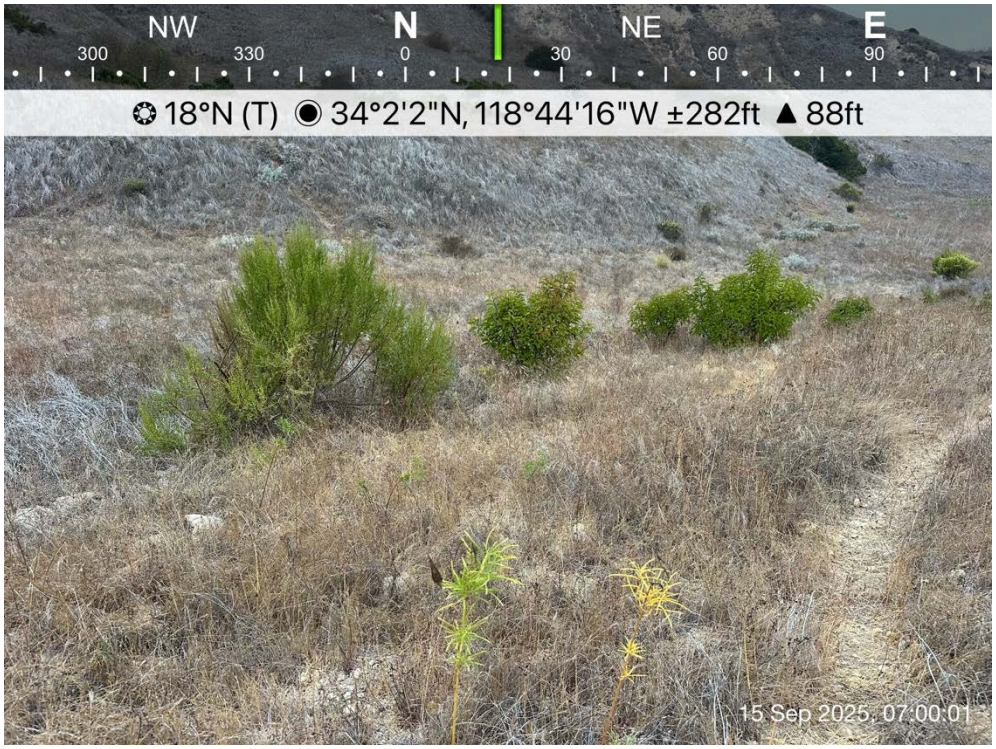


A woodrat midden immediately adjacent to the project site. It is unknown what species of woodrat.

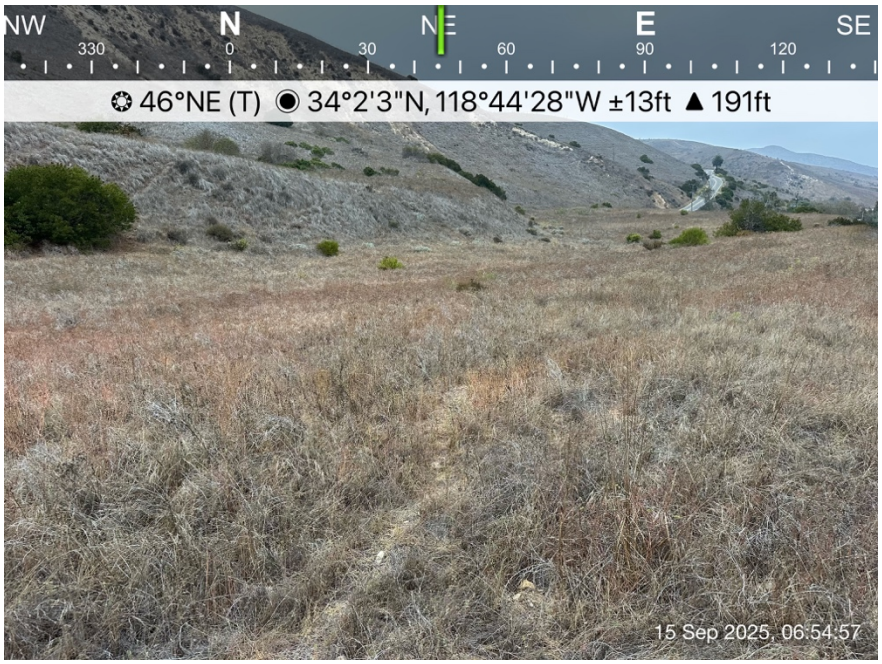


A photograph showing some of the native vegetation found on the project site.

Recycled Paper



A photograph showing some of the vegetation on the project site with milkweed in the foreground (monarch butterfly host plant).



A photograph showing the vegetation found on the project site. Mostly non-natives with sporadic native plants.

Recycled Paper





The two above photographs are interesting observations from the project site. The top photograph is the leftovers of a deceased barn owl and the bottom photograph is a mammal skull.

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Native Protected Trees

Note: as stated previously, a formal tree survey was not conducted, and the DBH of native protected trees were not taken.

The biological assessment stated that there were no native protected trees on the project site. The City Biologist determined that statement was accurate and did not observe any native protected trees on the project site.

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