

April 14, 2024

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Honorable Supervisors:

Re: Agenda Item #6
SUPPORT Appeal
Project No. 2017-004054-(3)

On behalf of the Las Virgenes Homeowners Federation, our communities, and stakeholders we respectfully ask you to **uphold the appeal**, deny the major CDP and CEQA exemption, and send this Project back to Department of Regional Planning (DRP) to implement and enforce the LCP (LUP and the LIP). The Project is currently inconsistent with the LCP.

We ask that DRP levy an actual penalty onto the applicant who is a seasoned developer for the illegal removal of H2 biological resources (see details/option below), and then for several other factors, including but not limited to state and county required environmental review. This project has been exempted from any environmental review by DRP (who also advised the PC) which is a violation of the LCP.

This is **not** a simple single-family home in a developed neighborhood as the Project is pitched. It is the opposite. It is a mega mansion, perched on a hillside, expanding the WUI, carving into new habitat, fragmenting the landscape, and marring the viewshed. There is no question it wreaks environmental impacts, yet it was given an environmental analysis exemption. We ask that this be cured.

It also runs contrary to the LCP as it pushes NEW development out into open space (see photos for proof and for viewshed impacts which are significant which need to be analyzed in environmental review), **and it brings in new expensive infrastructure into the middle of vacant parcels which could result in the development of 5 additional lots – a piecemealed subdivision. New subdivisions are prohibited in the LCP. *It thus has cumulative impacts and very real growth inducing potential which again must be considered in environmental review.**

The Federation is and has been mission driven for 55 years to protect the Santa Monica Mountains. Thus, we are compelled to oppose projects “if” they are inconsistent with the Santa Monica Mountains Local Coastal Program (LCP) and/or the North Area Plan (NAP).

We greatly respect Regional Planning – but we take exception to this project push, lack of environmental review, enforcement, and penalties, and apparent thrust to make the project seem smaller and less impactful than it actually is. This is also evident in the latest April 13 DRP statement. Furthermore, at the PC hearing wherein the members ask DRP for answers, the stakeholders who know their own turf, were not permitted to respond or correct what the applicant espoused or the planner. So, misinformation proliferated at the hearing.

Penalty for Violations

Not only is this Project inconsistent with the LCP (LUP and LIP), but the applicant intentionally graded and arrogantly destroyed 6000 feet of H2 habitat “during” the hearing process. Although he received an NOV from Code Enforcement, it translated to a big zero – no penalty, not even a delay. The applicant has been allowed to proceed as if this serious infraction was invisible and apparently, no big deal. That in itself is a violation of the LCP.

Biological resources are protected foremost over development in the LCP.

As you know, this is a coastal act driven document that our communities and businesses worked with the Third District on and with for more than 12 years to finally be ratified. It was approved by the Board of Supervisors (BOS) and the California Coastal Commission (CCC) in 2014, and it was no easy feat. 10 years later it remains incumbent upon the Director of Regional Planning to implement and enforce the LCP. As stakeholders and stewards we cannot stand by and watch it be eroded. The public is heavily vested in seeing that the LCP is enforced. Every new incursion into open space like this fragments habitat and connectivity particularly for the threatened mountain lion. It brings new light, noise, poisons, biological resource destruction and in this case likely more development and cumulative impacts into undisturbed chaparral. Instead of being downsized, contrary to the LCP the Project is also being greenlighted in the buffer zone of H1--our most sensitive coastal biological resources.

With the significant impacts of climate change and the increase in and worsening wildfire conditions adhering to regulations should be strengthened, especially in regard to protecting chaparral habitat [biological resources].

The peoples' parkland/open space was decimated in the Woolsey fire wherein almost 100,000 acres burned. **Thus, H2 designated biological resources are more valuable than ever. This developer graded over it.**

The LCP says:

H2 habitat consists of areas of high biological significance, rarity, and sensitivity that are important for the ecological vitality and diversity of the Santa Monica Mountains Mediterranean Ecosystem. H2 habitat includes large, contiguous areas of coastal sage scrub and chaparral-dominated habitats.

The National Park Service says:

As one of only five Mediterranean ecosystems in the world, the Santa Monica Mountains National Recreation Area preserves the rich biological diversity of more than 450 animal species and 26 distinct plant communities.

The LIP policy amendment below was developed and driven by the Third District and stakeholders during Supervisor Kuehl's tenure to act as a deterrent to keep developers from illegally clearing habitat (like this), grading, and other violations. It is a big problem

because of the lack of enforcement and real penalties. So much damage has been inflicted by developers illegally removing chaparral habitat to enable development with virtually no penalties. This amendment was approved by the BOS, and the Coastal Commission, and it went back to the BOS with modifications, approved, and then was ratified by the Coastal Commission. It has been fully vetted by both agencies and obviously their legal teams. And, yet it has not been exercised since its inception more than 5 years ago. Why?

***Grading over and destroying H2 habitat is serious business – and it was not accidental.**

Here is the LIP Subsection

LIP

Subsection

22.44.690.Z

When a cease-and-desist order, notice of violation, or CDP revocation has been issued or recorded for a property by the County or by the Coastal Commission, the Director may set the matter for a public hearing before the Commission to consider a five-year ban on filing any new application, or acting upon any application for the subject property. In such case, all procedures relative to notification, public hearing, and appeal shall be the same as for a CDP. Following a public hearing, the Commission may place up to a five-year ban on filing any applications but may exempt emergency permits and/or permits deemed by the Director as necessary, for the subject property to address a violation, cease and desist order, or permit revocation on the property. The five-year period shall commence from the date of the hearing. The Director shall record such five-year ban in the office of the County Recorder. The Commission's action on a ban does not limit the Commission or Coastal Commission from taking enforcement action due to an LCP or Coastal Act violation(s) at the property subject to the ban.

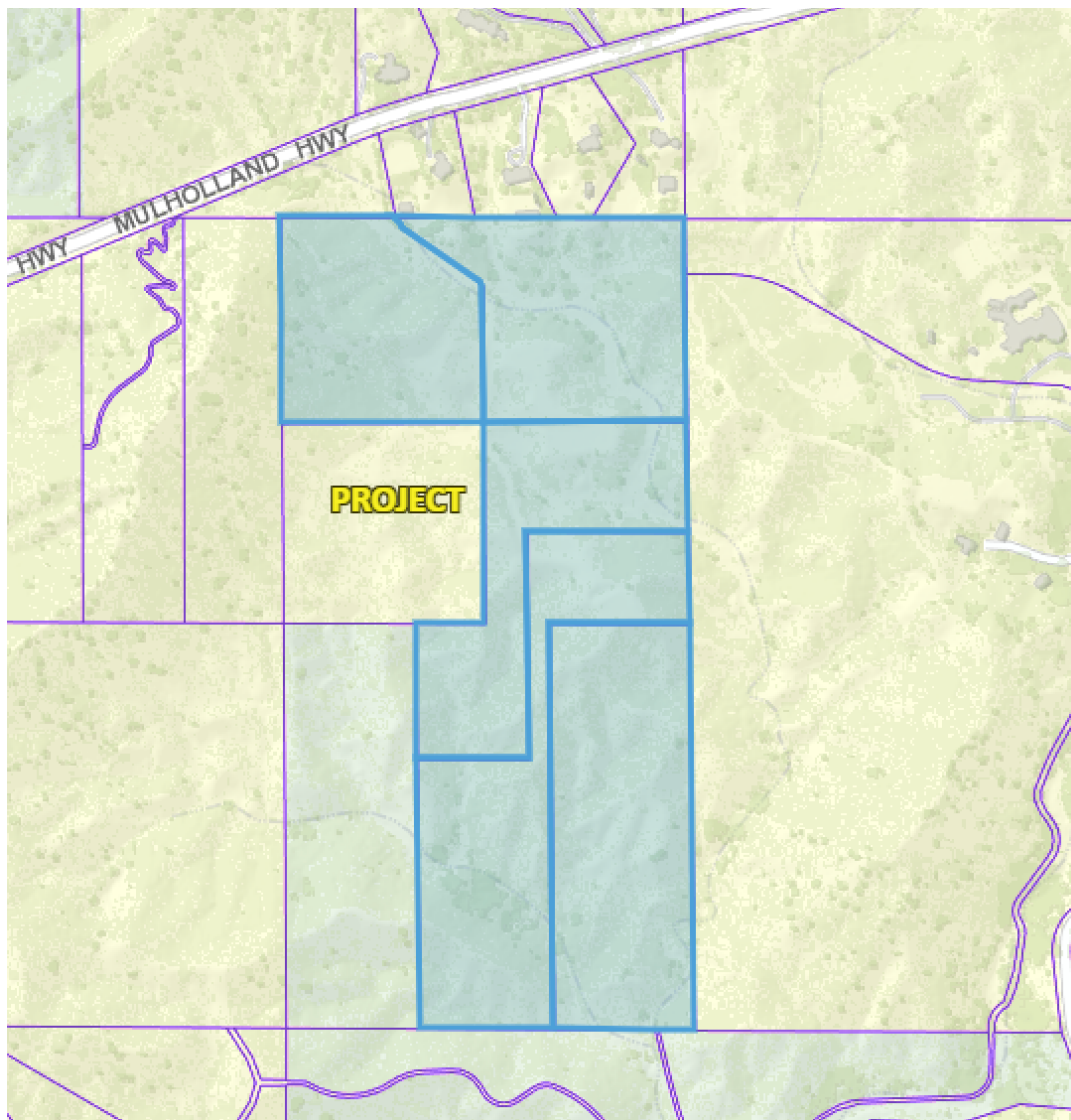
“Good faith efforts toward revegetation --- graded without permits --- plan as a condition of approval”, as outlined in the staff report to restore the H2 is not consistent with the LCP. This is not a penalty, sets a bad precedence, and flies in the face of prevailing LCP resource protective policies.

Environmental Analysis is Required.

Here is a map of the Project location. As is clearly evident, this proposed Project sits in the middle of as of yet undeveloped parcels. His parcel is surrounded by five additional lots that appear to be owned by one person. The new infrastructure this applicant brings in could enable the development of all five of these parcels. Is that the plan? Piecemealing a

subdivision? Contrary to the staff statement, this Project is growth inducing, has cumulative impacts and must be analyzed as part of a CEQA review.

Further, the staff report appears to indicate this development is on Mulholland Hwy. It has a Mulholland Hwy address, but it is not on Mulholland Hwy. as is evident (also pointed out by the SMMC), and neither is it part of the homes DRP refers to on Mulholland. This is carving out new turf and creating new impacts into undeveloped coastal turf on a major hillside (again as evidenced from the photos from Cold Canyon Road also below).



This Project is identified above and the 5 vacant lots surrounding it are highlighted in blue.





These pictures are taken from Cold Canyon Road looking up the mountainside -- the Project will impact the viewshed. The developer at the PC hearing cast aspersions onto the validity of these photos -- and we were not permitted to correct him or respond. These are photos taken from Cold Canyon Road. They demonstrate the impacts of the Project and potential future enabled development here will have on the viewshed and the incursion into open space. [also addressed in the SMMC letter.] It will be a scar on the mountainside and the brush clearance regulations that surround the entire building site area -- will enhance that scar.

This Project does not qualify for an exemption from environmental review.



This photo is also taken from Cold Canyon and demonstrates how far away from Mulholland Hwy., the Project site is.

The 9383 square foot building site area for this Project is described as less than the maximum allowable area. A more accurate way to describe it would be to say that it is utilizing the maximum buildout of almost 10,000 allowable square feet. Who is going to monitor this as the SMMC also states because it cannot even be seen from Mulholland Hwy.? Further the staff report states that it is in the buffer zone of H1 which the LCP does not allow unless there is no available alternative. Why is the Project site not being downsized then as required so there is no impact to H1?

As per the staff statement:

*RPC found the Project qualified for Class 3, New Construction or Conversion of Small Structures, and Class 4, Minor Alterations to Land, categorical exemptions from the California Environmental Quality Act because the Project is a request to construct one single-family residence with a detached carport and associated infrastructure, including a driveway, OWTS, and retaining walls. The Project also includes fuel modification surrounding the residence. **The Project does not qualify as an exception to the exemptions because it is not expected to result in damage to scenic resources and/or***

scenic highways, is not expected to result in cumulative or significant effects, is not located on a hazardous waste site, and does not contain historic resources.

This conclusion is not in sync with the actual proposed Project as demonstrated herein. Contrary to the staff statement, the Project does qualify as an exception to the exemptions because it will result in damage to scenic resources – and it is expected to result in cumulative and significant effects.

Another strategy we've witnessed prior, and that appears evidenced here once again is certain developers and expeditors don't want to comply with strict coastal regulations and complain that the process has taken an extended period of time. This is their own doing for proposing projects that do not comply with the LCP and attempting to circumvent it.

This IS the coastal zone, in the Santa Monica Mountains National Recreation Area – a Federal park boundary -- in a VHFHSZ, which the people have invested in to the tune of hundreds of millions of dollars so that they may recreate and relax and provide refuge and habitat for wild and incredible wild things like mountain lions so that they may survive and still have a place to roam for future generations. Every development impacts this.

It is not incumbent upon Regional Planning who is tasked with enforcing the state coastal zone regulations or the public, to streamline the process for any mega mansion or any proposed development in the coastal zone.

Protecting Habitat Linkages:

The LCP says:

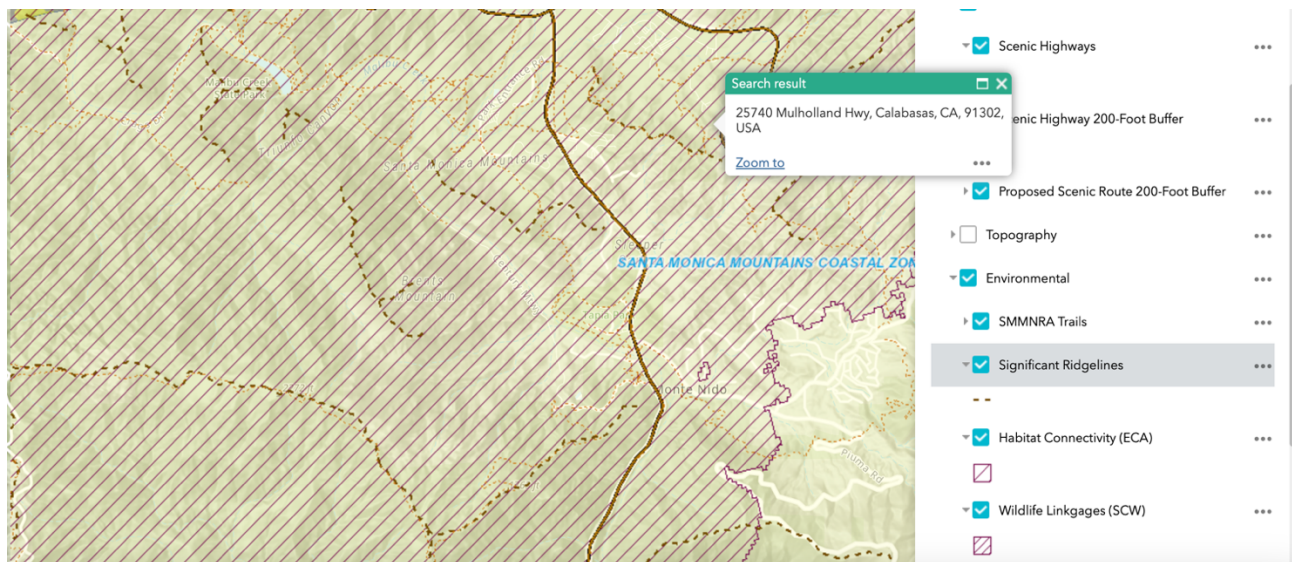
CO-45 Emphasize the protection of habitat:

a) Preserve, protect, and enhance habitat linkages through limitations in the type and intensity of development and preservation of riparian corridors.

b) Place primary emphasis on preserving large, unbroken blocks of undisturbed natural open space and wildlife habitat areas. *As part of this emphasis, all feasible strategies shall be explored to protect these areas from disturbance. Such strategies include, but are not limited to, purchasing open space lands, retiring development rights, clustering development to increase the amount of preserved open space, requiring the dedication of open space conservation easements in all CDPs that include approval of structures within H2 habitat, and minimizing grading and the removal of native vegetation.

This is a clear example of why environmental review is required – a detailed analysis and a look at alternatives and a smaller building site area is needed. Resource protection trumps development in the LCP.

[A Resource Map](#). The building site location of this proposed Project is clearly in the middle of the mapped key habitat connectivity areas (ECA) and wildlife linkages (SCW) as defined by the diagonal purple stripes.



Cultural Resources

If you look at Regional Planning's Cultural Resource Map, this entire area is mapped as having a high probability of containing cultural resources. As a matter of fact, there are recorded resources on nearby parcels. This requires further investigation as part of environmental review.

We encourage and support Regional Planning enforcing the LCP despite the pressure from those seeking to bypass it.

We are grateful to the Board of Supervisors for the opportunity to provide factual information about the Project and Project site of this proposed application for a mega mansion – and urge you to uphold the appeal and deny the major CDP today and send it back for essential environmental study and analysis (MND or EIR), levy of a real penalty for the destruction of H2 habitat, and additional conditions of approval to ensure the Project becomes consistent with the LCP.

We do not object to development projects that are consistent with the LCP. This Project is not one of them as currently proposed. We respect private property rights and the rights of all the wild things that call the National Recreation Area home.

Sincerely,
Kim Lamorie
President

Las Virgenes Homeowners Federation, Inc., of the Santa Monica Mountains