

**SUPPLEMENTAL
REPORT TO THE REGIONAL PLANNING COMMISSION**

DATE ISSUED: January 30, 2025

HEARING DATE: February 5, 2025 AGENDA ITEM: 8

PROJECT NUMBER: R2011-01126-(3)

PERMIT NUMBER(S): Minor Coastal Development Permit No. 201500036
Variance No. RPPL2019006788

SUPERVISORIAL DISTRICT: 3

PROJECT LOCATION: 25830 Dark Creek Road, Calabasas

OWNER: Gary and Jeannine Isbell

APPLICANT: Nick Kazemi

CASE PLANNER: William Chen, Senior Regional Planner
WChen@planning.lacounty.gov

Staff received one public comment on January 27, 2025 in opposition to the project. The correspondence is attached. In addition, Staff has been advised that Commissioner O'Connor cannot attend the March 5, 2025, Regional Planning Commission meeting, so Staff is now recommending a continuance to March 19, 2025 instead of March 5, 2025.

Staff recommends the following motion:

| |
|---|
| <p>I MOVE THAT THE REGIONAL PLANNING COMMISSION CONTINUE MINOR COASTAL DEVELOPMENT PERMIT NUMBER 201500036 AND VARIANCE NUMBER RPPL2019006788 TO MARCH 19, 2025.</p> |
|---|

Report
Reviewed By: Rob Glaser
Robert Glaser, Supervising Regional Planner

Report
Approved By: M. Glaser
Mitch Glaser, Assistant Deputy Director

LIST OF ATTACHED EXHIBITS

| | |
|-----------|---|
| EXHIBIT A | Email from Mark L. Marshall dated January 26, 2025. |
|-----------|---|

Mark L. Marshall
707 Crater Oak Drive
Calabasas, CA 91302
(310) 488-1456
mark@mlxv.com

January 26, 2025

VIA EMAIL AND PRIORITY MAIL

William Chen, AICP
wchen@planning.lacounty.gov
320 W. Temple Street, Room 150
Los Angeles, CA 90012

VIA EMAIL AND PRIORITY MAIL

Ms. Elida Luna
appeal@planning.lacounty.gov
320 W. Temple Street, Room 1350
Los Angeles, CA 90012

RE: 25830 Dark Creek Road, Calabasas, CA 91302
Project No. R2011-01126-(3)
Appeal

Ms. Luna and Mr. Chen,

As you are aware, by way of prior correspondence, I am the immediate neighbor to the north of 25830 Dark Creek Road, Calabasas, CA 91302 (the “Subject Property”). I understand that on February 5, 2025, there will be a hearing (“Hearing”) regarding my November 1, 2024 appeal (“Appeal”) of the LA County Planning’s (“County”) granting of CEQA Exemptions and numerous variances related to a Class 3 New Construction and Class 4 Minor Alteration to Land at 25830 Dark Creek Road, Calabasas, CA 91302 - County of Los Angeles as Project No. R2011-01126-(3) (the “Development”)

I continue to appeal all of the County’s findings regarding and approvals of the Development. As noted in my November 1, 2024 Appeal, I believe that there was inadequate consideration, by the County, of all issues raised in my correspondence, regarding the Project, and to the County, dated September 11, 2024 and October 17, 2024. For convenience and reference, the Appeal is attached hereto as Exhibit A, and my September 11, 2024 and October 17, 2024 correspondence are attached

thereto as Exhibits 1 and 2, respectively. I incorporate all of those exhibits into this letter.

/s/ Mark L. Marshall

Mark L. Marshall

EXHIBIT A

DATE: November 1, 2024

TO: Ms. Elida Luna
Regional Planning Commission Secretary
Department of Regional Planning
County of Los Angeles
320 W. Temple Avenue, Room
1350 Los Angeles, CA 90012
appeal@planning.lacounty.gov

FROM: Mark L. Marshall
Name

SUBJECT:

Project Number(s): R2011-01126-(3)
Case Number(s): _____
Case Planner: William Chen
Address: 25830 Dark Creek Road
Assessor Parcel Number: 4456-011-095
Planning Area: Santa Monica Mountains Planning Area

Entitlement Requested:

Various matters including: "A Minor CDP for a new two-story, 2,479-square-foot, single-family residence, an attached two-car 526-square-foot garage, an onsite waste treatment system ("OWTS"), 354 cubic yards of fill grading, landscaping and infrastructure. Variance for development of OWTS leach fields within 100 feet of a stream and within 50 feet of oak and native trees."

Related Zoning Matters:

| | |
|--------------------------------|--|
| Tentative Tract/Parcel Map No. | |
| CUP, VAR, or Oak Tree No. | |
| Change of Zone Case No | |
| Other | |

I am appealing the decision of (check one and fill in the underlying information)

☐**Director**☒**Hearing Officer**Decision Date: 10/22/2024Public Hearing Date: 10/22/2024Hearing Officer's Name: Dane TempleAgenda Item No.: 4

The following decision is being appealed (Check all that apply)

☐

The Denial of this request

☒

The Approval of this request

☐

The following conditions of approval:

List conditions here

The reason for appeal is as follows:

The inadequate consideration of all issues raised in my correspondence, regarding the project, and to the County, dated September 11, 2024 and October 17, 2024. The September 11, 2024 Correspondence is attached hereto as EXHIBIT 1 and the October 17, 2024 Correspondence is attached hereto as EXHIBIT 2.

Are you the applicant for the subject case(s) (check one)?

☐

Yes

☒

No

The appeal filing fee as indicated on the Fee Schedule (<https://planning.lacounty.gov/fees>) may be paid online via Epic LA (<https://epicla.lacounty.gov/SelfService/#/home>), or submitted herein (cash, check, credit card or money order). Make checks payable to Los Angeles County.

/s/ Mark L. Marshall

Mark L. Marshall

Appellant Signature

Print Name

707 Crater Oak Drive, Calabasas, CA 91302

Address

mark@mlxv.com

Email

(310) 488-1456

Day Time Telephone No.

EXHIBIT 1

Mark L. Marshall
707 Crater Oak Drive
Calabasas, CA 91302
(310) 488-1456
mark@mlxv.com

September 11, 2024

**VIA EMAIL AND CERTIFIED MAIL –
RETURN RECEIPT REQUESTED**

William Chen, AICP
wchen@planning.lacounty.gov
320 West Temple Street
Los Angeles, CA 90012

**RE: 25830 Dark Creek Road, Calabasas, CA 91302
Project No. R2011-01126-(3)**

Mr. Chen,

By way of introduction, I am the immediate neighbor to the north of 25830 Dark Creek Road, Calabasas, CA 91302 (the “Subject Property”). I understand that on September 17, 2024, there will be a hearing regarding a CEQA Exemption and numerous variances related to a Class 3 New Construction and Class 4 Minor Alteration to Land at 25830 Dark Creek Road, Calabasas, CA 91302 - County of Los Angeles as Project No. R2011-01126-(3) (the “Development”). Please accept this letter as a submission of written comments regarding the Development.

In 2003, John Dixon, Ph.D. an ecologist and wetland coordinator with the California Coastal Commission predicted the negative effects of development in the Santa Monica Mountains:

The natural habitats of the Santa Monica Mountains are highly threatened by current development pressure, fragmentation and impacts from the surrounding megalopolis. The developed portions of the Santa Monica Mountains represents the extension of this urbanization into natural areas. About 54% of

the undeveloped Santa Monica Mountains are in private ownership, and computer simulation studies of the development patterns over the next 25 years predict a serious increase in habitat fragmentation. Development and associated human activities have many well documented deleterious effects on natural communities. These environmental impacts may be both direct and indirect and include the effects of increased fire frequency, of fire clearance, of introduction of exotic species, and of night lighting.”¹

It has been 21 years since Mr. Dixon’s treatise regarding the value and rarity of the Santa Monica Mountains Environmentally Sensitive Habitat Area. Unfortunately, his predictions have come true. The proposed Development will only make matters worse. The Subject Property where the Development is under consideration is classified by the California Coastal Commission a “H1 habitat” and a “H1 buffer,” which are the most ecologically sensitive areas in the Santa Monica Mountains.²

I. THE SUBJECT PROPERTY IS TOO ENVIRONMENTALLY SENSITIVE TO DEVELOP AND PROPOSED EFFORTS TO MITIGATE THE ENVIRONMENTAL IMPACT ARE NOT ADEQUATE

To begin, environmentally sensitive flora and habitat has already previously been possibly inappropriately or illegally removed from the Subject Property since the county began considering the Development in October of 2011.

First, a large oak tree was removed from the north west corner of the Subject Property at some point between 2011 and 2013. LA County’s aerial imagery

¹ *Effects of Human Activities and Development on Habitats within the Santa Monica Mountains*, John Dixon, Ph.D., March 25, 2003:
<https://www.coastal.ca.gov/ventura/smm-asha-memo.pdf>

² *See*, Los Angeles County - Map 2: Biological Resources (East) - Santa Monica Mountains Local Coastal Program: <https://planning.lacounty.gov/wp-content/uploads/2022/10/Biological-Resources.pdf>

clearly reflects the removal of the oak tree.³ The developer's own November 19, 2011 Tree Location Map [referred to as the Oak Tree Plan by LA County] reflects the tree as "21."⁴ The developer's own November 18, 2011 Oak Tree Report further details the tree and states: "Total number of dead (or nearly dead) Protected trees at side... 0" and "Total number of Oak trees to be removed (not incl. dead oaks)... 0."⁵ The developer's own iterations of plans on July 20, 2011 and then on November 13, 2012 also conspicuously reflect the removal of the oak tree and a subsequent shifting of the situs of the proposed structure.⁶ The two plans also appear to reflect a shrinking and potential removal of the vegetation that comprises the riparian canopy.

Per the Santa Monica Mountains Local Coastal Program ("LCP") Local Implementation Program ("LIP") at Section 22.44.1900 "Buffers.": "Vegetation removal, vegetation thinning, or planting of nonnative or invasive vegetation shall not be permitted within buffers."⁷ The developer's conduct should not be rewarded with any variances.

Ignoring any prior conduct, what is left of the habitat at the Subject Property should not be deprived of protection as required by the policies and provisions of the LCP and LIP.

³ See, EXH 1 – LA County Aerial Imagery of the Subject Property from 2011 and 2013.

⁴ See, https://case.planning.lacounty.gov/assets/upl/case/R2011-01126_OakTreePlan.pdf

⁵ See, https://case.planning.lacounty.gov/assets/upl/case/R2011-01126_OakTreeReport.pdf

⁶ See, EXHIBIT 2 - https://case.planning.lacounty.gov/assets/upl/case/R2011-01126_SitePlan.pdf and https://case.planning.lacounty.gov/assets/upl/case/r2011-01126_site-plan-20130514.pdf

⁷ See, https://case.planning.lacounty.gov/assets/upl/project/coastal_adopted-LIP.pdf

The LCP was created to address the loss of our rare sensitive habitat in the Santa Monica Mountains. The regulations are designed carefully to fulfill this mission. This is not the time or place for variances from the law. The Subject Property contains over 350 linear feet of blue line, year round creek frontage on Dark Creek [the creek] and riparian canopy. Construction and excessive grading will further degrade the ESHA and cause a very apparent habitat fragmentation. When the significance of habitat connectivity is being addressed by such major projects as the Wallis Annenberg Wildlife Crossing and the Malibu Creek Dam demolition, a variance that blocks the last corridor through the rural village of Monte Nido seems irreconcilable.

John Dixon, Ph.D. details the importance of habitat connectivity in the Santa Monica Mountains:

The species most directly affected by large scale connectivity are those that require large areas or a variety of habitats, e.g., gray fox, cougar, bobcat, badger, steelhead trout, and mule deer. Large terrestrial predators are particularly good indicators of habitat connectivity and of the general health of the ecosystem. Recent studies show that the mountain lion, or cougar, is the most sensitive indicator species of habitat fragmentation, followed by the spotted skunk and the bobcat. Sightings of cougars in both inland and coastal areas of the Santa Monica Mountains demonstrate their continued presence. Like the “canary in the mineshaft,” an indicator species like this is good evidence that habitat connectivity and large scale ecological function remains in the Santa Monica Mountains ecosystem. The habitat integrity and connectivity that is still evident within the Santa Monica Mountains is extremely important to maintain, because both theory and experiments over 75 years in ecology confirm that large spatially connected habitats tend to be more stable and have less frequent extinctions than habitats without extended spatial structure. Beyond simply destabilizing the ecosystem, fragmentation and disturbance can even cause unexpected and irreversible changes

to new and completely different kinds of ecosystems (habitat conversion).⁸

As discussed, *supra*, I live on the property directly north of this proposed development. I've been aware of many large terrestrial animals and large protected birds passing through my property and through the adjacent subject property. This development will significantly impede connectivity for wildlife.

Meanwhile, the proposed structure will be abnormally tall. The Development calls for a structure that is 24.5 feet high, on top of grading of approximately 2-4 feet. This hostile, monolithic structure will thus be approximately 28.5 feet above its surroundings. Meanwhile, the proposed structure will have large panes of glass. Reflection and night illumination will be disorienting for birds, harmful to riparian creatures and disturbing to neighbors.

II. THE DEVELOPMENT WILL INCREASE FIRE DANGER IN THE AREA

As pointed out in Los Angeles County Department of Regional Planning's February 9, 2017 Request for Additional Information for the Development, the plan details a structure that would be within the Local Implementation Program ("LIP") required fuel modification zone.⁹ Nearly the entirety of the Subject Property falls within the required 100-200 foot, from the riparian canopy, fuel modification zone as required by the LA County Fire Department.

Per, Cal Fire, the Subject Property is located in a "Very High Fire Hazard Severity Zone."¹⁰ It does not appear that the Development will not have adequate fire

⁸ *Effects of Human Activities and Development on Habitats within the Santa Monica Mountains*, John Dixon, Ph.D., March 25, 2003:

<https://www.coastal.ca.gov/ventura/smm-asha-memo.pdf>

⁹ See, https://epicla.lacounty.gov/energov_prod/SelfService/#!/plan/DDE716B8-8757-4A1A-B11A-9361D936253C?tab=attachments

¹⁰ See, <https://34c031f8-c9fd-4018-8c5a-4159cdff6b0d-cdn-endpoint.azureedge.net/-/media/osfm-website/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones/fire-hazard-severity-zones-map-2022/fire-hazard-severity-zones-maps-2022->

defensible space, further increasing fire danger in the area. Issuing a variance will further increase the fire risk in the community and particularly to neighboring homes. This will only make insurance even more difficult to obtain in the community, in a time when California, and its mountainous areas, are in an insurance crisis.

III. THE DEVELOPMENT'S SEPTIC SYSTEM WILL CAUSE FURTHER ENVIRONMENTAL DEGRADATION AND POTENTIAL HEALTH RISKS TO NEIGHBORS

The septic system and leach fields, for which the Development is seeking a variance, are to be located less than 100 feet from the riparian canopy at the Subject Property and will be encroaching well within the 50 feet of the drip line of existing oak trees. As discussed, *supra*, the riparian canopy may have already been significantly trimmed and a mature, green oak tree was removed during the consideration of plans at the Subject Property.

In any event, the leach fields will likely leach into the Dark Creek. More disturbingly, the proposed leach fields would run frighteningly close or even directly above and parallel to the existing water main along Dark Creek Road, thereby creating a health hazard for neighbors.¹¹

IV. THE DEVELOPMENT CALLS FOR A STRUCTURE THAT IS NOT HARMONIOUS WITH NEIGHBORING HOMES OR ITS RURAL SETTING

The plan calls for a structure that is inconsistent and disharmonious with neighboring homes. As discussed, *supra*, the proposed monolithic, square, blocky, glass structure would rise to more than 28 feet.¹² This structure would be more fitting in an industrial area, as an office building, than in a rural setting. The

files/fhsz_county_sra_11x17_2022_losanageles_3.pdf?rev=8332cd92d19a410e80153711bbae4d74&hash=662234F0F323C2F8CCD56EB9BE8F6A35

¹¹The current plans do not reflect the current location of the water main in relation to the proposed leach fields. However, the water main proximity to the leach field can be reasonably estimated by the fire hydrant's location on the plan.

¹²See, Exhibit 3 –August 31, 2024 of the story poles at the Subject Property.

proposed structure would block views of mountains from the community, with a stark wall devoid of the major trees that characterize the area. Making matters worse, due to the attempt to compact a huge, maximized square footage, structure into area limited by the already degraded natural environment, the septic system would take up the majority of the yard in front of the structure thereby not allowing any adequate screening of the proposed structure or any large trees to be reinstated.

V. CONCLUSION

Given consideration of the above, it is my opinion that development should not be permitted on the Subject Property and that no variance should be issued with respect to the Subject Property. Furthermore, by the nature of these previously expressed issues, it is my opinion that a CEQA Exemption should not be granted.

It is my opinion that only strict application of zoning regulations as they apply to the Subject Property, would be consistent with maintaining the general purpose of such regulations and standards.

Any variance at the Subject Property will be materially detrimental to the public health, safety or general welfare, or to the use, enjoyment or valuation of properties of other persons located in the vicinity. The granting of any variances will be materially detrimental to coastal resources.

Per Los Angeles County Code, Section 22.44.1150 – *Variances*:

The Hearing Officer or Commission shall deny an application for a variance sought for the adjustment of any development standard that protects H1 habitat from significant disruption of habitat values including, but not limited to, permitted uses within H1 habitat, and the width of the H1 habitat buffer and H1 Quiet Zone, except where consistent with all provisions of Section 22.44.1800 *et. seq.*”¹³

¹³ See, https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeId=TIT22PLZO_DIV4COZOSUDI_CH22.44SAMOMOLOIMPR_CODEPE_22.44.1150VA

Here, the Hearing Officer should deny plans to build what is, in my opinion, a hostile, unharmonious, and environmentally disastrous development.

Thank you for consideration of my written comments regarding the Development.

/s/ Mark L. Marshall
Mark L. Marshall

CC: California Coastal Commission
89 S California Street #200, Ventura, CA 93001

EXHIBIT 1

LA County Aerial Imagery (2011) - Map Service

✔️ Authoritative



Internal Services Department Enterprise GIS Section





County of Los Angeles

Summary

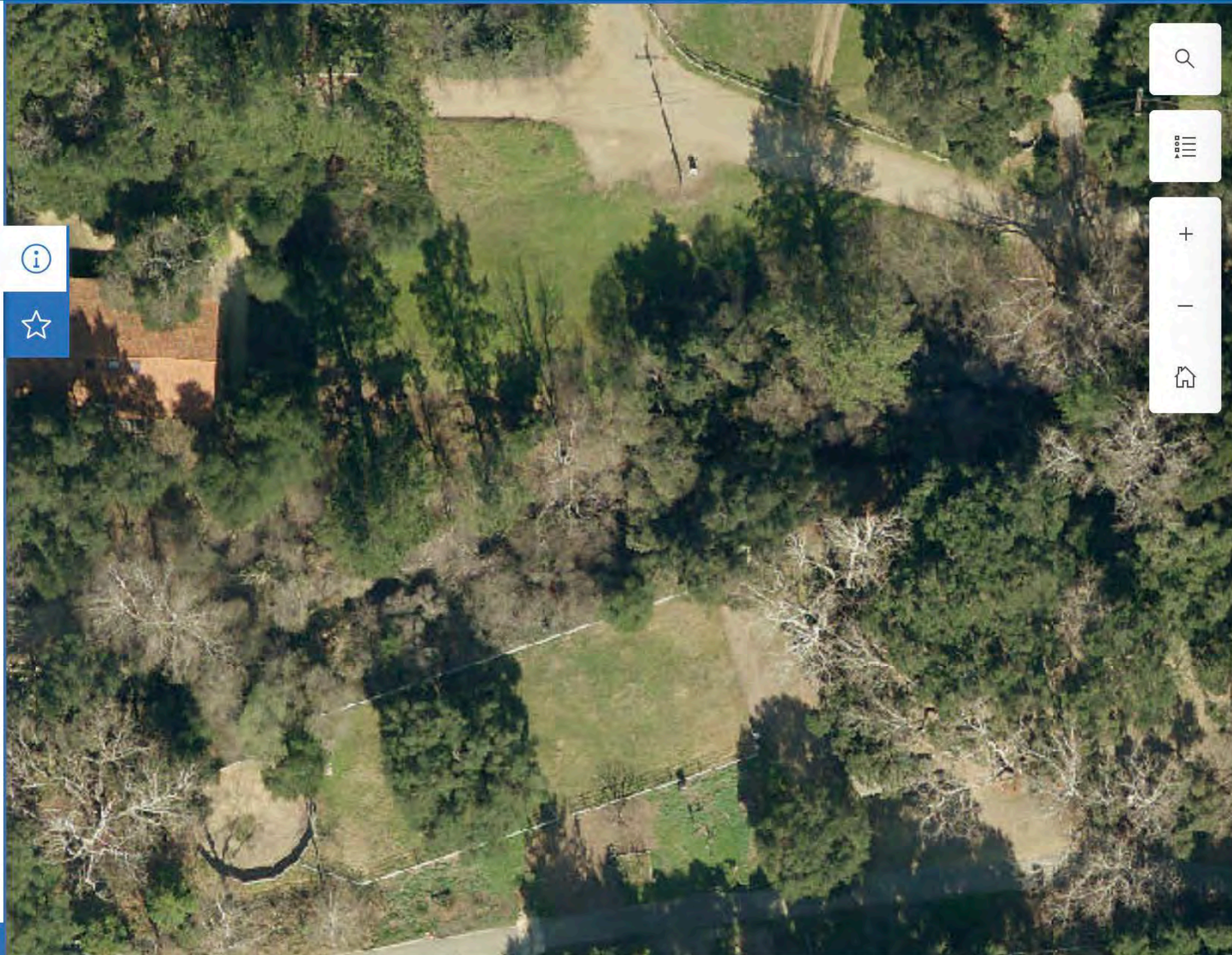
Map Service Showing 2011 Imagery

[View Full Details](#)

Details


-  **Map**
Map Service
-  **August 31, 2022**
Date Updated
-  **December 23, 2015**
Published Date
-  **Public**
Anyone can see this content

I want to use this >



LA County Aerial 2013

✔ Authoritative

 **Internal Services Department**
Enterprise GIS Section
County of Los Angeles

Summary

Medium resolution aerial imagery acquired in 2013.

[View Full Details](#)

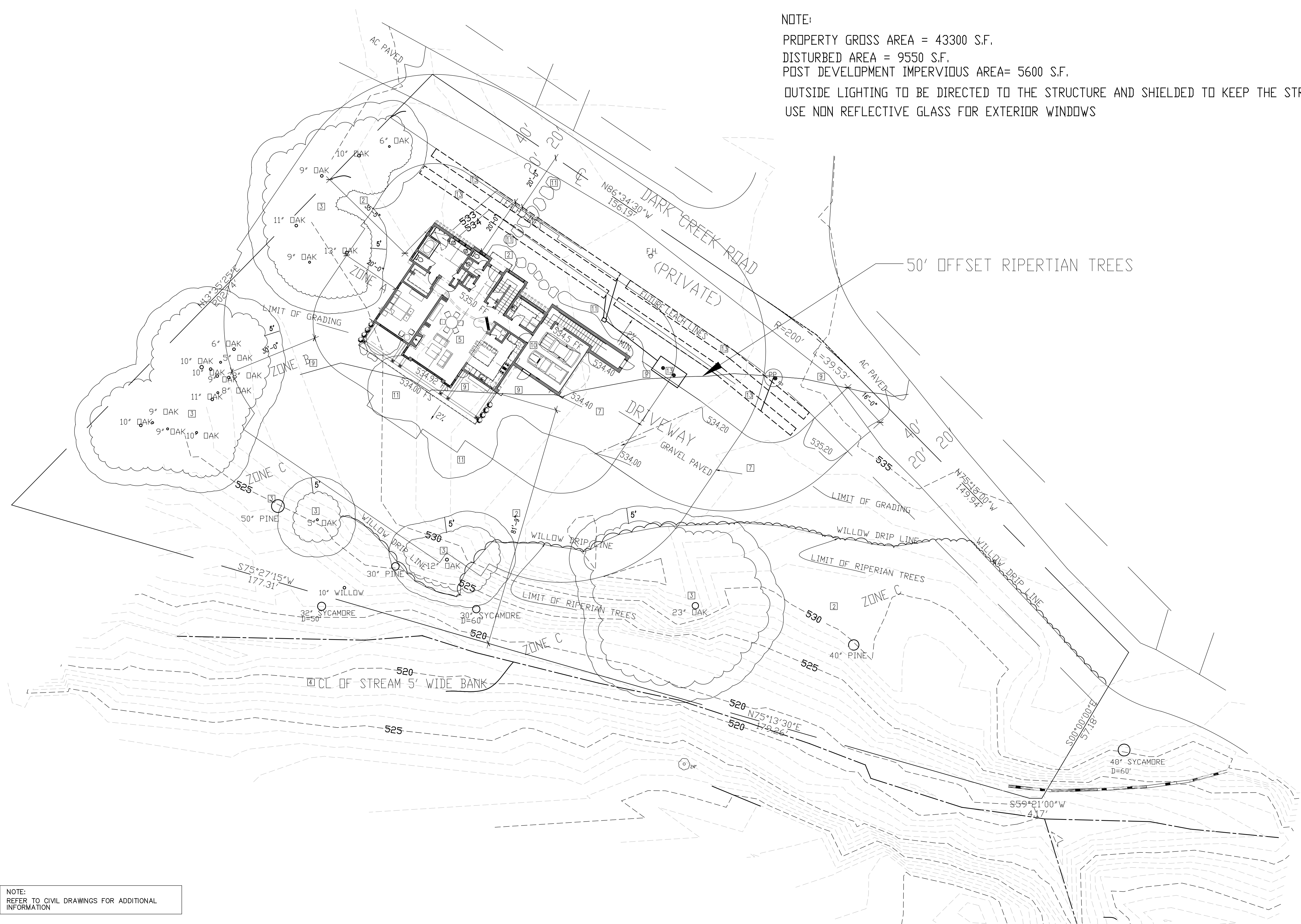
Details

-  **Map**
Web Map
-  **August 31, 2022**
Date Updated
-  **April 28, 2014**
Published Date
-  **Public**
Anyone can see this content

[I want to use this](#) >



EXHIBIT 2



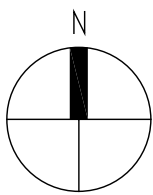
NOTE:
PROPERTY GROSS AREA = 43300 S.F.
DISTURBED AREA = 9550 S.F.
POST DEVELOPMENT IMPERVIOUS AREA= 5600 S.F.
OUTSIDE LIGHTING TO BE DIRECTED TO THE STRUCTURE AND SHIELDED TO KEEP THE STREAM AREA DARK.
USE NON REFLECTIVE GLASS FOR EXTERIOR WINDOWS

50' OFFSET RIPERTIAN TREES

NOTES

1. PARCEL NUMBER
4456011095
2. SETBACKS
FRONT 20'-0"
SIDES 5'-0"
REAR 15'-0"
EXISTING PRIVATE PROPERTY
ROAD (CLINE ROAD) 40'-0" WIDE
FRONT SETBACK MEASURED FROM
CENTER LINE OF PRIVATE ROAD
3. EXISTING TREES TO REMAIN
4. CREEK CENTER LINE
5. FOOTPRINT OF THE HOUSE
SEE SHEET A3.1 FOR ADDITIONAL
INFORMATION ON THE FLOOR
PLAN
6. POOL DESIGN BUILD BY
POOL CONTRACTOR
7. PERMEABLE SURFACE AT DRIVE-
WAY (DECOMPOSED GRANITE, OR
PAVING STONES)
8. 3 CAR GARAGE-2 STORY VOLUME
FLAT ROOF AT GARAGE TO
CONCEAL SOLAR PANELS-SOLAR
PANELS TO PROVIDE ELECTRICITY
FOR THE HOUSE
9. 50 FT. RIPARIAN SETBACK LINE
10. STORAGE ABOVE GARAGE
SPACE-SEE FLOOR PLAN
11. WALKWAYS, DRIVEWAYS,
PERMEABLE SURFACE
(DECOMPOSED GRANITE, OR
PAVING STONES)
12. NOT USED
PERMEABLE SURFACE
(DECOMPOSED GRANITE, OR
PAVING STONES)
13. SEPTIC TANK AND LEACH LINE
AREA-SEE CIVIL DRAWINGS
14. SLOPE DRAIN(S) AWAY FROM
THE CREEK AND THE BUILDING

NOTE:
REFER TO CIVIL DRAWINGS FOR ADDITIONAL
INFORMATION



DESIGN CHRISTINA FLANDER
ARCHITECTURE
SPACE PLANNING
INTERIORS
PHONE (562)-434-0300
FAX (562)-434-0300
E-MAIL christinaflander@yahoo.com

ISELL RESIDENCE
MONTE NIDO
LOS ANGELES COUNTY, CALIFORNIA

SITE PLAN/ FUEL MODIFICATION

| | | |
|--------------------------|-------------------|---|
| DESIGN CHRISTINA FLANDER | SCALE 1/16"=1'-0" | DESTROY ALL ISSUES PREVIOUS TO THIS DATE 11-13-12 |
| CHECKED | JOB NO. 20011-1 | VERIFY ALL DIMENSIONS & CONDITIONS AT THE JOB |
| DRAWN CHRISTINA FLANDER | FILE | GARY AND JEANNINE ISELL |

A2.1

REGIONAL PLANNING

EXHIBIT 3







NOT A
THRU
ROAD





LYMWD

NO PARKING

NOT A THROUGH ROAD

EXHIBIT 2

Mark L. Marshall
707 Crater Oak Drive
Calabasas, CA 91302
(310) 488-1456
mark@mlxv.com

October 17, 2024

**VIA EMAIL AND CERTIFIED MAIL –
RETURN RECEIPT REQUESTED**

William Chen, AICP
wchen@planning.lacounty.gov
320 West Temple Street
Los Angeles, CA 90012

**RE: 25830 Dark Creek Road, Calabasas, CA 91302
Project No. R2011-01126-(3)
Supplemental Comments In Advance of Hearing**

Mr. Chen,

As you are aware, by way of prior correspondence, I am the immediate neighbor to the north of 25830 Dark Creek Road, Calabasas, CA 91302 (the “Subject Property”). I understand that on October 22, 2024, there will be a continued hearing regarding a CEQA Exemption and numerous variances related to a Class 3 New Construction and Class 4 Minor Alteration to Land at 25830 Dark Creek Road, Calabasas, CA 91302 - County of Los Angeles as Project No. R2011-01126-(3) (the “Development”). In addition to my correspondence dated September 11, 2024 (“Prior Correspondence”), please accept this supplemental correspondence as a submission of additional written comments regarding the Development.

I. THE SUBJECT PROPERTY IS LOCATED WITHIN THE COUNTY FLOODWAY FOR DARK CREEK. THE DEVELOPMENT CREATES A HAZARDOUS CONDITION FOR THE ENVIRONMENTALLY SENSITIVE AREA AND POPULATION SAFETY

Per the unadopted County Floodway/Floodplain Map (“Floodplain Map”), the entire Subject Property is within the Dark Creek Floodway/Flood Plain.¹ While the June 2, 2023 Site Plan for the Development makes note of the FEMA Flood Elevation Map (“FEMA Map”), the County Floodway Map is regarded by LA County Planning as the correct data for planning purposes:

County Capital Flood Severe Flood Hazard Areas

In addition to the FEMA FIRMs, Los Angeles County has adopted County Floodway Maps to identify additional potential severe flood hazard areas associated with the County’s Capital Flood. The County Floodway Maps are not used to determine federal flood insurance mandates. The maps are used to regulate development (including not limited to activities requiring building and grading permits) within the Capital Flood floodplain.²

Since the current Floodplain Map is presently unadopted, this issue seems to have been overlooked. However, unfortunately, natural events do not overlook the omissions of planners. Development based on the less stringent FEMA Map, as planned, exposes the environment and neighbors to unnecessary health and safety hazards.

The septic system and leach field will be potentially subject to flooding, saturated soil and a high water table. During winter months Dark Creek, adjacent to the subject property, is fast moving and is often high due to blockage from tree limbs and debris. The proposed septic system, as planned with a variance, will potentially expel raw effluent onto the roadway and drain into the surrounding creek. This will degrade the creek biology and create a health hazard.

¹ See, EXH 1 – Correspondence RE: County Floodway Map information - 25830 Dark Creek Rd., Calabasas, CA 91302

² <https://apps.gis.lacounty.gov/dpw/m/?viewer=floodzone>

Furthermore, in light of the Floodplain Map, there appears to have been no consideration given to the floodwater impact upon the neighboring dwellings by water displacement of the increased elevation grading and structure.

The development grading plan is based on the FEMA Map; however, in my opinion, the development should be based on the Los Angeles County Floodway Map for responsible regulation.

Per the July 2021 Los Angeles County Comprehensive Floodplain Management Plan at Part 2-“Risk Assessment”, Section 6 “Los Angeles County Flood Hazard Profile”, Subsection 6.6.2 “County Floodways”, the County has expressed that:

The floodway is an area immediately adjacent to a water course where floodwaters during a flood are deepest and fastest-moving. It is the most dangerous part of the floodplain, and its hazardous nature requires that development in this area be carefully managed. **The floodway must remain free of obstruction and construction unless engineering analysis demonstrates that flood hazards will not be increased on adjoining properties. Ideally, development in the floodway should be restricted to uses that do not interrupt the natural flow of the water (tennis courts, swimming pools, etc.).** (emphasis added).³

Additionally, per the July 2021 Los Angeles County Comprehensive Floodplain Management Plan at Part 3-“Mitigation Strategy”, Section 10.3 the County’s Mitigation Strategy is to:

5. Discourage new development in known flood hazard areas or ensure that, if development occurs in those areas, it is done in a way to minimize flood risk.
6. Consider open space land uses within known flood hazard areas.⁴

³ See, <https://pw.lacounty.gov/wmd/NFIP/FMP/documents/Comprehensive%20Floodplain%20Management%20Plan.pdf> at p. 6-22, 23.

⁴ See, <https://pw.lacounty.gov/wmd/NFIP/FMP/documents/Comprehensive%20Floodplain%20Management%20Plan.pdf> at p. 10-1,2.

II. THE OCTOBER 10, 2024 REPORT TO THE HEARING OFFICER IS ARGUABLY FLAWED

Per the Santa Monica Mountains Local Coastal Program (“LCP”) Local Implementation Program (“LIP”) at Section 22.44.1870: “Supplemental Application Requirements”:

A. The LCP requires scientific review for new development to provide the biological information necessary for the decision maker to ensure compliance with the biological resource policies and provisions of the LCP. Applications for development that contains property: (1) within mapped *H1*, *H2*, or *H2* High Scrutiny Habitat; (2) within 200 feet of mapped *H1*, *H2*, and/or *H2* "High Scrutiny" Habitat; or (3) where the initial biological inventory (required by Section [22.44.840](#)) indicates the presence or potential for sensitive species or habitat, shall include a detailed biological assessment, prepared by a qualified biologist, or resource specialist. (emphasis added).⁵

In addition, my Prior Correspondence contained further discussion of the LIP’s requirements. In my opinion, and in light of the LIP, the October 10, 2024 Report to the Hearing Offer (Report to the Hearing Officer”) contains various shortcomings which are discussed below, in kind:

“ANALYSIS: A. Land Use Compatibility:”

“The land use is also substantially similar to several other single-family residences to the north, south, and east. Therefore, the Project would be in conformity with the certified LCP, and it is not expected to negatively affect the surrounding community.”

What is the purpose of the LIP if this proposed project is to be compared directly to Pre-LCP developed properties and built to the same standards?

“ANALYSIS: B. Neighborhood Impact (Need/Convenience Assessment)”

⁵ See, https://case.planning.lacounty.gov/assets/upl/project/coastal_adopted-LIP.pdf

“The neighborhood impact of the Project is likely to be minimal, as it would consist of one single-family residence. ... The character of the neighborhood will not be detrimentally impacted by the Project.”

Contrarily, the impact of the Development will be immense. The massive, cubic structure will be totally out of character with the surrounding single story, traditional, mid-century homes.

“The entirety of the proposed residence and ancillary development would be located within the H1 Habitat Buffer Zone or the H1 Quiet Zone. However, the proposed location is the most appropriate site for development. The entire usable portion of H3 Habitat on the northern portion of the Project Site is within the H1 Habitat Buffer Zone, and the remainder is within the H1 Quiet Zone. In addition, the Project, which has a small footprint and profile, is located immediately adjacent to the public road and existing residential development. Therefore, Staff believes that the Project is the minimum amount of development necessary to make use of the property.”

The project could be a single story and be the minimum amount of development to make appropriate use of the property. If the rules must be bent, then why not allow a single-story residence on a larger footprint with a greater set back that would conform to the appearance of adjacent homes.

“ANALYSIS: C. Design Compatibility”

“The Project has been designed to conform with the development standards of the LIP and is the minimum amount of development necessary to provide the landowner with reasonable economic use of the property. In the time since the ERB conducted their initial review of the previous project in 2013, the applicant has reduced the size of the residence with a garage from 3,914 square feet to 3,005 square feet. The applicant has also reconfigured the residence so that the development footprint is further away from riparian habitat along the southern edge of the property while also complying with the required setbacks between the residence and the northern property line and between the residence and the OWTS leach fields.”

The “minimum amount of development necessary” would, in my opinion, be a single story home fitting on the allowable footprint. My estimate is a ~1500 sq. ft

residence with a ~400 sq ft garage. This is in keeping with the current trend towards smaller, more efficient homes and would be in keeping with low impact to the location. The builder's current plan, like previous plans, is an effort to develop the maximum possible square footage that can be wrung between regulations while circumventing the intent of the LIP.

“ENVIRONMENTAL ANALYSIS”

“Exceptions to the exemptions also include project activities that will have a significant effect on the environment due to unusual circumstances. However, the proposed Project is not subject to an exception to the CEQA exemptions because the biological inventory and environmental assessment of the area of project disturbance do not indicate the presence of sensitive biological resources that would be impacted by implementation and operation of the Project, as described in detail below. The applicant completed a biological assessment that was reviewed by the Staff Biologist. The Staff Biologist conducted a site visit and confirmed the contents of the biological assessment. The biological assessment confirms that the portion of the Project Site proposed for development does not contain any state-designated environmental resources of hazardous or critical concern; does not contain any plants or animals listed as federal, state, or locally sensitive; and is not considered a particularly sensitive environment.”

However, in sharp contrast, recently, on October 2, 2024 I documented a mountain lion traversing Dark Creek Road, right at the development site.⁶ On the same day, I documented a skunk at the same location.⁷ Further, on October 17, 2024, I documented a coyote at the same location.⁸

The developer's March 2011 Biological Constraints Evaluation prepared by Impact Sciences, Inc. did not include findings of any significant mammals at Appendix B.⁹

⁶ See, EXH. 2: October 2, 2024 game camera imagery of mountain lion and additional photos for context of placement of the game camera in relation to the project.

⁷ See, EXH. 3.

⁸ See, EXH. 4.

⁹ See, https://case.planning.lacounty.gov/assets/upl/case/r2011-01126_Dark_Creek_bio-const-evaluation.pdf

Understandably, this report from 2011 appears to be significantly out of date and, in my opinion, cannot be relied upon for current decision-making purposes. The same opinion applies to the November 21, 2011 and March 18, 2019 Environmental Review Board Meeting Minutes.

/s/ Mark L. Marshall
Mark L. Marshall

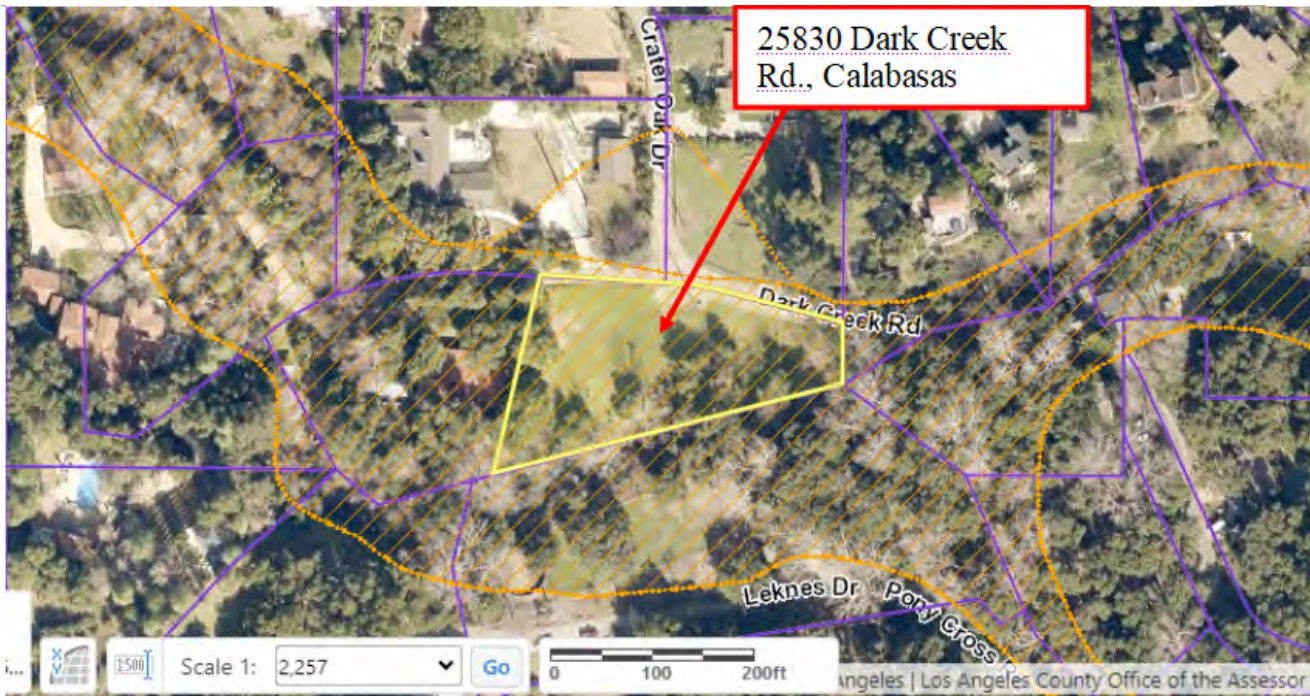
CC: California Coastal Commission
89 S California Street #200, Ventura, CA 93001

EXHIBIT 1

Subject: Re: Re[2]: County Floodway Map information - 25830 Dark Creek Rd., Calabasas, CA 91302
From: "Thu Win" <TWIN@dpw.lacounty.gov>
Sent: 10/2/2024 5:00:00 PM
To: "Mark Marshall" <mark@mlxv.com>;
CC: "Joshua Felton" <JFelton@dpw.lacounty.gov>; "EDL-DPW Flood Analysis" <FloodAnalysis@dpw.lacounty.gov>;

Hi Mark,

Please see attached screenshot of the unadopted County Floodway/Floodplain. Hope this helps.



Thank you,

Thu Win
Los Angeles County Public Works
Office: (626) 458-4939

From: Mark Marshall <mark@mlxv.com>
Sent: Friday, September 27, 2024 10:18 AM
To: Thu Win <TWIN@dpw.lacounty.gov>
Cc: Joshua Felton <JFelton@dpw.lacounty.gov>; EDL-DPW Flood Analysis <FloodAnalysis@dpw.lacounty.gov>
Subject: Re[2]: County Floodway Map informa. on - 25830 Dark Creek Rd., Calabasas, CA 91302

CAUTION: External Email. Proceed Responsibly.

Hi Thu,

Thank you for getting back with this information. I was looking every where on line with no success.

Please let me clarify my situation. I am a neighbor to the property I've asked about. It is scheduled for a planning hearing regarding a proposed septic system. I and neighbors are concerned about environmental impact of the proposed project since we're in an environmentally sensitive area. I'd like to be able to refer to the county information regarding the floodway and how the development may be of impact. Can you provide me with any map that would be helpful, even a map from past years.

For reference, about seven years ago I built a detached garage (my property is directly north and further away from the creek). For my permit, I was required to take the flood plain into account. The flood plain extended over about one half of the front of my property.

Thank you, again.

Regards,
Mark Marshall
310-488-1456

----- Original Message -----

From "Thu Win" <TWIN@dpw.lacounty.gov>

To "Mark Marshall" <mark@mlxv.com>

Cc "Joshua Felton" <JFelton@dpw.lacounty.gov>; "EDL-DPW Flood Analysis" <FloodAnalysis@dpw.lacounty.gov>

Date 9/26/2024 4:30:00 PM

Subject Re: County Floodway Map information - 25830 Dark Creek Rd., Calabasas, CA 91302

Hi Mark,

Thank you for your inquiry. The subject property is in the vicinity of FEMA flood zone and County Floodplain.

The unadopted County Floodway has a flow rate of 13,000 cfs. Typically, you are requested to first submit your proposed plans and a report containing the scope of work to Building and Safety offices. It is advised because they issue or process the permit. They also will serve as the direct contact for all inquiries and responses for your project and its permit. They then coordinate with us to assist you better. You may reach out to our Building and Safety counterpart at the email cc'd here.

Thanks again.

Sincerely,

Thu Win
Los Angeles County Public Works

Office: (626) 458-4939

From: Thu Win <TWIN@dpw.lacounty.gov>

Sent: Monday, September 23, 2024 4:33 PM

To: Mark Marshall <mark@mlxv.com>

Cc: EDL-DPW Flood Analysis <FloodAnalysis@dpw.lacounty.gov>

Subject: Re: County Floodway Map informa. on - 25830 Dark Creek Rd., Calabasas, CA 91302

Hi Mark,

We are still looking into the information for your request. We will get back to you.

Thank you,

Thu Win

Los Angeles County Public Works

Office: (626) 458-4939

From: Mark Marshall <mark@mlxv.com>

Sent: Monday, September 23, 2024 6:57 AM

To: EDL-DPW Flood Analysis <FloodAnalysis@dpw.lacounty.gov>

Subject: County Floodway Map informa on - 25830 Dark Creek Rd., Calabasas, CA 91302

CAUTION: External Email. Proceed Responsibly.

Hello,

I'm requesting information regarding Los Angeles County Capital Flood Floodway for the property located at 25830 Dark Creek Rd., Calabasas, CA 91302.

This is for construction planning.

Thank you,

Mark Marshall

mark@mlxv.com

EXHIBIT 2







EXHIBIT 3



EXHIBIT 4

