

**SUPPLEMENTAL
REPORT TO THE HEARING OFFICER**

DATE ISSUED: October 21, 2024
HEARING DATE: October 22, 2024 **AGENDA ITEM:** 4
PROJECT NUMBER: R2011-01126-(3)
PERMIT NUMBER(S): Minor Coastal Development Permit (MCDP)
RPPL201500036
Variance RPPL2019006788
SUPERVISORIAL DISTRICT: 3
PROJECT LOCATION: 25830 Dark Creek
OWNER: Gary and Jeannine Isbell
APPLICANT: Nick Kazemi
CASE PLANNER: William Chen, AICP, Senior Regional Planner
wchen@planning.lacounty.gov

This supplemental memorandum provides six letters from the public received by LA County Planning staff (“Staff”). In summary, these letters convey the following concerns:

- The proposed design is incompatible with land use policies, generates neighborhood impacts, and lacks design compatibility.
- The proposed design is too large and should not qualify for a variance.
- The proposed design results in development that encroaches into a blue line stream.
- The proposed septic system and leach field will be potentially subject to flooding.
- The project was inaccurately noticed by mail and inaccurately posted.
- The subject property is located within the County floodway.

Staff maintains that the proposed Project is compatible with the County’s land use policies, will have minimal neighborhood impacts, and has a design that is compatible with its surroundings, as indicated in the Report to the Hearing Officer dated October 10, 2024. The Project complies with the development standards contained within the Local Coastal Program and the variance is necessary to locate an onsite wastewater treatment system in an area outside of the riparian area and outside of the protected zones of oak trees. The features of the subject property result in design constraints that necessitate approval of the variance. The Project was reviewed by the Department of Public Works, which evaluated matters of flood plain and floodway management, and which ultimately recommended that this Project proceed to a public hearing without conditions.

With regard to public hearing procedures, the Project was properly noticed in conformity with the requirements of County Code Sections 22.44.970(C) and 22.44.970(D) (Notice Content).

On August 7, 2024, a total of 99 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 700-foot radius from the subject property. On August 15, 2024, and September 5, 2024, a Notice of Public Hearing was published in the Malibu Times. On August 26, 2024, the Notice of Public Hearing sign was posted on the subject property. The County Code does not require public hearing notices to include an email address.

For questions or additional information, please contact William Chen at wchen@planning.lacounty.gov.

Report
Reviewed By: *M. Glaser* for Robert Glaser
Robert Glaser, Supervising Regional Planner

Report
Approved By: *M. Glaser*
Mitch Glaser, Assistant Administrator

LIST OF ATTACHED EXHIBITS	
EXHIBIT A	Correspondence
EXHIBIT B	Certificate of Publication
EXHIBIT C	Certificate of Posting

William Chen

From: brent@bdrack.com
Sent: Sunday, October 20, 2024 11:16 PM
To: William Chen
Subject: #R2011-01126(3)
Attachments: Letter 1 for development.pdf

CAUTION: External Email. Proceed Responsibly.

Dear Mr. Chen,

I'm humbly asking for a vote of no to the variance requested for Project #R2011-01126(3) on the grounds that this development is not only built on what the county is calling a serve flood area but not being compliant with having the developments leach lines the required distance from the adjoining stream that runs East to West along the property.

This stream not only runs through Monte Nido, but is one of the feeder streams that runs into Malibu Creek. As you may be aware, Malibu Creek and the waterhead encompassing it is in the process of a massive restoration by the Army Corp of Engineers. They will spend over \$80,000,000 dollars to restore and bring back the natural ecosystems in this environmentally sensitive area. The developer per his request not only wants to put his leach lines within the 100 feet of the stream but on top of a local water main as well.

Please note that we're in a new area of Global Warming with more serve weather cycles. I believe that allowing this residence to move forward with a greater chance of a leach line rupture/septic tank failure causing contamination in our water supply and feeder stream is a recipe for disaster.

We're not requesting a no to development. The applicant has every right to build as long as the applicant is compliant with the LCP. When Carrie and I built our house in 1996 we had to make necessary allowances which not only reduced our foot print but also changed our houses ordination, not considering for a moment to file for a variance.

Best regards,
Brent Baltin

William Chen

From: Calvin Marshall <calvin@calvinmarshall.net>
Sent: Thursday, October 17, 2024 11:53 AM
To: William Chen
Subject: 25830 Dark Creek Road, Calabasas, CA 91302 - Project No. R2011-01126-(3)
Attachments: 10.17.2024 CAM Letter to Regional Planning (as served).pdf

CAUTION: External Email. Proceed Responsibly.

Mr. Chen,

Please see attached correspondence, regarding the above referenced project, to your attention.

Thank you,

Calvin A. Marshall, Esq.
(310) 402-1118
calvin@calvinmarshall.net

Calvin A. Marshall, Esq.
22287 Mulholland Highway #561
Calabasas, CA 91302
calvin@calvinmarshall.net

September 7, 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,

I understand that on October 22, 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 “Site”), (the “Development”), (the “Hearing”).

I am writing with concern of how notice of the Hearing has been provided to affected parties.

I. Inaccurate Mailed Notice

The Director’s mailed Notice of Public Hearing concerning the Development (“Mailed Notice”), as required by LA County Code of Ordinances, Tit. 22, Div. 4, Chapter 22.44.970(C)(2), tells interested parties that:

Should you attend, you will have an opportunity to testify, **or you can submit written comments to the planner below** or at the public hearing. If the final decision on this proposal is challenged in court, testimony may be limited to issues raised before or at the public hearing. (emphasis added)

The Mailed Notice then includes an incorrect email address for “William Chen, AICP”: “**planner@planning.lacounty.gov.**” “[**P**]lanner,” presumably should have been substituted for the planner’s correct email prefix.¹ The correct email address for William Chen, AICP is “wchen@planning.lacounty.gov.” Emails sent to planner@planning.lacounty.gov receive a bounce back.²

II. Inaccurate Posted Notice

The Notice of Hearing posted at the Site (“Posted Notice”), as required by LA County Code of Ordinances, Tit. 22, Div. 4, Chapter 22.44.970(D) again, tells interested parties that:

Should you attend, you will have an opportunity to testify, **or you can submit written comments to the planner below** or at the public hearing. If the final decision on this proposal is challenged in court, testimony may be limited to issues raised before or at the public hearing. (emphasis added)

The Posted Notice *again* includes an incorrect email address for “William Chen, AICP”: “William Chen, AICP@planning.lacounty.gov.”³ An email cannot even be sent to this email for testing purposes.

III. Concerns Regarding the Inaccurate Mailed Notice and Posted Notice

Both the Written Notice and Posted Notice invite concerned parties to either testify at the Hearing or submit written comments in lieu of attendance at the hearing. We will never know how many interested parties chose to submit written comments in lieu of attendance at the Hearing [which is occurring during most people’s work hours]. With the prominence of email over written mail, having a correct email address, or none included at all, is of clear importance. We will never know how many of written comments were misdirected to the incorrect email addresses included in the Mailed Notice and the Posted Notice.

¹ See EXH. 1 – An exemplar Mailed Notice. Note that handwritten email address was written only after receipt by client and upon further investigation.

² See EXH. 2 – Test of planner@planning.lacounty.gov

³ See EXHs. 3 and 4 – The Posted Notice

In sum, it is my opinion that in the interest of proper public participation in the Development, that the County should itself provide a revised mailed notice, and require the applicant to provide a revised posted notice, either including correct email addresses to direct comments or not include an email address at all.

A handwritten signature in blue ink, appearing to read 'Calvin A. Marshall', with a long horizontal flourish extending to the right.

Calvin A. Marshall, Esq.

EXHIBIT 1



MORE INFORMATION:

William Chen, AICP
320 W. Temple St.
Los Angeles CA 90012
(213) 974 6411
planner@planning.lacounty.gov
planning.lacounty.gov

CASE MATERIALS:

<https://bit.ly/R2011-01126>
or scan the QR code above

NOTICE OF PUBLIC HEARING

The Los Angeles County Hearing Officer will conduct a public hearing to consider the project described below. A presentation and overview of the project will be given, and any interested person or authorized agent may appear and comment on the project at the hearing. The Hearing Officer will then consider to approve or deny the project or continue the hearing if it deems necessary. Should you attend, you will have an opportunity to testify, or you can submit written comments to the planner below or at the public hearing. If the final decision on this proposal is challenged in court, testimony may be limited to issues raised before or at the public hearing.

Hearing Date and Time: Tuesday, September 17, 2024 at 9:00 a.m.
Hearing Location: Hall of Records, [320 W. Temple Street, Room 150, Los Angeles, CA 90012](#).
Virtual (Online) at bit.ly/ZOOM-HO. By phone at (669) 444-9171 or (719) 359-4580 (ID: 824 5573 9842).
Project No.: R2011-01126-(3)
Project Location: 25830 Dark Creek Road, Calabasas, CA 91302 within the Santa Monica Mountains Planning Area
Applicant: Gary and Jeannine Isbell
CEQA Exemption: Class 3 New Construction and Class 4 Minor Alteration to Land
Project Description: 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.

If you need reasonable accommodations or auxiliary aids, contact the Americans with Disabilities Act (ADA) Coordinator at (213) 974-6488 (Voice) or (213) 617-2292 (TDD) with at least 3 business days' advanced notice.

Para leer este aviso en español visite <https://bit.ly/R2011-01126> case o escanea el código QR 若要閱讀中文通知, 請訪 <https://bit.ly/R2011-01126> 或掃描二維碼。

WCHEN@PLANNING - LACOUNTY.GOV

EXHIBIT 2

From: Mail Delivery System noreply@isd.lacounty.gov
Subject: Delivery Status Notification (Failure)
Date: October 15, 2024 at 8:14 PM
To: calvin@calvinmarshall.net



The following message to <planner@planning.lacounty.gov> was undeliverable.
The reason for the problem:
5.1.0 - Unknown address error 550-'5.4.1 Recipient address rejected: Access denied.
[SA2PEPF00002251.namprd09.prod.outlook.com 2024-10-16T03:14:18.646Z 08DCEC386D575B0D]'
Reporting-MTA: dns; esa20.hc4088-88.iphmx.com

Final-Recipient: rfc822;planner@planning.lacounty.gov
Action: failed
Status: 5.0.0 (permanent failure)
Remote-MTA: dns; [52.101.11.12]
Diagnostic-Code: smtp; 5.1.0 - Unknown address error 550-'5.4.1 Recipient address rejected: Access denied.
[SA2PEPF00002251.namprd09.prod.outlook.com 2024-10-16T03:14:18.646Z 08DCEC386D575B0D]' (delivery attempts: 0)

EXHIBIT 3

EXHIBIT 4

NOTICE OF PUBLIC HEARING

The Los Angeles County Hearing Officer will conduct a public hearing to consider the project described below. A presentation and overview of the project will be given, and any interested person or authorized agent may appear and comment on the project at the hearing. The Hearing Officer will then consider to approve or deny the project or continue the hearing if it deems necessary. Should you attend, you will have an opportunity to testify, or you can submit written comments to the planner below or at the public hearing. If the final decision on this proposal is challenged in court, testimony may be limited to issues raised before or at the public hearing

Hearing Date and Time: Tuesday, September 17, 2024 at 9:00 a.m.

Hearing Location: Hall of Records, [320 W. Temple Street, Room 150, Los Angeles, CA 90012](#). Virtual (Online) at bit.ly/ZOOM-HO. By phone at (669) 444-9171 or (719) 359-4580 (ID: 824 5573 9842).

Project No.: R2011-01126-(3)

Project Location: 25830 Dark Creek Road, Calabasas, CA 91302 within the Santa Monica Mountains Planning Area

Applicant: Gary and Jeannine Isbell

CEQA Categorical Exemption: Class 3 New Construction and Class 4 Minor Alteration to Land

Project Description: 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.

More information: 320 W. Temple Street, 13th Floor, Los Angeles, CA 90012. (213) 974-6411. William Chen, AICP@planning.lacounty.gov. planning.lacounty.gov.

Case Material: <https://bit.ly/R2011-01126>

If you need reasonable accommodations or auxiliary aids, contact the Americans with Disabilities Act (ADA) Coordinator at (213) 974-6488 (Voice) or (213) 617-2292 (TDD) with at least 3 business days' advanced notice.

Para leer este aviso en español visite <<https://bit.ly/R2011-01126>>

若要閱讀中文通知，請訪 (<https://bit.ly/R2011-01126>)。

William Chen

From: carrie@baltinassociates.com
Sent: Friday, October 18, 2024 1:26 PM
To: William Chen
Subject: Project No. : R2011-01126-(3)
Attachments: R2011-01126-(3).docx; Screenshot 2024-10-17 at 3.52.48 PM; Deer on Pony Cross farm; IMG_1806.jpg; IMG_1804.jpg

CAUTION: External Email. Proceed Responsibly.

Carrie Baltin
Baltin Associates

818-224-4696 Fax : 818-880-6627

carrie@baltinassociates.com

www.baltinassociates.com

Member, IES

Mr. Chen,

I am writing regarding project R2011-01126-3. I live in the Monte Nido area known as MOPOA. The proposed project is on Dark Creek Road and intersects with Crater Oak Drive.

In 2013 another proposed Isbell property was denied as it was not harmonious as it disrupted the wildlife by destroying its natural pathways and habitats. I see no difference with their current proposed plan either. This plan will compromise the oak trees with this proposed variance. As you know, the Oak Tree is a protected tree in the Santa Monica Mountains. We currently are dealing with the Spongy Moth and Gold Spotted Oak Borer. There are several agencies working to eradicate this issue. Our Oaks are very precious to those who live here in Monte Nido.

The LCP was formulated to protect all of the Santa Monica Mountains as well as its wildlife. I have included several pictures of the deer that are often seen on this property as well as them crossing from Pony Cross Farm on one side of the Creek to the Isbell property to the Merrick property across the street. Fox, raccoons, egrets, ducks, rabbits, squirrels, mountain lions all utilize this area as an animal migration path. A black bear was also sited a few weeks ago in our circle.

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

I implore you to uphold the current LCP and not to grant any variances for this project.

Sincerely,

Carrie Baltin,

41-year resident of Monte Nido.

10-18-24

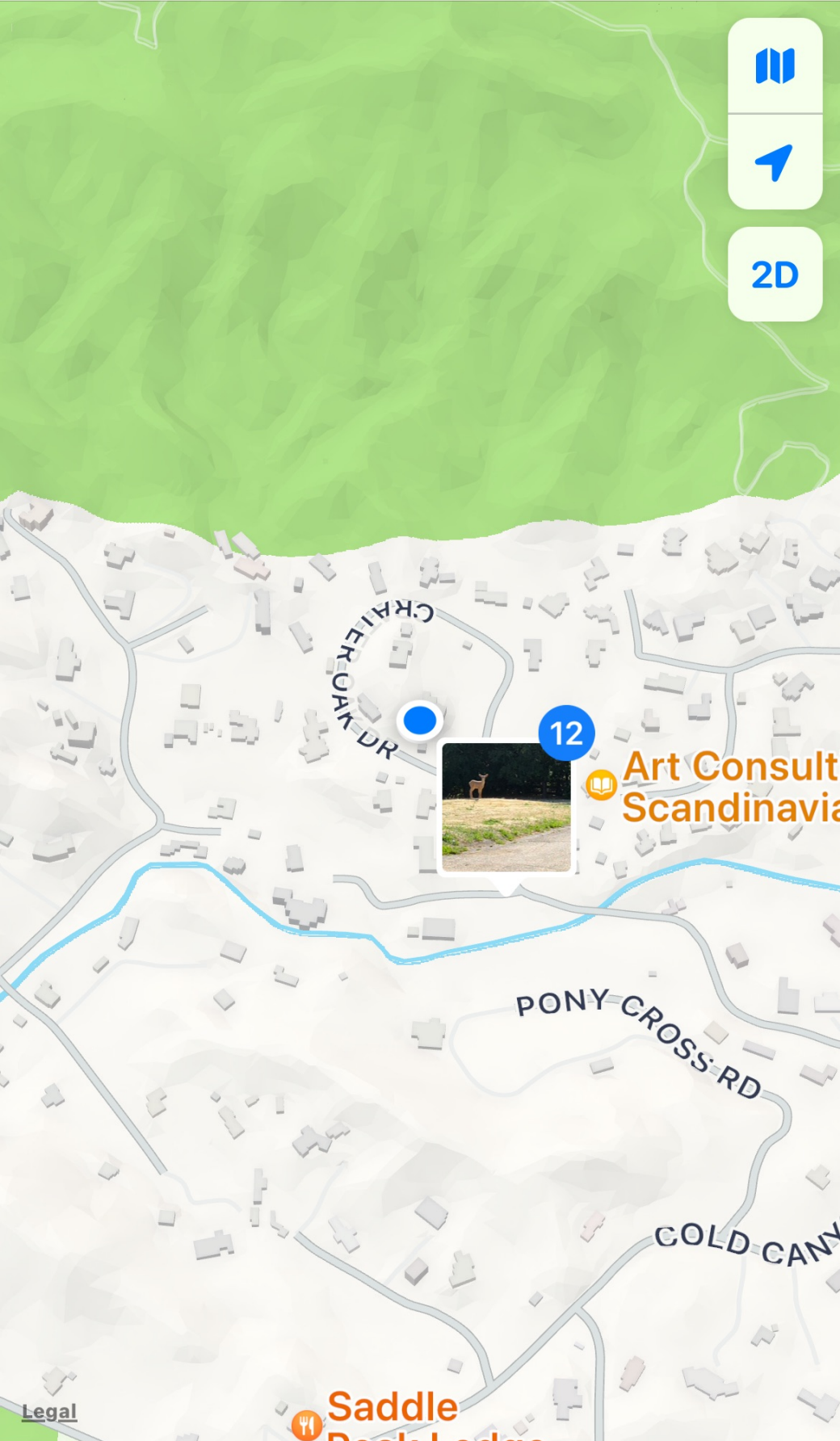


Map

Grid

Map navigation controls:

- Layers icon
- Location pin icon
- 2D view button



Legal

Saddle Back Lodge

Show Nearby Photos







NOT A
THRU
ROAD

CRATER OAK DR

William Chen

From: Mark Marshall <mark@mlxv.com>
Sent: Thursday, October 17, 2024 12:02 PM
To: William Chen; DRP Coastal Development Services
Subject: 25830 Dark Creek Road, Calabasas, CA 91302 Project No. R2011-01126-(3)
Attachments: 10.17.2024 Supplemental Letter to Planning (as served).pdf

CAUTION: External Email. Proceed Responsibly.

Mr. Chen,

Regarding Project No.: R2011-01126-(3), and in advance of the October 22, 2024 hearing, or any future hearing, please see attached my written comments regarding the above referenced development.

Thank you,

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

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

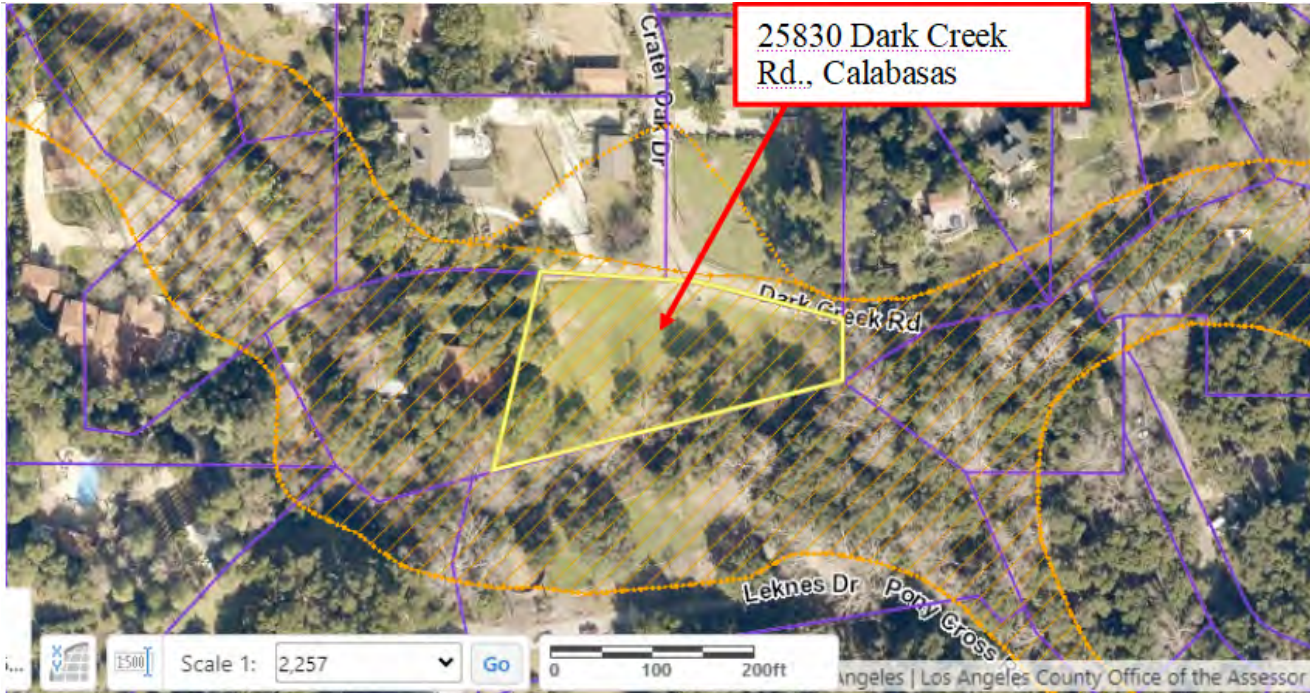
CC: California Coastal Commission
89 S California Street #200, Ventura, CA 93001

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



William Chen

From: DRP Coastal Development Services
Sent: Monday, October 21, 2024 8:26 AM
To: William Chen
Subject: FW: Project #R2011-01126-(3) 25830 Dark Creek Rd. Monte Nido 91302
Attachments: Darkcreekcounty1024.pdf

FYI

Los Angeles County Department of Regional Planning
320 West Temple Street, 13th Floor, Los Angeles, CA 90012
planning.lacounty.gov



Our [field offices](http://planning.lacounty.gov) are currently open to the public. Please visit planning.lacounty.gov for information about available services, public meeting schedules, and planning projects.

From: Drosen818 <dougrosen@charter.net>
Sent: Saturday, October 19, 2024 11:42 AM
To: DRP Coastal Development Services <coastal@planning.lacounty.gov>
Subject: Fwd: Project #R2011-01126-(3) 25830 Dark Creek Rd. Monte Nido 91302

CAUTION: External Email. Proceed Responsibly.

Begin forwarded message:

From: Drosen818 <dougrosen@charter.net>
Subject: RE: Project #R2011-01126-(3) 25830 Dark Creek Rd. Monte Nido 91302
Date: October 19, 2024 at 10:39:39 AM PDT
To: WChen@planning.lacounty.gov

Douglas Rosen

479 Cold Canyon Rd
Monte Nido, CA 91302
dougrosen@charter.net

10/22/24

RE: Project #R2011-01126-(3)

25830 Dark Creek Rd. Monte Nido 91302

Los Angeles County Planning and Supervisors

Dear Supervisors and Planners;

Under review is a proposed residential construction within 100ft of Cold Creek, a blue line stream presently under restoration from the State of California to return it to a spawning site for the indigenous Steelhead Salmon within the next twenty years. While one cannot undo previously permitted residences bordering the stream, we can seek to prevent new construction that in most likelihood will end up polluting this spawning area.

One must think forward ten or fifteen years when the reclamation of this watershed is a reality, similar to the never thought possible, but soon to be completed Annenberg Wildlife Crossing. When the first salmon finally reach the spawning area of Cold Creek and unfortunately it is discovered that household chemicals and detergents leaching from a septic field at 25830 Dark Creek Rd have contaminated the area so that survival of the spawn is seriously impacted.

Are the County and its Supervisors and Planners then going to say they are sorry for allowing this, but the County needed so badly the fees that this project was approved, knowing that this was, in fact, a distinct possibility. More importantly, will the County then be liable, and not the homeowner, for the cost of mitigating this contamination.

We, who are residents of the Community of Monte Nido, and who become the stewards of this area, beseech you to give great consideration to the desires of a greater community and its commitment to restore precious habitats for the wildlife that once lived here. We commend you for curtailing development on the hillsides where mountain lions nurse and raise their young and request that you give similar considerations to the streams where new commitments are being made to restore aquatic habitats.

This project should only be approved if there can be 100% assurances that no contaminants will reach the watershed and an adequate reserve fund be set up to mitigate any future contamination from this project that might disrupt or threaten wildlife recovery efforts.

Sincerely;

A handwritten signature in black ink that reads "Douglas Rosen". The signature is written in a cursive, flowing style.

Douglas Rosen

William Chen

From: roger savatteri <savatteridesigns@gmail.com>
Sent: Monday, October 21, 2024 11:44 AM
To: William Chen
Subject: 25830 Dark Creek Rd / Attention William Chen

CAUTION: External Email. Proceed Responsibly.

Dear Mr Chen and the committee,

My name is Roger Savatteri and I am a resident of Monte Nido and I am very concerned about the above project and the negative impact it will have on the community. It is clear to me that this project does not comply with the current Lcp. The reason being that it is too large for the property because they are asking for variances for both the oak trees (which are a protected species) and for the septic system in regards to the creek.

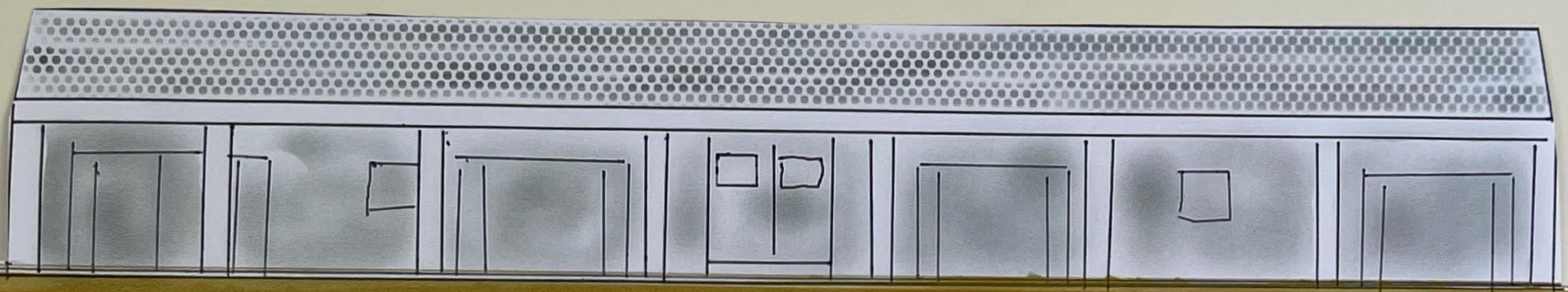
I am including a series of drawings and photographs below to illustrate my points.

My primary concern is that the design is a big Box that does not take into account the character of the adjacent buildings of which I have included three next door neighbors showing the comparison of their front elevations to the east elevation of the proposed project.

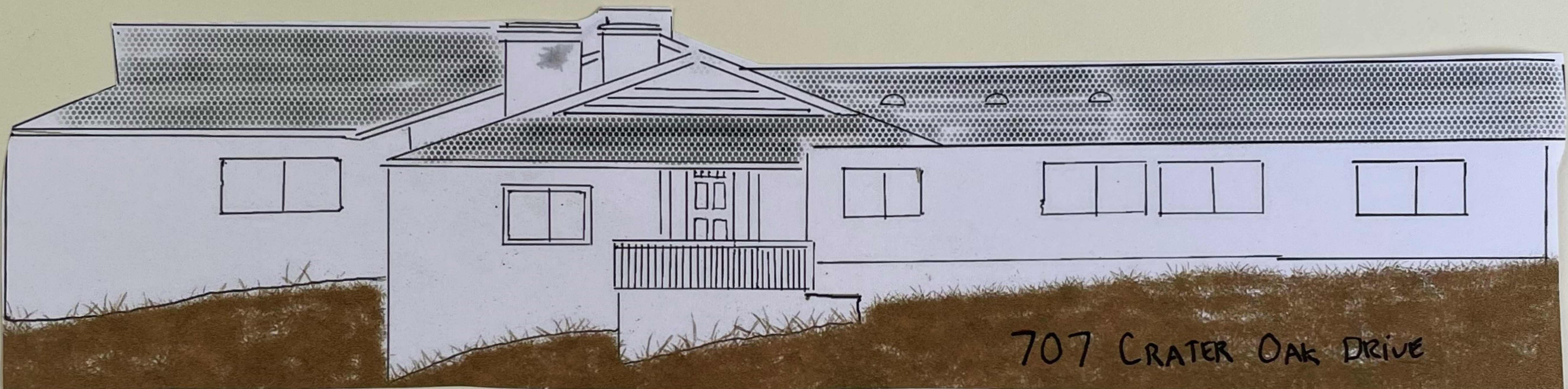
The second group of photos includes three different views of the story poles that have been shaded slightly to show the volume of the box in relation to the trees.

Illustrating the closeness of the building to the oak trees in which I doubt their survival should this project proceed. You need to remember that this is not a hillside building that disappears into the environment. It is a box in an open area next to the road.

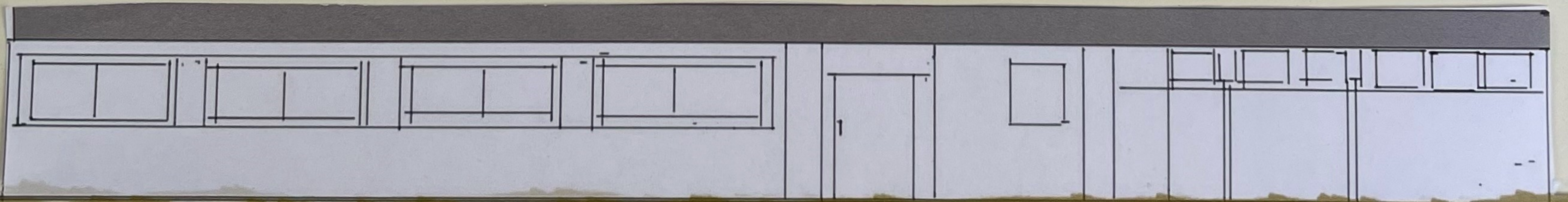
Roger Savatteri
532 Van Velsir Dr
Monte Nido



25858 DARK CREEK ROAD



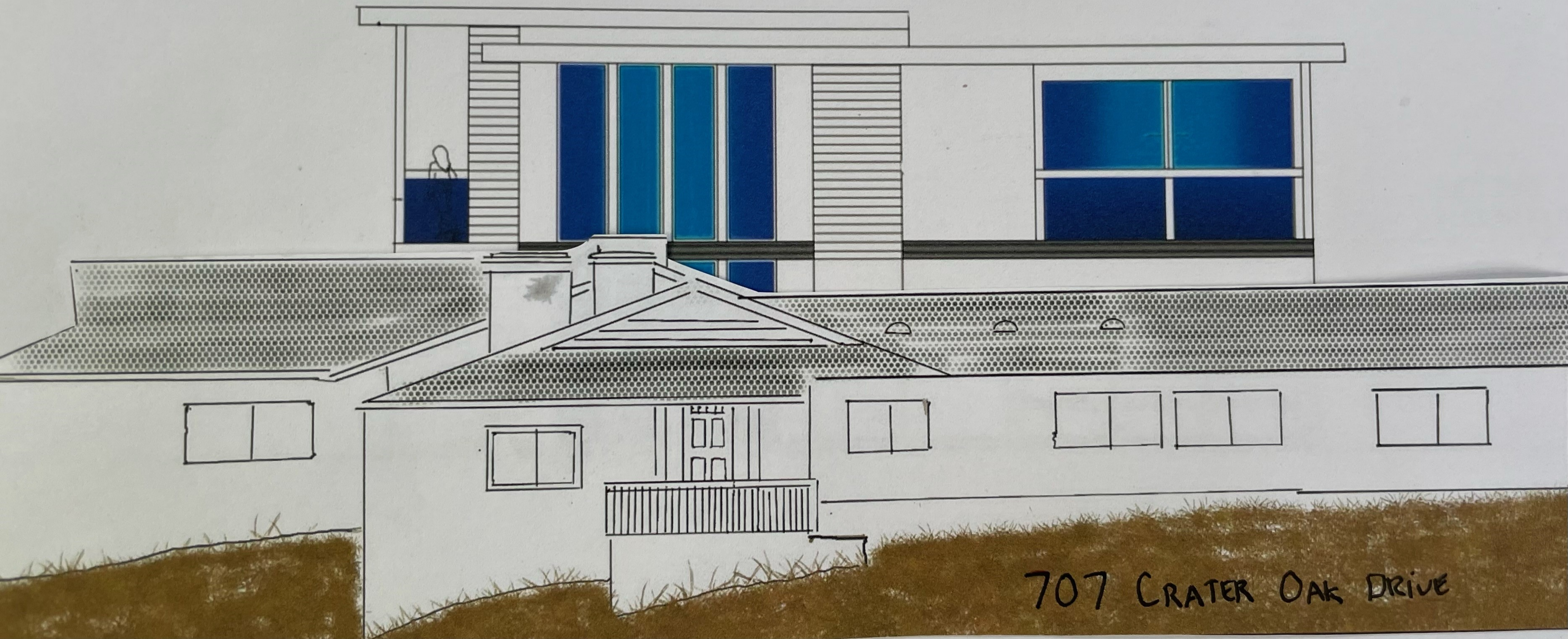
707 CRATER OAK DRIVE



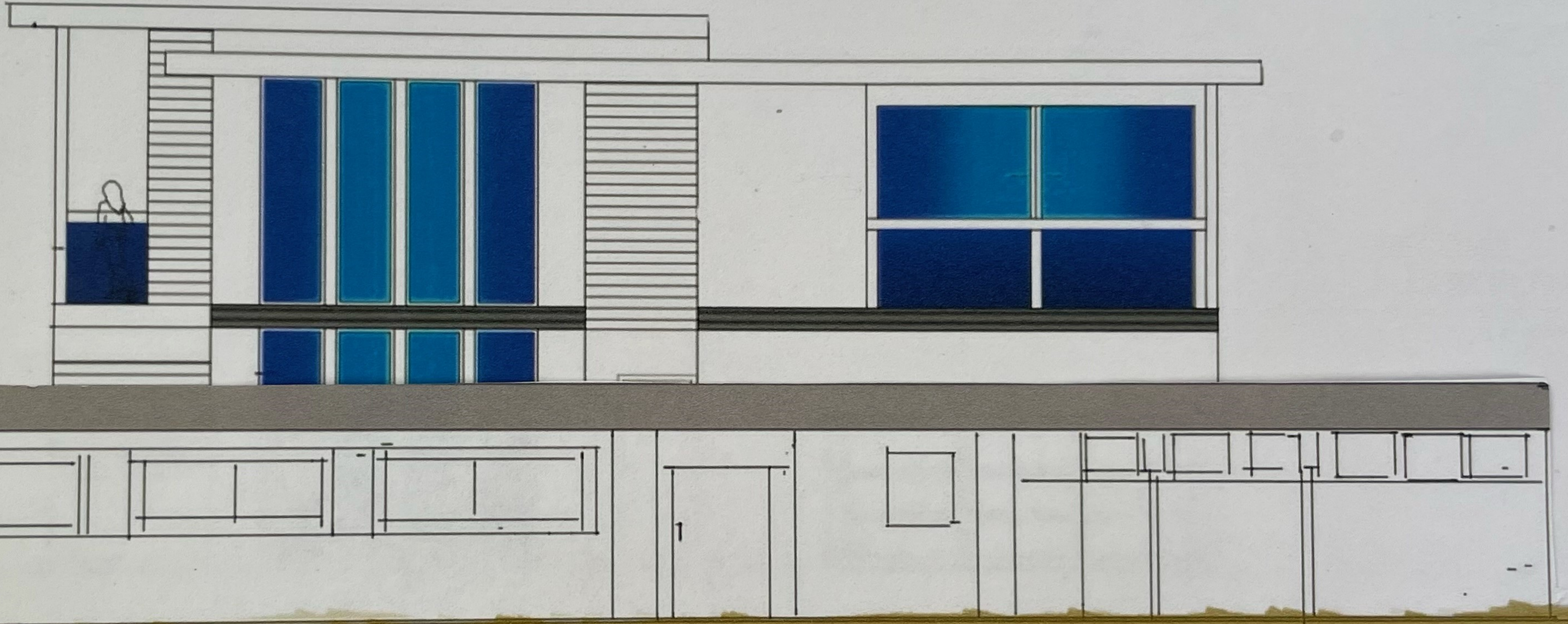
714 CRATER OAK DRIVE



25858 DARK CREEK ROAD



707 CRATER OAK DRIVE



714 CRATER OAK DRIVE

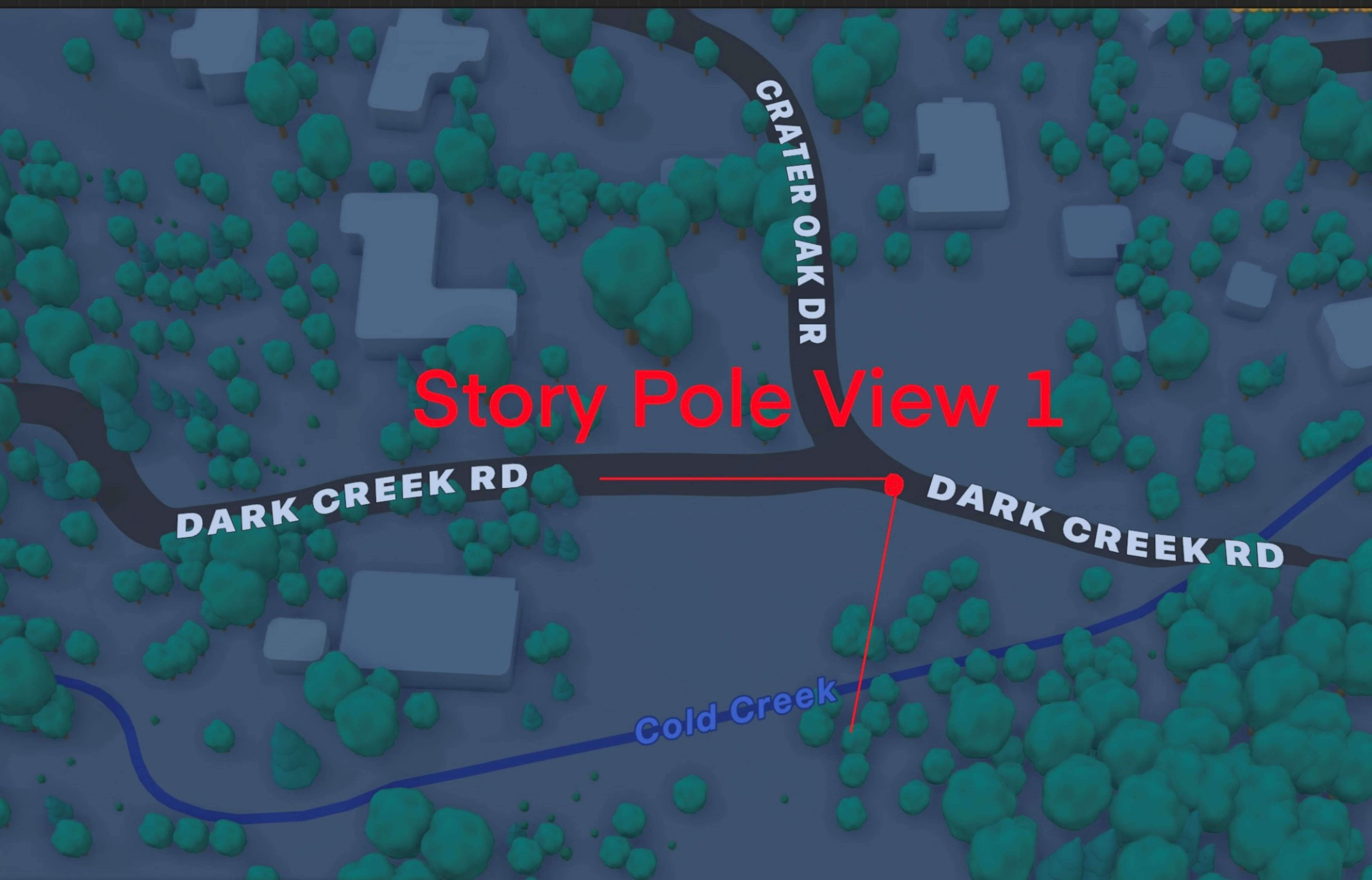
Story Pole View 1

CRATER OAK DR

DARK CREEK RD

DARK CREEK RD

Cold Creek





NOTICE OF HEARING

NOT A THRU ROAD



NOTICE OF HEARING

NOT A THRU ROAD

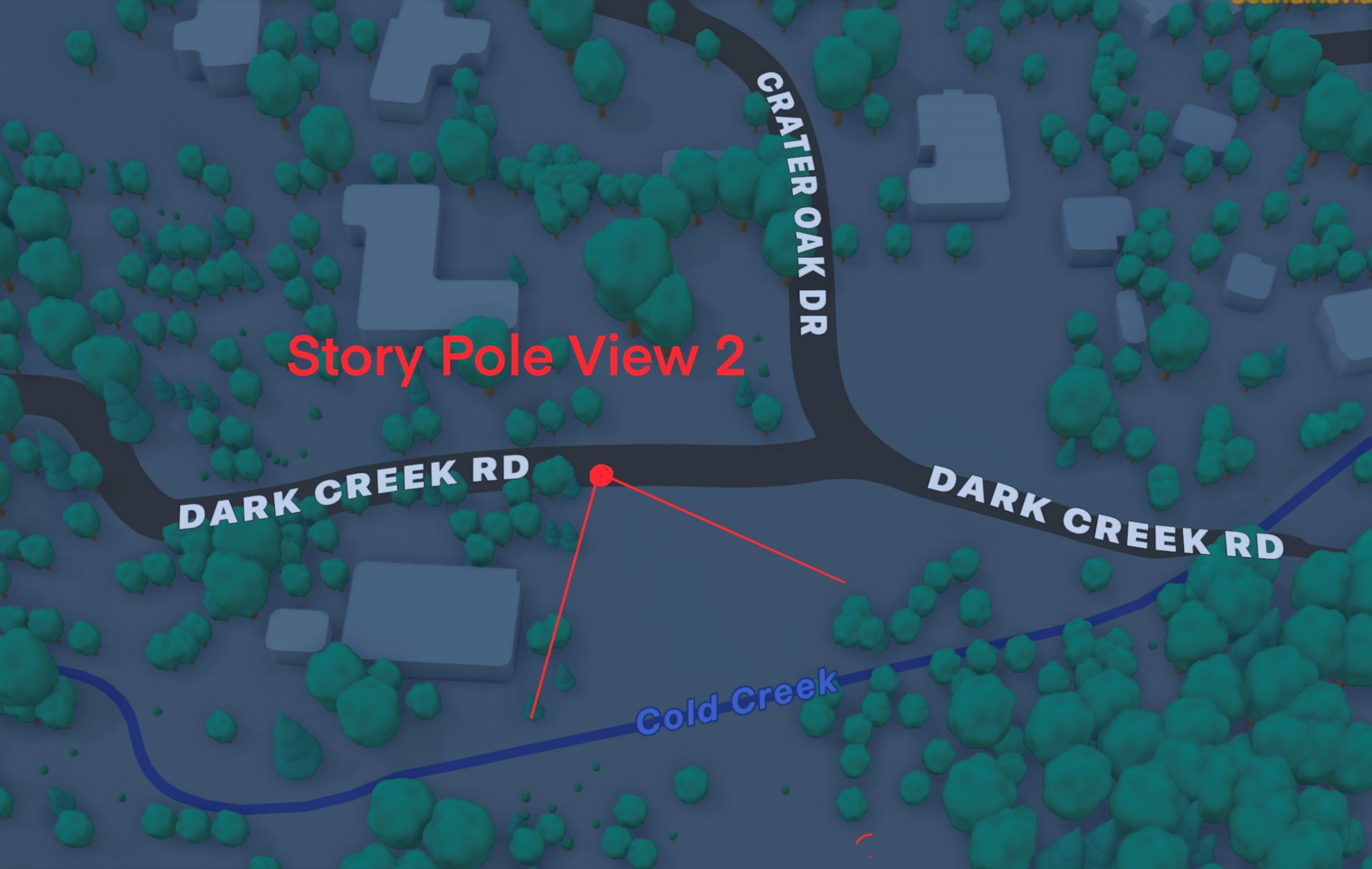
Story Pole View 2

DARK CREEK RD

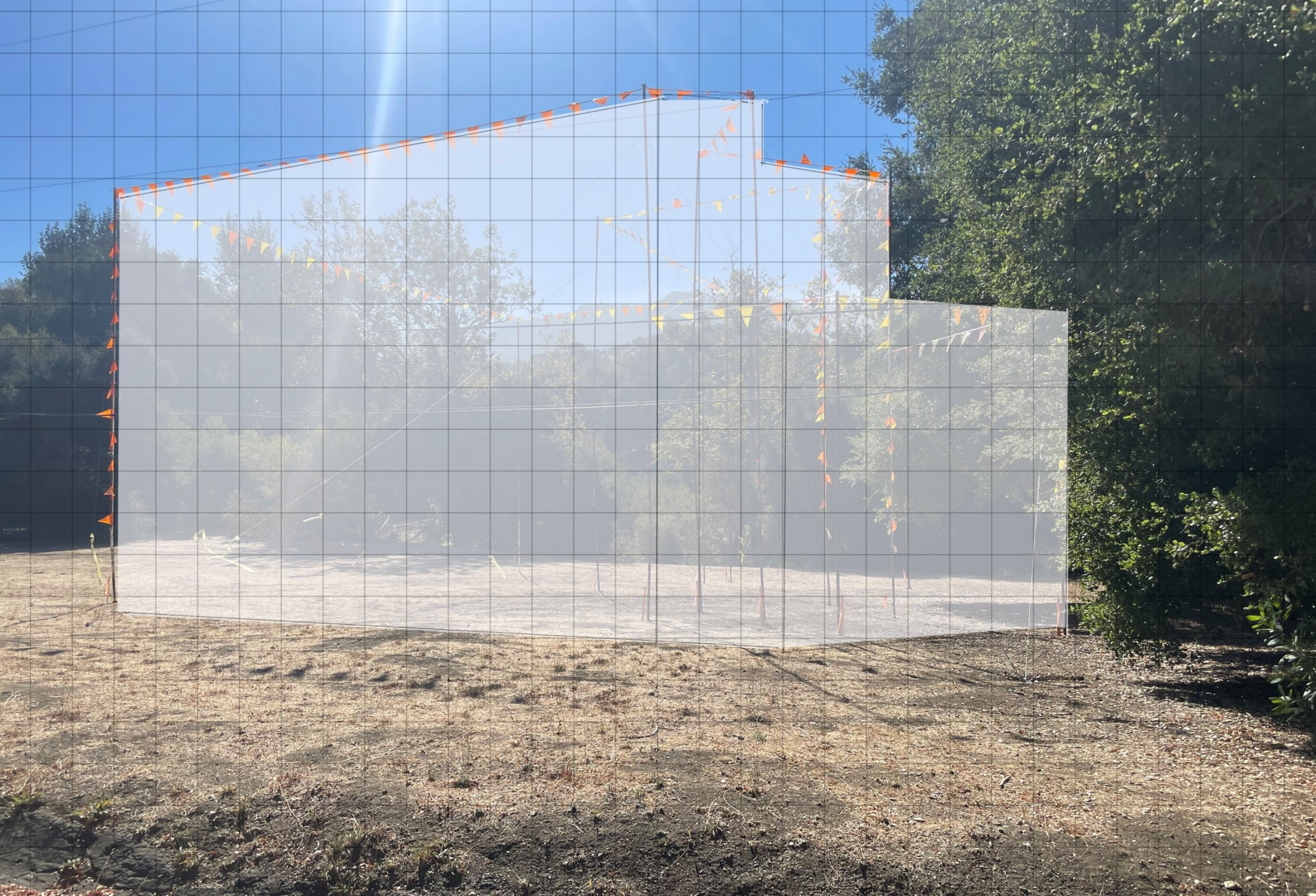
CRATER OAK DR

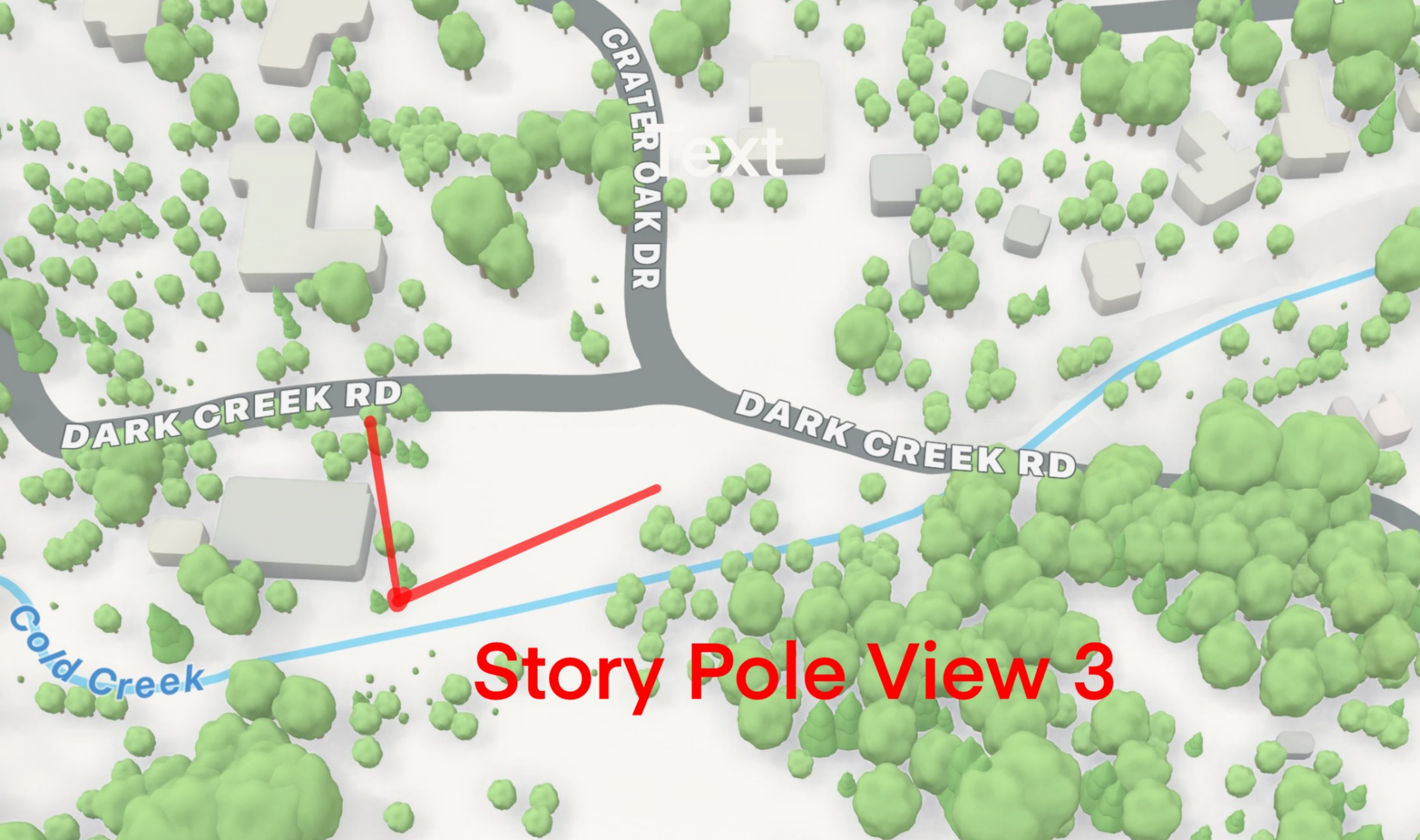
DARK CREEK RD

Cold Creek









ext

GRATER OAK DR

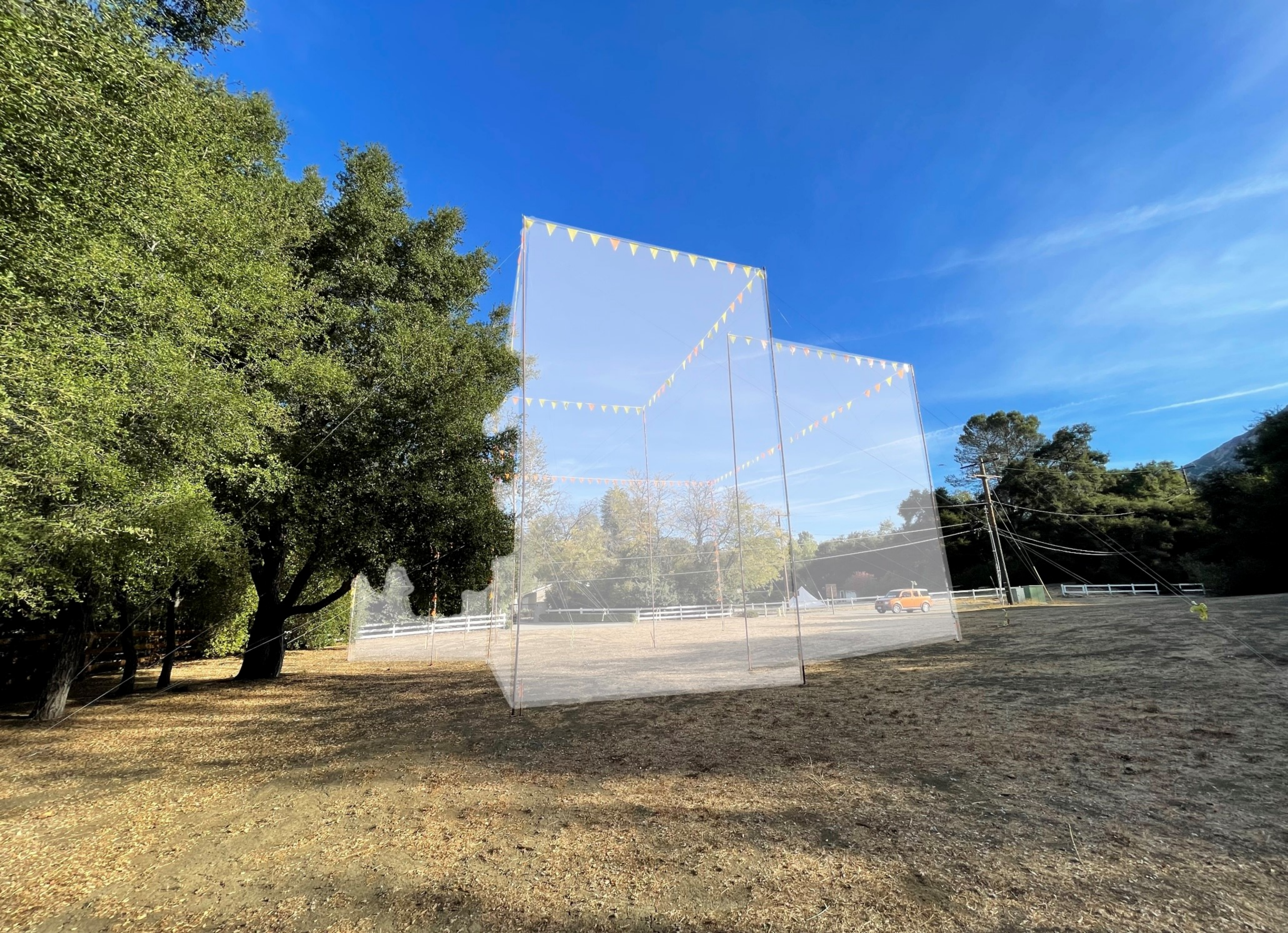
DARK CREEK RD

DARK CREEK RD

Cold Creek

Story Pole View 3





CERTIFICATION OF PUBLICATION

STATE OF CALIFORNIA
County of LOS ANGELES

I hereby certify that I am the principal clerk of the printer of **The Malibu Times**, newspapers of general Circulation by The Superior Court of the County of Los Angeles, State of California: that the notice of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspapers and not in any supplement therof on the following dates to wit:

Legal Notice:

Daily Journal:

3846435

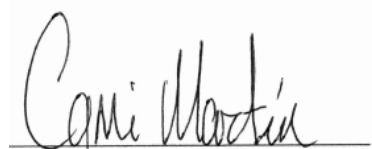
Dates Published:

9/5/2024

I certify (or declare) under penalty of perjury that the forgoing is true and correct.

Executed on: 9/5/2024

In Malibu, California



Legal Clerk, Cami Martin
The Malibu Times

NOTICE OF PUBLIC HEARING

The Los Angeles County Hearing Officer will conduct a public hearing to consider the project described below. A presentation and overview of the project will be given, and any interested person or authorized agent may appear and comment on the project at the hearing. The Hearing Officer will then consider to approve or deny the project or continue the hearing if it deems necessary. Should you attend, you will have an opportunity to testify, or you can submit written comments to the planner below or at the

public hearing. If the final decision on this proposal is challenged in court, testimony may be limited to issues raised before or at the public hearing

Hearing Date and Time: Tuesday, September 17, 2024 at 9:00 a.m.

Hearing Location: Hall of Records, 320 W. Temple Street, Room 150, Los Angeles, CA 90012. Virtual (Online) at bit.ly/ZOOM-HO. By phone at (669) 444-9171 or (719) 359-4580 (ID: 824 5573 9842).

Project No.: R2011-01126-(3)

Project Location: 25830 Dark Creek Road, Calabasas, CA 91302 within the Santa Monica Mountains Planning Area

Applicant: Gary and Jeannine Isbell

CEQA Categorical Exemption: Class 3 New Construction and Class 4 Minor Alteration to Land

Project Description: 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.

More information: 320 W. Temple Street, 13th Floor, Los Angeles, CA 90012. (213) 974-6411. William Chen, AICP@planning.lacounty.gov. planning.lacounty.gov.

Case Material: <https://bit.ly/R2011-01126>

If you need reasonable accommodations or auxiliary aids, contact the Americans with Disabilities Act (ADA) Coordinator at (213) 974-6488 (Voice) or (213) 617-2292 (TDD) with at least 3 business days' advanced notice.

9/5/24

CNS-3846435#

MALIBU TIMES

MALIBU 188

CERTIFICATION OF PUBLICATION

STATE OF CALIFORNIA
County of LOS ANGELES

I hereby certify that I am the principal clerk of the printer of **The Malibu Times**, newspapers of general Circulation by The Superior Court of the County of Los Angeles, State of California: that the notice of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspapers and not in any supplement thereof on the following dates to wit:

Legal Notice:

Daily Journal:

3841334

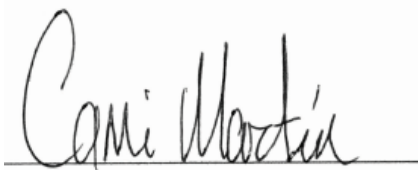
Dates Published:

8/15/2024

I certify (or declare) under penalty of perjury that the forgoing is true and correct.

Executed on: 8/15/2024

In Malibu, California



Legal Clerk, Cami Martin
The Malibu Times

NOTICE OF PUBLIC HEARING

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8/15/24

CNS-3841334#
MALIBU TIMES
MALIBU 177

PROJECT NO. R2011-01126(3) ASSIGNED PLANNER William Chen

CERTIFICATE OF POSTING

This certifies that I/We have posted the "NOTICE OF PUBLIC HEARING" sign for

A minor CDP FOR NEW 2 STORY 2479 sq foot SINGLE FAMILY RESIDENT
(Type of Request)

Located at: 25830 DARK CREEK ROAD
(Address of Development)

Public Hearing Date: SEPTEMBER 17 2024

Date of Sign Posting: AUGUST 26 2024

I hereby certify under the penalty of perjury that I/We posted the above-mentioned NOTICE OF PUBLIC HEARING and will provide photographic evidence of posting.

GARY ISBELL
Owner/Applicant

OR

Representative

Gary S Isbell
Signature

Signature

AUGUST 26 2024
Date

Date

2024 AUG 29 PM 2:47



LA COUNTY
PLANNING

NOTICE OF HEARING

PROJECT NO. R2011-01126-(3)

9 am September 17, 2024

IN-PERSON AND ONLINE, YISHI
320 W. Terrillo St. Room 160 Los Angeles, CA 90012

<http://bit.ly/ZOOM-HO>
<http://bit.ly/ZOOM-RPC>



NOTICE OF HEARING
This notice is published pursuant to the provisions of the California Environmental Quality Act (CEQA) and the California Public Resources Act. The project described in this notice is subject to CEQA review. A preliminary assessment has determined that the project may require a CEQA study. This notice is published to allow interested parties to provide input and comments on the project during the hearing process.

FOR INFORMATION CALL (213) 974-6411



NOTICE OF HEARING

CRATER DAM OR

