

**SUPPLEMENTAL
 REPORT TO THE REGIONAL PLANNING COMMISSION**

DATE ISSUED: April 25, 2023

HEARING DATE: April 26, 2023 AGENDA ITEM: 6

PROJECT NUMBER: 2019-000686 – (3)

PERMIT NUMBER(S): Minor Coastal Development Permit Nos.
 RPPL2019002073, RPPL2019002474, RPPL2019002479,
 RPPL2019002885, RPPL2019002887, RPPL2019001222,
 RPPL2019003431, RPPL2019003435, RPPL2019003852,
 RPPL2019003854, RPPL2019004230, RPPL2019004232,
 RPPL2019004674, RPPL2019004677, RPPL2019004678
 Variance Nos.
 RPPL2019002074, RPPL2019002475, RPPL2019002480,
 RPPL2019002886, RPPL2019002888, RPPL2019001224,
 RPPL2019003432, RPPL2019003436, RPPL2019003853,
 RPPL2019003855, RPPL2019004231, RPPL2019004675

SUPERVISORIAL DISTRICT: 3

PROJECT LOCATION: 25600 and 25700 blocks of Piuma Road, Monte Nido

OWNER: California Pacific Homes

APPLICANT: California Pacific Homes

CASE PLANNER: Tyler Montgomery, Principal Regional Planner
 Tmontgomery@planning.lacounty.gov

This agenda item is a request construct 15 new single-family residences on 16 lots in the R-C (Rural Coastal) Zone within the Santa Monica Mountains Coastal Zone (“Project”).

Staff has received additional correspondence from the Las Virgenes Homeowners Federation (“LVHF”). In a letter dated April 23, 2023, LVHF reiterates its opposition to the Project and requests denial of the appeal (Exhibit A-1). Issues raised include destruction of sensitive habitat, light pollution, traffic, construction noise, fire hazard, proximity to wildlife, and interference of scenic views from the Backbone Trail. In addition, LVHF included four of their previous opposition letters, dated between October 19, 2015, and February 5, 2023 — including one regarding the 2015 version of the Project — as an attachment. The LVHF included these letters to demonstrate that none of their previous issues have been addressed by the applicant (Exhibit B-1).

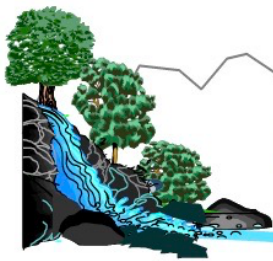
A letter was also received from Ms. Alicia Gonzalez, President of the Monte Nido Valley Community Association (“MNVCA”), dated April 25, 2023 (Exhibit C-1). It also requests denial of the appeal.

Staff’s recommendation for denial of the appeal and denial of the Project remains unchanged. For questions or additional information, please contact Tyler Montgomery at tmontgomery@planning.lacounty.gov.

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

Report Approved By: 
Mitch Glaser, Assistant Administrator

LIST OF ATTACHED EXHIBITS	
EXHIBIT A-1	Opposition Letter from LVHF (4/23/23)
EXHIBIT B-1	Previous Opposition Letters from LVHF (10/19/15, 10/2/22, 10/30/22, 2/5/23)
EXHIBIT C-1	Opposition Letter from MNVCA (4/25/23)



Las Virgenes Homeowners Federation, Inc.



The *voice* and conscience of the Santa Monica Mountains since 1968

April 23, 2023

Los Angeles County Department of Regional Planning
Planning Commission
320 W. Temple Street
Room 150
Los Angeles, CA 90012

Re: Agenda Item 6
DENY the APPEAL
Appeal of Hearing Officer's denial of February 7, 2023
Project No. 2019-000686-(3)

Honorable Chair Michael R. Hastings, Vice Chair Pam O'Connor, and Commissioners:

On behalf of the Las Virgenes Homeowners Federation, Inc., (LVHF) and our thousands of stakeholders, and communities throughout the Santa Monica Mountains and environs, we concur with the Department of Regional Planning's recommendation to deny, and we respectfully ask you to **DENY** the appeal of the Hearing Officer's denial.

[More specifically, deny the appeal and uphold the hearing officer's decision to deny all of the minor coastal development permits and variances and find that no determination has been made regarding the applicability of CEQA to this project. Per state CEQA guidelines and the environmental document reporting procedures and guidelines for the County, a CEQA determination is not required when a project is denied.]

Unfortunately, the developers of this Project as currently proposed **persist** in attempting to circumvent L.A. County's Santa Monica Mountains Local Coastal Program (LCP). They continue to bully everyone by proposing the same oversized 15 home subdivision, plus 4 ancillary structures, plus **12 variance requests**, and other requests to exceed regulations, right in the heart of one of our most sensitive coastal habitat areas adjacent to precious state parkland.

This housing tract as proposed is NOT consistent with our LCP by a long shot. It would wreak irrevocable damage to our biological, ecological, scenic, and recreational resources and negatively impact treasures that are of national and regional significance, including the Backbone Trail.

Imagine a towering concrete tract of development inconsistent with the LCP, on both sides of the wild and winding Piuma Road as it ascends, crisscrossed by the renowned and spectacular trail, and flanked by precious oak woodlands and chaparral habitat. The public is heavily vested in the preservation of its pristine natural resources in the Santa Monica Mountains coastal zone. This solid block of concrete blight as currently designed would forever change the public's spectacular viewshed from Piuma — an L.A. County designated scenic route.

Further, the applicant is utilizing an “old” entitlement. “New” subdivisions are prohibited in the coastal zone now — specifically because of the significant damage this kind of density perpetrates on the public's resources, and in a VHFHSZ. And yet, and despite this, the developer seeks to excessively overbuild.

Case in point, consider that:

- They are not only requesting **12 Variances for 12 of the residences, but in 6 different categories!** As per the staff report, “The first category is to allow onsite wastewater treatment systems (“OWTS”) less than 50 feet from an oak or other protected native tree and/or less than 150 feet from a riparian canopy or stream bed. The second category is to allow habitable accessory structures within the H1 Habitat Buffer and the H1 Habitat Quiet Zone. The third category is to allow habitable accessory structures to share an OWTS with the primary residence. The fourth category is to allow new structures with less than the required 100-foot buffers from parkland. The fifth category is to allow structures that occupy more than 50 percent of the linear frontage of a parcel fronting a scenic route and the sixth category is to allow driveways or access roads greater than 300 feet in length.”
- The LIP restricts the maximum building site area to 10,000 square feet which is significant and impactful development in itself. Yet this developer is trying to even exceed that on 9 of the 15 lots. Consider the tremendous cumulative impacts of this subdivision over-development.
- Despite being in a designated Scenic Resource Area (visible from Piuma Road and the Backbone Trail), 4 of the residences would exceed the maximum 18-foot allowable height.
- Three of the lots propose retaining walls exceeding the maximum allowable height of six feet.

In 55 years, we have witnessed a lot of inappropriate development proposals that flaunt the rules and regulations, but this Project proposal seems to be in a category all its own.

The Wrong Development in the Wrong Place

This Orange County based developer is attempting to inflict an over-the-top urban housing tract development, literally, into the midst of L.A. County's, mountain lion turf. No developer should be allowed to circumvent coastal rules and regulations. Thus far they have rejected downsizing and creating a Project that is compatible with the LCP.

As we pointed out in a previous comment letter at the Hearing Officer hearing, the developer argues that the LCP SHOULD do this and that, and it SHOULD balance development with resource protection, etc. (These developer comments are on record from the hearing and the audio can easily be accessed.) **But as the LCP clearly states, resource protection trumps development.** And, the County has a certified LCP ratified by the California Coastal Commission and the Board of Supervisors since 2014, which is prevailing state law.

Attempts at Biological Resource Re-Mapping to Create More H3 and Less H1 Failed

As currently mapped, the Project Site contains approximately:

- **10.6 acres of H3 Habitat**, 1.8 acres of H2 Habitat, and **5.8 acres of H1 Habitat**.

The applicant's biologist recommended re-mapping (below) which would have created an acre more of H3 or more disturbed, buildable land -- and 3.8 acres less of H1 which is the most restrictive habitat category. This re-mapping or conversion could enable *more or larger* development. It was rejected by the ERB.

- **11.6 acres of H3 Habitat**, 4.6 acres of H2 Habitat, and **2.0 acres of H1 Habitat**

Also, although the staff report currently reflects the width of Piuma Road at this location at 60-feet in width – that is on paper and needs to be modified. In reality, Piuma is much narrower here, actually 26-30 feet wide, and it must be measured by what currently exists on the ground. The LCP prohibits expansion, and it would not be feasible to widen anyway due to oak woodlands, mountainsides, and cliffsides.

Contrary to the applicant's appeal, we concur strongly with the Findings made by the Hearing Officer. The Hearing Officer along with the Department of Regional Planning planners spent an inordinate amount of time making these findings including detailed analysis for every single lot.

And of course, it is feasible for the applicant to downsize and re-design this subdivision to comply with LCP regulations. They CAN build on these lots – they are not unbuildable. But it is obvious this is not the direction, nor the tact the developer has taken, and their actions indicate they are apparently not willing to comply with the LCP's – LUP and LIP.

It is not lawful for, or incumbent upon, Regional Planning, or the public, to enhance the profitability of any project, for any developer, to violate coastal regulations.

Thus, we respectfully ask you to DENY the appeal, and recommend the developer redesign this subdivision Project so that it is consistent and compatible with the LCP.

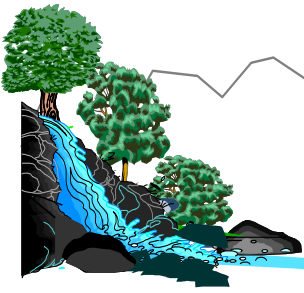
Sincerely,

Kim Lamorie

President

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

- Note - please find attached to the covering email 4 additional attachments from previous hearings which are part of this submission.



Las Virgenes Homeowners Federation, Inc.

Post Office Box 353, Agoura Hills, California 91301



The **voice** and conscience of the Santa Monica Mountains since 1968

Monday, October 19, 2015

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 #43

SUPPORT STAFF RECOMMENDATION TO DENY VINTAGE PACIFIC AT MONTE NIDO PROJECT APPEAL. PROJECT MUST COMPLY WITH THE LCP.

RE: PROJECTS NO. R2012-02436 TO 02440 AND R2013-03620 TO 03630 (3)
ENVIRONMENTAL ASSESSMENT CASE NO. 201200258 ASSOCIATED WITH CASES
NO. RPP 201200970 TO 201200974 AND RPP 201301334 TO 201301344

The Las Virgenes Homeowners Federation (LVHF), representing more than 10,000 homeowners and property owners in the Santa Monica Mountains and environs, strongly supports your staff's recommendation to DENY *Vintage Pacific at Monte Nido's* appeal of the Regional Planning Commission's decision. We respectfully urge you to require the developer to re-submit a lawful project that is compliant and consistent with the Santa Monica Mountains Local Coastal Program (LCP) – and require new environmental assessment for a newly designed project under the LCP.

Make no mistake about it – this is a major challenge to our LCP – and to your authority as the new enforcers of the coastal act. As you know, it took an enormous amount of time - decades of coalition building and stakeholder outreach and input to support a Santa Monica Mountains LCP that was balanced, equitable, and that the California

Coastal Commission would approve. This appeal by *Vintage Pacific* now to try and circumvent those efforts and the newly certified LCP is for a massive 16 home subdivision in the heart of our most sensitive coastal habitat areas and adjacent to state parkland. This project would wreak irrevocable damage to our scenic, recreational, and ecological resources that are of national and regional significance.

Imagine a towering concrete tract of development inconsistent with the LCP, flanking both sides of the wild and winding Piuma road as it ascends, crisscrossed by the renowned and spectacular Backbone trail? The public is heavily vested in the preservation of its pristine *natural* resources in the Santa Monica Mountains coastal zone. This solid block of concrete blight would forever change our spectacular viewsheds – and the character and nature of our designated and LCP protected rural village of Monte Nido.

As your planning staff's letter of September 22, 2015 indicates, the *Vintage Pacific* proposed suburban housing tract development is in conflict with and in violation of many of the new housing regulations in the LCP, and thus cannot be approved.

Any landowner who had not completed an application to the Coastal Commission for a Coastal Development Permit (CDP) by the certification date of Oct. 10, 2014 knew that the new rules and regulations of the LCP would apply to any proposed development. *Vintage Pacific* never completed the CDP applications for its development in Monte Nido, so the new LCP applies.

Moreover, this developer and his representatives are not new to the Santa Monica Mountains – he was also well aware of what he bought, and where. The LCP does not take away a developer's or land speculator's right to reasonable economic use of his property, but it is not the burden of the public or its elected officials to help bail-out or permit anyone to usurp laws (in this case, the LCP), to magnify profit.

Furthermore, CEQA requires an adequate Project Description as the foundation of the environmental analysis. If the project is invalidated, then by definition the environmental analysis accompanying the project becomes moot. A newly designed project triggers a new and appropriate environmental analysis.

The bottom line is - assumptions made in the mid 80's are no longer relevant. There is no project. What was proposed is no longer feasible so there is no reason to certify an environmental document for a project that doesn't exist.

The County must demonstrate its commitment to the enforcement and implementation of these important protections in the LCP.

We strongly urge you to follow your staff's recommendation - deny *Vintage Pacific's* appeal, and uphold the Santa Monica Mountains Local Coastal Program.

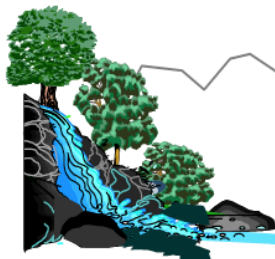
Sincerely,

Kim Lamorie

President

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

www.lvhf.org



Las Virgenes Homeowners Federation, Inc.

Post Office Box 353, Agoura Hills, California 91301



The voice and conscience of the Santa Monica Mountains since 1968

Oct. 2, 2022

Hearing Officer Meeting Date: Oct. 4, 2022

DENY

**Agenda Item #3 -- Project No. 2019-000686-(3)
California Pacific Homes**

Minor Coastal Development Permit Nos. RPPL2019002073, RPPL2019002474, RPPL2019002479, RPPL2019002885, RPPL2019002887, RPPL2019001222, RPPL2019003431, RPPL2019003435, RPPL2019003852, RPPL2019003854, RPPL2019004230, RPPL2019004232, RPPL2019004674, RPPL2019004677, RPPL2019004678

Variance Nos. RPPL2019002074, RPPL2019002475, RPPL2019002480, RPPL2019002886, RPPL2019002888, RPPL2019001224, RPPL2019003432, RPPL2019003436, RPPL2019003853, RPPL2019003855, RPPL2019004231, RPPL2019004675

Dear Hearing Officer Gina Natoli:

The Las Virgenes Homeowners Federation, Inc., and our thousands of stakeholders and mountain/coastal communities throughout the Santa Monica Mountains and environs respectfully ask that the above referenced Project request from California Pacific Homes (CPH) be DENIED.

We concur with the Department of Regional Planning's recommendation to DENY the Project as proposed -- all requested CDP's and Variances.

And, we respectfully submit the following comments:

New subdivisions have been prohibited in the SMMLCP since its adoption in October 2014, and for good reason as evidenced by this urban concrete monstrosity proposed by developer California Pacific Homes and their complete disregard for our sensitive and most precious coastal resources. The point is, although the lots and pads were legally established through an old Tract Map No. 38931 and CDP No. 5-83-004 in 1987 (Monte Nido contends it was approved by the Coastal Commission in July of 1983), regardless, it was more than 35 years ago. Today, this massive 15 home subdivision and 4 detached

guest structures would not even be considered in the coastal zone. It is akin to trying to put a square peg into a round hole.

Developer Attempts to Circumvent the LIP (LCP)

Add to that, the fact that the applicant has made no effort to submit a reasonable, downsized Project based on complying with LIP regulations/standards. The Project is incompatible and inconsistent with the LCP.

Instead, the developer appears to flaunt the LCP, as aptly addressed in the staff report. Where they could comply, they have *chosen* not to, requesting entitlements with a wide range of Variances asking for more maximum build-out that will cause unmitigable impacts to biological and scenic resources, to the world-renowned Backbone Trail, to the public's parkland, to wildlife habitat, and to the rural village character of *Monte Nido. (*Although the staff report lists the rural village of Monte Nido as adjacent, we support Monte Nido, and the Federation's past president Dave Brown's contention that prior to the approval of the Project by the CCC, testimony by the SMMC's Executive Director, Joe Edmiston, was that these subdivision parcels were within the character of the surrounding areas and were therefore considered part of Monte Nido.)

"Let the land dictate the type and intensity of use", has always been the guiding principle in the Santa Monica Mountains. Not vice versa – which is what these Orange County urban developers are proposing – an urban Project that is intentionally blind to where it is being proposed, as if it was not in the coastal zone, or in the Santa Monica Mountains National Recreation Area, or in a Significant Ecological Area (SEA), or on a scenic roadway/route, or next to parkland, or in a Scenic Resource Area (SRA), or in a rural village surrounded by pristine H1 and H2 mountain lion habitat. Rather they are attempting to make the land conform to their very large urban housing tract to maximize their profits.

Here's another example of that. As currently mapped in the LCP, the Project Site contains approximately 10.6 acres of H3 Habitat, 1.8 acres of H2 Habitat, and 5.8 acres of H1 Habitat. But they claim that the Habitat should be remapped of course, reflecting more H3 and less H1 – 11.6 acres of H3, 4.6 acres of H2, and only 2 acres of H1. The LCP does not permit this kind of development in H1, so thereby their tactic is to try and change/reduce the designated H1 habitat by approximately 66% and increase the amount of H3 so they can benefit by building "more".

Every one of these proposed 15 homes would put development into the 200-foot protected zone of H1. Brazenly unacceptable. And, lest we forget that the cumulative impacts of this would be ever so more impactful because this is a subdivision of 15 homes plus 4 guest units – not one single family home.

The same goes for our protected oak trees. Construction, vegetation modification [destruction] and/or brush clearance would occur within the protected zone of oak trees for all 15 residences. A total of 163 jurisdictional coast live oak trees are located on or near the Project Site, along with 10 other protected native trees. The cumulative impacts of this would be particularly tragic on these oak woodlands in this climate changed

environment. Oaks are also Monte Nido's character defining attribute and stakeholders throughout the SMMs have fought fiercely to preserve these special old trees for decades.

Urban Sprawl at its Worst - VHFHSZ

A look at the photos included as part of the staff report provides ample evidence of how this Project exemplifies urban sprawl at its very worst. This is why we have an LCP to protect the public's coastal resources from companies seeking to profit unjustly from resources the County is required to protect and preserve.

It's bad enough that this is a 35-year-old plus tract map that the developer is trying to insert into a vastly changed, dangerous climate environment, in a Very High Fire Hazard Severity Zone (VHFHSZ). Native chaparral is more sensitive now to destruction than ever before and because of the increased frequency of fire among other factors, it cannot replicate or re-grow like it once did. All the new studies and latest data on this is published by Dr. John Keeley, Research Scientist/Fire Ecologist for the USGS, and his associates and is readily available to access and read.

New development, especially in the WUI, is considered an "ignition point". This Project brings the potential for creating more fires and the risk is significantly amplified with 15 homes and 4 guest homes. It endangers all communities therefore and the wildland resources of the Santa Monica Mountains, which is one reason *new* subdivision developments like this are now banned in the LCP and the NAP.

Deny Entitlement Requests for 15 Minor CDP's and 12 Variances

California Pacific Homes has requested:

15 Minor CDPs to construct 15 new single-family residences, four of which would include detached guest houses on these small lots. *Rather than replicate comments, see LVHF's Letter to the ERB inserted here on pages 6,7,8,9,10. It also addresses the fact that the developer is trying to maximize building site development (Close to the 10,000 square foot max on each parcel for all 15 homes) despite the cumulative impacts on coastal resources, precious H1 and H2 protected habitat, protected trees, and adjacent state parkland.

12 Variances to deviate from the standards of the LIP for 12 of the 15 residences. As outlined in the staff report, a Variance may only be granted if a specific burden of proof is met. The Project does not meet the required burden of proof for nearly all of the requested 12 Variances, ***as there is nothing to indicate that the 12 residences cannot be redesigned to comply with LIP standards.**

The DRP has done an excellent analysis for each Variance *category* request by the developer.

There are 5 categories. We've extracted them below as proof once again of how the applicant appears to be attempting to bypass regulations with zero regard for protecting the precious coastal environment they are proposing this Project in -- especially because other downsizing and re-design options are available that would not inflict the kind of

resource destruction this would as is. (*Note on #5, the Federation does not support swapping of resource impacts to permit Variances and enable development.)

Analysis of the Five Categories of Variances Requested:

1. Developer Variance Request: To allow Onsite Wastewater Treatment Systems (“OWTS”) less than 50 feet from an oak or other protected native tree and/or less than 150 feet from a riparian canopy or streambed.

Regulations: Each of these lots contain proposed OWTS seepage pits less than 50 feet from the dripline of an oak or other protected native trees or less than 150 feet from a riparian canopy or streambed. *And, yet each of these lots also includes one or more potential locations for OWTS seepage pits outside of these protected zones. The applicant has not provided documentation that these alternative locations are unsuitable for OWTS seepage pits. Thus, it has not been demonstrated that these variances are necessary due to special characteristics of the lots or to preserve a substantial property right.

2. Developer Variance Request: To allow habitable accessory structures within the H1 Habitat Buffer and H1 Habitat Quiet Zone.

Regulations: The LIP specifically prohibits habitable accessory structures within H1 Habitat.

3. Developer Variance Request: To allow habitable accessory structures to share OWTS with the primary residence.

Regulations: Not allowed. Habitable accessory structures are required to have their own OWTS separate from the primary residence. The applicant has also not demonstrated that the placement of two separate OWTS on these lots is infeasible, nor would it be necessary to allow reasonable economic use of the subject lots. Thus, it has not been demonstrated that these Variances are necessary due to special characteristics of the lots or to preserve a substantial property right.

4. Developer Variance Request: To build new structures with less than the required 100-foot buffers from State parkland.

Regulations: Due to the presence of California State Parks parkland immediately to the south, portions of the residences proposed for Lots 13, 14, 15/16, and 17 would extend into the required 100-foot parkland buffer. Because these structures could be redesigned to eliminate this encroachment, the burden of proof for a Variance cannot be met in these cases.

5. Developer Variance Request: To allow structures that occupy more than 50 percent of the linear frontage of a parcel fronting a scenic route.

DRP: If the residences proposed for certain lots are redesigned to comply with all other applicable standards of the LIP, Staff would be amenable to recommending approval of Variances for occupying more than 50 percent of the frontage on Piuma Road.

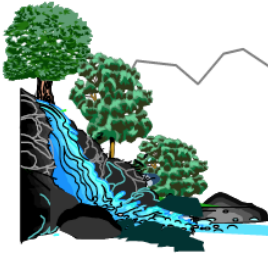
*Federation: The Federation does not support swapping coastal biological resource impacts for coastal scenic resource impacts or any others to support developer Variance requests. The applicant needs to downsize and redesign the Project to comply with what is actually allowable on these parcels instead of proposing Variances they blatantly know will not be granted to attempt to garner something they are not entitled to. Furthermore, the impacts of any Variances for this 15-home subdivision are cumulative, so wherever these might be applicable, the impacts are therefore much greater. Bringing portions of this huge concrete eyesore closer to designated scenic Piuma frontage destroys the viewshed and brings the whole urban element more to the forefront which is both detrimental to the public's best interest and to Monte Nido's. It will change Piuma forever as the roadway flanked by magnificent chaparral and protected trees meanders uphill to the colorful, rugged hills above Monte Nido.

In addition to the issues with Variances, none of the proposed residences would comply with the applicable standards of the LIP.

We are grateful for this opportunity to comment and respectfully ask that you DENY this Project as proposed. Please send it back to the drawing board to re-design a Project that complies with the LIP. One that builds within its means and boundaries of our coastal regulations instead of demanding numerous Variances that these Project proponents are not only not entitled to but that can be avoided by modifying the Project.

The Project is a massive urban subdivision development driven by a self-described, "Neighborhood Builder". Not only is Cal Pac Homes riding on a 35-year-old plus tract map approval, they are proposing an urban Project that flagrantly *maximizes impacts* to the County's sensitive biological resources. The developer missed their opportunity to develop prior and yet they persist in trying to impose a "max plus build" subdivision onto Piuma in a different era, with a new LCP that prioritizes protection of biological resources above all else, and in a climate changed VHFHSZ environment.

Sincerely,
Kim Lamorie
President
Las Virgenes Homeowners Federation, Inc., of the Santa Monica Mountains



Las Virgenes Homeowners Federation, Inc.

Post Office Box 353, Agoura Hills, California 91301



The voice and conscience of the Santa Monica Mountains since 1968

August 12, 2021

Environmental Review Board
Los Angeles County Department of Regional Planning
320 W Temple Street
Los Angeles, CA 90012
Via email to comment@planning.lacounty.gov

**Re: ERB Meeting Aug. 16, 2021
Agenda Item # 5 -- Monte Nido Rural Village**

Dear ERB Members:

We respectfully submit the following comments for your consideration in reference to the above referenced Project. Our gratitude to the Department of Regional Planning for this opportunity to do so.

As you are well aware, *new* subdivisions have been prohibited in the SMMLCP since its adoption in October 2014 and for good reason as evidenced by this applicant's brazen attempt to circumvent our biological coastal resource protections and policies.

Without this old recorded map -- this subdivision for 15 homes -- would not even be considered.

The impacts of this development as proposed on our biological resources are overwhelmingly significant and not allowed. We strongly concur with the staff report that this Project is inconsistent with the biological resource protection policies and development standards of the SMMLCP and the LIP.

Therefore, we ask that your input include recommending the applicant go back to the drawing board and start again -- come back with a downsized Project proposal that is

consistent with the Local Coastal Program. Not only is the developer riding on an old tract map, they are proposing a subdivision Project that flagrantly *maximizes impacts* to the County's sensitive biological resources.

Here are some examples of that:

Building Site Build-Out on Each Small Parcel.

Despite these lots being primarily surrounded by and adjacent to very sensitive H1 area parkland O-S-P, (as well as surrounded by O-S-DR, R-C-40, R-C-20 zoning) and despite these being very small lots that average 1.14 acres, the developer is proposing the MAXIMUM building site area build-out on each -- an average of 9900 square feet (10,000 max). So, in this approximate 18-acre total project site area the actual building site area is a whopping 148,500 square feet.

Building site area must be reduced to lessen impacts to biological resources.

Applicant Mapping Misrepresentations.

The County maps are factual. The applicant maps contradict the County's and the question is why have they opted out of utilizing the County's accurate mapping?

In general, the habitat, etc., maps that the developers and their consultants have reflected in their reports to the ERB do not correspond to the County habitat maps. For example, they visibly reflect H1, H2, etc., as smaller areas than they actually are. This of course casts the illusion that the impacts would be less significant, including erroneously reflecting the H1 buffer and quiet zones.

Graded pad discrepancies

The maps submitted by this applicant overstate the graded areas as being larger than they actually are in comparison to the County maps. In other words, the applicant has exaggerated site disturbance.

Or/and is the developer conflating the illegal brush clearance/fuel modification they did as part of it? There are no legal County AG regulations for brush clearance or fuel modification on vacant parcels where there are no structures within 200 feet or on adjacent parcels within 200 feet.

So, the damage destruction of habitat in the perimeter is likely a result of illegal grading and/or illegal brush clearance.

Applicant Re-Mapping of Habitat Categories. Unlawful Actions. Illegal Fuel Mod.

Nowhere in the LCP does it say that a developer can cherry pick policy to attempt to manipulate, change, or rewrite the LIP mapping of habitat categories for their own benefit. Yet, this is precisely what the applicant is attempting to do -- change the habitat

categories -- not for accuracy sake, but to justify development which wouldn't otherwise be allowed.

H1 has been miscategorized by the applicant as H3 to enable development on lots 2 and 3. In 2016 there was a developer driven attempt to remove the magnificent strands of oak trees under false pretense, which was thwarted by community members, the Third District, and other County personnel.

This in addition to their approximate May 17, 2016 violations (NOV?) re: illegal grading and brush clearing violations -- where they engaged in unlawful grading of several of these lots. One of the spurious claims made at the time was that the work was done to comply with brush clearance regulations. Once again there are no AG fuel modification regulations on vacant parcels where there are no structures within 200 feet. Photos and evidence are recorded and available. The County should also have these records. *The Federation maintains a data bank of more than 200 images of these actions.

Their claims and endeavoring to further substantiate justification for changing the habitat categorization based on their "lawful [grading] development" is meritless.

This habitat of native oak trees is neither fragmented or isolated and it is very much an integral part of a larger woodland.

Vague Variances. Multitude of Coastal Variance Requests That Cause Greater Biological Resource Impacts.

The applicant is requesting a glaring array of variances to "enable *more* development" and thus render more impacts to our biological resources. These include coastal variances for development standards related to parkland buffers, native trees, riparian buffers, septic systems, and scenic route frontage, as well as special fuel mod plans.

Because the variance requests are intentionally vague and general it makes it impossible for the ERB to do its job and make accurate recommendations. Detailed plot plans are not currently available for review.

Urban Sprawl at Its Worst And Its Most Impactful. New Wildfire Risk. VHFHSZ.

This Project exemplifies urban sprawl at its worst and most destructive --- which is exactly what the County's LCP and NAP biological resource protective policies are focused on preventing. It is the insertion of a mega sprawling concrete mass into sensitive coastal habitat made worse by this developer's disregard for the resource protective policies of the LCP so that the new housing tract would increase the noise, lighting, construction impacts, etc. to ESHA.

It is further adjacent to protected public parkland and its negative impacts will sprawl all over the world-famous Backbone Trail. It is located in an SEA -- considered to contain the most valuable biological resources in the entire County.

Unlike the actual antiquated rural village of Monte Nido, this Project is a new subdivision blight that will irreparably impair the viewshed from scenic Piuma.

With urban sprawl comes new wildfire risks. Several state bills in the past year have attempted to ban all new development in VHFHSZs. As experts, fire ecologists, and scientists maintain, due to the frequency of fires and climate change, chaparral no longer recovers as it used to and thus the habitat that provides cover and food to sustain wildlife is in peril. So, preserving rich biological resource areas like this adjacent to this Project site is more important than ever if we are to sustain wildlife populations.

It is particularly worrisome in regard to the mountain lion which is currently under study to be listed as Threatened or Endangered pursuant to the CA Endangered Species Act.

In April of 2020, these imperiled populations were granted temporary protected status. These magnificent lions are regular dwellers and hunters in this specific area with core habitat linkages. Also relevant is that post Woolsey more wildlife has been pushed into the remaining H1, H2 habitat areas that did not burn and have not recovered.

The fire analysis before the ERB was done prior to Woolsey fire and prior to Supervisor Sheila Kuehl's commissioned, *After Action Report* of the Woolsey Fire, which she called, "one of the most comprehensive reviews ever conducted in California."

Cumulative Impacts Are Major Not Minor.

While the applicant is requesting 15 Minor Coastal Development Permits to build 15 homes -- the cumulative impacts to biological resources are obviously MAJOR.

Other inconsistency issues include homes that are proposed within 100 feet of a stream, unreconciled and questionable description of fuel modification activities, the mischaracterization of the understory of the H1 habitat between lots 2 and 3, and the list goes on.

The developer is asking to overbuild the lots despite their adjacency to parkland and the fact that they contain the most sensitive and the highest value biological resources that there are in the Santa Monica Mountains.

Grading impacts on biological resources will be significant too based on the scope and description. 50 CY of grading triggers a permit in the LCP -- and grading volumes for the varying parcels range from 500 CY to 1,500 CY per lot with an average of approximately 950 CY. That is a combined total of more than 14,000 CY.

Bottom line, this development as proposed is inconsistent with applicable biological resource protection policies, provisions, and development standards of the SMMLCP. The biological reporting is inadequate.

Biological resource protection takes precedence over development in the SMMLCP.

Sincerely,
Kim Lamoré
President
LVHF



Oct. 30, 2022

Hearing Date Nov. 1, 2022

Agenda Item # 4

DENY

Project No. 2019-000686-(3)

Dear Hearing Officer Gina Natoli,

On behalf of the Las Virgenes Homeowners Federation, Inc. and our thousands of stakeholders, and communities throughout the Santa Monica Mountains, we concur with the staff recommendation to DENY this Project as submitted.

Thank you for this opportunity to offer the following comments in rebuttal to the Project applicant's rebuttal on the hearing date of Oct. 4, 2022:

- The applicant *appears* to be confused about where this Project really is and what land use regulations apply. The Project resides fully in the Santa Monica Mountains Local Coastal Program (SMMLCP). The SMMLCP – (the LUP and the LIP components) have the authority and final say over development here, not other County zoning documents.

Interspersing comments about other County zoning authority that is less resource protective for attempted advantage is not applicable and a waste of everyone's time. The LIP establishes regulations for new development and for the protection and management of the Santa Monica Mountains Coastal Zone's unique resources.

Excerpted from the LUP: Where conflicts occur between the policies contained in this LUP and anything contained in any other part of the County's General Plan, in any Specific Plan or other plan, in County zoning, or in any other ordinance not included in the LCP, the policies of this LUP shall take precedence.

Excerpted from the LIP: If provisions of this LIP are found to be in conflict with provisions of this Title 22, this LIP shall prevail.

- The applicant makes several comments about how the LCP should work, and what it should do, for example, like, “a good LCP document should BALANCE biological resource values with residential development community values, articulated in the County’s own zoning, which does allow for residential uses here...”.

And, “We submit that a good LCP document should serve to BALANCE with residential development.”

And, “There is no BALANCE in the LCP.”

The LCP has been in effect since Oct. 2014. Lamenting and wishful thinking by the developer that their massive footprint, old entitled subdivision (new subdivisions have been banned in the LCP since 2014) should somehow be BALANCED with resource protective policies, is contrary to the LCP.

The LCP is the product of more than a decade of work including input from all stakeholders, agencies, developers, the CCC, etc. The coastal zone contains some of the County’s most precious and important resources and the public has invested hundreds of millions of dollars in its preservation. And, the applicant had plenty of opportunity to give input prior to the adoption of the LCP’s LUP and LIP.

This developer is subject to the LCP like every other developer. As proposed their Project is inconsistent with the LCP. Instead of even trying to comply, they are pushing to build bigger and more, irrespective of the biological resource impacts and then squawking about the fairness and balance of the LCP in the pursuit of *more* profit.

Here is the Guiding Principal of the LCP (*LUP page 13*)

The guiding principle for managing development and protecting the natural environment is: **Resource protection has priority over development.**

So, NO. Resource protection is not to be balanced with equal parts subdivision.

Excerpted from the LUP: This guiding principle acknowledges that the Santa Monica Mountains possess irreplaceable resources and that every user of the land is a trustee of the area’s heritage for future generations.

Excerpted from the LUP: Development on any scale has the potential to disrupt the character of the underlying natural setting, both in the immediate area and offsite. Development must be sensitive to a full range of environmental factors to ensure compatibility with the natural and built environments. In scenic and environmentally sensitive areas, development must be guided by and integrated with the natural setting.

- Instead of redesigning the Project and downsizing it to abide by the LCP and to be compatible with the natural environment, the applicant in their rebuttal is attempting to divert attention and blame Regional Planning with comments like, “they need to correct staff because this Project is hued close to the bone already, and that a re-design is disingenuous, and no version of the Project can be presented that can satisfy habitat buffers.”

That is fiction, not fact. Trying to bully Regional Planning who is entrusted to uphold the LCP into doling out countless variances and CDP's so they can get a more massive development footprint than what they are entitled to, is just not going to fly. We strongly support and concur with Regional Planning's work and recommendation to deny, and their assessment that this Project can be re-designed to greatly lessen the impact as required by the LCP to our biological resources, etc.

- This Project is anything but low impact residential – it is a 15-home subdivision on scenic Piuma, a proposed monstrosity of buildout on each lot pretty much maximizing the 10,000 square foot building site on each lot despite the significant and cumulative impacts to our H1 and H2 resources and adjacent protected parkland, Backbone Trail, scenic Piuma, etc.

We respectfully ask you to deny the Project as is. The applicant's rebuttal comments appear to be indicative of a very aggressive development company attempting to circumvent the LCP, confuse and misrepresent the facts, and bully the DRP. It is clear they have zero respect for the priority resource protective policies of the LCP and zero regard for the blight and irreparable damage their Project as proposed would cause to the public's protected resources in the coastal zone.

The County cannot issue CDP's unless prior to issuing them findings can be made that the proposed housing tract development is consistent with the policies set forth in the LCP. This clearly is not the case here. The developer needs to go back to the drawing board and redesign a Project that complies with the rules and regulations they are required to abide by.

To review the Oct. 4 rebuttal comments directly and in full, here is the link to LA County Department of Regional Planning's Media Archive
http://lacdrp.granicus.com/ViewPublisher.php?view_id=1.

Sincerely,
Kim Lamorie
President
Las Virgenes Homeowners Federation, Inc.



February 5, 2023

Hearing Date February 7, 2023

Agenda Item # 3

Project No. 2019-000686-(3)

Deny

Minor Coastal Development Permit No. RPPL2019002474.

Variance No. RPPL2019002475.

Dear Hearing Officer Gina Natoli,

On behalf of the Las Virgenes Homeowners Federation, Inc. and our thousands of stakeholders, and communities throughout the Santa Monica Mountains and environs, we concur with the staff recommendation to DENY this 15-home proposed subdivision Project as submitted.

As currently designed, it is flawed, and flagrantly inconsistent with the Santa Monica Mountains Local Coastal Program (SMMLCP).

As evidenced over and over again by the DRP including the current detailed additional denial findings, the Project can be and therefore it must be, re-worked to be compatible with the LCP's LIP and LUP components.

The developer persists in refusing to abide by regulations that every other developer and applicant for any project in the coastal zone must. The LCP has banned new subdivisions since its inception in 2014 – but despite this -- the applicant with an *old entitlement* is attempting to even thwart current regs, by demanding a number of variances to build bigger and more densely.

The proposed Project would slap a massive **urban** concrete 15 home-plus, footprint onto a rural, parkland adjacent, extremely sensitive biological resource area, on a designated scenic route. The negative impacts to the County's precious coastal resources would be significant and the cumulative impacts would be unmitigable.

We respectfully request that you DENY this Project as is. We look forward to seeing a revised Project that is consistent with the LCP.

Sincerely,

Kim Lamorie

President

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



April 25, 2023

To: Los Angeles County Regional Planning Commission
Dear Commissioners,

I am writing to comment on **Item 6: Project No.2019-000686-(3)**. My name is Alicia González, and I am the President of the Monte Nido Valley Community Association which represents approximately 400 homeowners in the neighborhood where the proposed project is to be located. Monte Nido is a designated Rural Village in the heart of the Santa Monica Mountains surrounded by Open Space and Parkland.

The community of Monte Nido has opposed this project in its various iterations and names, and under its changing ownership for over forty years. As it is currently designed, the development continues to be inconsistent with the character of our rural village and more importantly it is inconsistent with the Local Coastal Plan. Residents of the community of Monte Nido, members of the Board of MNVCA, hikers on the Backbone Trail, and neighboring communities in the Las Virgenes Homeowners Federation have reviewed this project in the past and in the present, have submitted written and petitions, made verbal public comment (in-person and online) at every Public Hearing regarding this project. A quick search of the public record for this project will find all the detailed reasons for our opposition.

Most recently an exhaustive Staff Report was prepared for Project No. 2019-000686(3) which recommended denial. After prolonged deliberation and considerable attention to detail, on February 7, 2023, Hearing Officer Gina Natoli denied the requested 15 Minor CDPs and the 12 Variance applications for the aforementioned project. I write today to support that decision and respectfully request that the Commission uphold that decision and deny the Applicant's appeal.

Thank you for your consideration.

Alicia González | President, Monte Nido Valley Community Association

aliciagonzalez@mac.com | 818-620-4483