

**SUPPLEMENTAL
REPORT TO THE HEARING OFFICER**

DATE ISSUED: July 15, 2024

HEARING DATE: July 16, 2024 **AGENDA ITEM:** 6

PROJECT NUMBER: R2014-03698-(3)

PERMIT NUMBER(S): Minor Coastal Development Permit (“Minor CDP”)
No. 201400019
Environmental Assessment No. RPPL2020009798

SUPERVISORIAL DISTRICT: 3

PROJECT LOCATION: 24600 Thousand Peaks Road

OWNER: Thousand Peaks, LLC

APPLICANT: Raymond Tran


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

This agenda item is a request for construction of a 10,803-square-foot, 18-foot-tall single-family residence, an attached 644-square-foot two-car garage, an onsite wastewater treatment system, a pool with a pool deck, hardscaping, and landscaping on the central portion of a vacant 11.2-acre lot (“Project Site”) in the Santa Monica Mountains Coastal Zone (“Project”).

On July 15, 2024, the Las Virgenes Homeowners Federation (“LVHF”) submitted a letter of opposition to the Project (Exhibit A-1). The letter states that LVHF was not notified of the Project and the release of the CEQA Mitigated Negative Declaration (“MND”). The letter also states that the Project is too large, and that it should be downsized and relocated to avoid biological impacts, including the proposed removal of 15 native trees, encroachments into the protected zones of eight native trees, and the impact of fuel modification on 0.7 acres of H2 Habitat, as “biological resource protection trumps all development.” Further, it argues that all areas with native trees should be reclassified as H1 Habitat. Lastly, the letter also states that the MND and its associated Mitigation Monitoring and Reporting Program would not adequately mitigate all environmental impacts.

Staff’s recommendation for Project approval remains unchanged. Staff confirmed that a combined Notice of Public Hearing and Notice of Intent to Adopt an MND was sent to the LVHF on June 13, 2024, but Staff cannot confirm whether the LVHF received the notice because it was not sent via Certified Mail. If you have any questions or need additional

information, please contact Tyler Montgomery of the Coastal Development Services Section at tmontgomery@planning.lacounty.gov.

Report
Reviewed By: 
Robert Glaser, Supervising Regional Planner

Report
Approved By: 
Mitch Glaser, Assistant Administrator

LIST OF ATTACHED EXHIBITS	
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EXHIBIT A-1	LVHF Letter of Opposition (07/14/24)
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July 14, 2024

Hearing Officer
Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Honorable Hearing Officer:

Re: Agenda Item #6
DENY AS PROPOSED – REQUEST FOR CONTINUANCE
Project No. R2014-03698-(3)
Minor Coastal Development Permit No. RCDP-201400019
Environmental Assessment No. RPPL2020009798

On behalf of the Las Virgenes Homeowners Federation, Inc., of the Santa Monica Mountains, we respectfully ask for a continuance regarding this Project. **We were not notified.** The public has not had time to sufficiently review the Project. We just discovered it was being proposed, never mind scheduled for hearing, last week. This puts unacceptable and impossible pressure on community stakeholders who are also volunteers. Adequate notice is required, and we did not receive it.

Adding to this problem, we did not receive notice of the release of the MND either, or of its purported circulation.

The Federation is mission driven to oppose development projects that do not comply with our regulations, and in this case, the Project being proposed is in the coastal resource protective Santa Monica Mountains Local Coastal Program (LCP). **This Project is inconsistent with the LCP as proposed.**

Furthermore, it appears the Project could be **downsized, and re-sited**, reducing the impacts to biological resources (coastal resources) as is required by the LCP.

***Please note that the comments reflected here are NOT complete as we have not had sufficient time to review the Project or the Environmental Assessment.**

The LCP requires thorough Project review, analysis, and consideration because **biological resource protection trumps all development**. The opposite appears to be transpiring here.

This is a mega mansion -- almost 11,000 square feet being proposed plus a 644-foot garage, pool, etc., along with other site impacts.

Contrary to the Project Environmental Assessment the impacts to biological resources **cannot be mitigated or conditioned to less than significant and thus the Environmental Assessment is flawed and deficient**. [As per the staff report, “*To consider an MND with impacts to biological resources, geology/soils, hydrology/water quality, land use/planning, noise, and wildfire reduced to less than significant with mitigation measures pursuant to CEQA reporting requirements.*”]

That is false.

Even more disturbing as per the staff report, **“The Project also proposes the removal of 15 native trees (14 western cottonwoods and one coast live oak) and encroachment into the protected zones of eight native trees (seven western cottonwoods and one coast live oak) as well as 3,694 cubic yards of total grading (3,658 cubic yards cut, 36 cubic yards fill, 3,622 cubic yards export) on a total building site area of 8,925 square feet. A new 295-foot-long, 20-foot-wide paved driveway would access Thousand Peaks Road, a private road to the northeast.”**

The LCP does NOT say – remove the biological resources including the protected/native trees, habitat, etc., so you can build a bigger Project. It says the opposite.

How can the Project be downsized, re-sited and re-drawn as per the LCP to cause the least amount of irreparable damage and impacts to biological resources? The suggested mitigation of **190 trees** demonstrates how seemingly over the top the Project proposal is, how inconsistent it is with the LCP, and what the damage is perceived to be in removing all of these **mature native** trees. All to enable a larger Project?

Where is the county’s up-to-date biological resources analysis? H1 and H2 protection comes first – not development. Development does not dictate the use. Preservation of biological resources does, and the land dictates the use, not vice versa.

So, what is the habitat designation of the protected cottonwood trees? Why does the staff report refer to them as native and not identify the [H1] categorization? We know that oaks are H1 and thus not only does their protection prevail, but there is also a buffer zone, etc. that must be enforced.

Please refer to the following excerpt directly from the LIP specifying the habitat categories and required protections:

LIP - AREA-SPECIFIC DEVELOPMENT STANDARDS BIOLOGICAL RESOURCES

- **22.44.1800 - Purpose.**

Throughout the Santa Monica Mountains are invaluable natural resources including mountains, streams, vegetation, and wildlife that require protection. Some resources require a greater level of protection because of their special characteristics and/or vulnerability. The provisions in this Biological Resources Chapter establish habitat categories and land use regulations and procedures that will protect these important resources. All H1 and H2 areas shall be considered "Significant Environmental Resource Areas" (SERA) pursuant to Section [22.44.630](#).

22.44.1810 - Description of Habitat Categories.

A.

The habitat categories are as follows:

1.

H1 Habitat—This category consists of habitats of highest biological significance, rarity, and sensitivity—alluvial scrub, coastal bluff scrub, dunes, wetland, native grassland and scrub with a strong component of native grasses or forbs, riparian, native oak, sycamore, walnut and bay woodlands, and rock outcrop habitat types. In the Coastal Zone, alluvial scrub is dominated by scalebroom (*Lepidospartum squmatum*) and coastal bluff scrub is characterized by either giant coreopsis (*Coreopsis gigantea*) or bush sunflower (*Encelia californica*). Native grassland and scrub vegetation are those areas characterized by native grasses and native shrubs. Areas where native grasses are associated with trees or large shrubs (e.g., Toyon) are typically not considered native grasslands. An important exception is where native grasses are associated with coast live or valley oak which is indicative of oak savannah habitat. Native grassland often supports numerous native forbs and some areas of native grassland will include a large percent of non-native annual grasses. Riparian habitat includes all vegetation (canopy and understory species) associated with a creek or stream including, but not limited to, sycamore, coast live oak, black walnut, white alder, Fremont cottonwood, black cottonwood, mulefat, arroyo willow, red willow, blackberry, mugwort, and Mexican elderberry. In the Coastal Zone, where chaparral and/or coastal sage scrub occur within or adjacent to creeks or streams and function as riparian habitat,

these areas are considered to be H1 riparian habitat. Wetlands, including creeks, streams, marshes, seeps and springs, are included as H1 habitat. Coast live and valley oak, sycamore, walnut, and bay woodlands are all included in H1 habitat. Rock outcrops comprised of either volcanic or sedimentary/sandstone rocks are frequently associated with a unique community of rare annual plants and lichens and are therefore H1 habitat. H1 habitat also includes populations of plant and animal species (1) listed by the State or federal government as rare, threatened or endangered, assigned a Global or State conservation status rank of 1, 2, or 3 by CDFW, per the methodology developed by NatureServe, and identified as California Species of Special Concern, and/or (2) CNPS-listed 1B and 2 plant species, normally associated with H1 habitats, where they are found within H2 or H3 habitat areas.

Areas where components of H1 are found in urbanized or otherwise disturbed areas, such as oak trees within or adjacent to developed parcels, will be protected where feasible, as set forth in this LIP.

2.

H2 Habitat—This category consists of habitats of high biological significance, rarity, and sensitivity that are important for the ecological vitality and diversity of the Santa Monica Mountains Mediterranean Ecosystem. Connectivity among habitats within an ecosystem and connectivity among ecosystems is important for the preservation of species and ecosystem integrity. Large contiguous blocks of relatively pristine habitat facilitate natural ecosystem patterns, processes and functions such as water filtration, nutrient cycling, predator/prey relationships, plant and animal dispersal and animal migration, habitat and species diversity and abundance, and population and community dynamics (e.g., birth/death rates, food web structure, succession patterns). H2 Habitat includes large, contiguous areas of coastal sage scrub and chaparral-dominated habitats. Coastal sage scrub is dominated by soft-leaved, generally low-growing aromatic shrubs such as California sagebrush (*Artemisia californica*), purple sage (*Salvia leucophylla*), and black sage (*Salvia apiana*) and chaparral is dominated by taller, deeper-rooted evergreen shrubs with hard, waxy leaves such as manzanita (*Arctostaphylos* sp.) and ceanothus (*Ceanothus* sp.). H2 habitat also contains: (1) CNDDDB-identified rare natural communities; (2) plant and animal species listed by the State or federal government as rare, threatened, or endangered; assigned a Global or State conservation status rank of 1, 2, or 3 by CDFW, per the methodology developed by NatureServe, and identified as California Species of Special Concern; and/or (3) CNPS-listed 1B and 2 plant species, normally associated with H2 habitats.

3.

H2 "High Scrutiny" Habitat—A subcategory of H2 Habitat is H2 "High Scrutiny" Habitat, which comprises extra-sensitive H2 Habitat species/habitats that should be given avoidance priority over other H2 habitat. H2 High Scrutiny Habitat also includes areas that support species listed by federal and state government as threatened or endangered,

California Native Plant Society (CNPS) "1B" and "2" listed plant species, and California Species of Special Concern. H2 "High Scrutiny" habitat includes (1) plant and animal species listed by the State or federal government as rare, threatened or endangered, assigned a Global or State conservation status rank of 1, 2, or 3 by CDFW, per the methodology developed by NatureServe, and identified as California Species of Special Concern, and/or (2) CNPS-listed 1B and 2 plant species, normally associated with H1 habitats, where they are found as individuals (not a population) in H2 habitat. The mapped "H2 High Scrutiny" habitat areas on the Biological Resource Map are intended to notify County staff, the public, and decision-makers of the general areas where there is a high likelihood of these species' occurrence so that more scrutiny can be paid to them with detailed site-specific inventories conducted to determine actual occurrence and extent. However, if the criteria listed above are satisfied in locations not identified on the Biological Resource Map, any such locations will also qualify for this designation.

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The Fuel Modification impacts to H2 need to be avoided.

As per the staff report, "The *northern 2.3 acres of the Project Site is mapped as H3 Habitat within the Santa Monica Mountains Land Use Plan ("LUP")*, while the remaining 8.9 acres is mapped as H2 Habitat and consists of diverse chaparral of the birchleaf mountain mahogany alliance. Most of the development proposed by the Project, including fuel modification, would be within H3 Habitat. **However, approximately 0.7 acres of H2 Habitat would be affected by fuel modification, as indicated in the Preliminary Fuel Modification Plan approved by the Fire Department (Exhibit G – Informational Maps).**

With a downsized and re-sited Project, there would be less impacts to H2. The LCP requires H2 impacts be avoided foremost. And, further as a clarification, this paragraph makes it sound like the Fire Dept. approves the development impacts to H2 – it doesn't. The Fuel Mod Plan also is noted as *preliminary*. When and who reviewed this location for the LACoFD?

Do the Fuel [technically habitat] Modification requirements for this very large mansion as proposed negatively impact the public's easements too?

The Project fragments the habitat -- another issue to be avoided as per the LCP – connectivity is essential for wildlife survival.

We also note that the ERB report is old -- 2017 -- and it needs to be re-reviewed and updated with the actual biological resources in 2024 and Project impacts. Our chaparral habitat has also flourished in the past several years due to increased rain.

Why did the biological impacts of this proposed Project not trigger a Major CDP or variances?

As previously discussed, the Environmental Assessment – the MND is deficient. There is considerable, irreparable damage proposed to biological resources and impacts to H1 and H2 coastal resources. The Project must be fully analyzed and evaluated as per CEQA requirements.

In summary, we respectfully ask you to DENY the currently proposed Project based on inconsistency with the LCP, and the deficient Environmental Assessment. Please send it back to DRP for resizing and re-siting evaluation and necessary CEQA review.

We are respectful of private property rights. But every proposed project must comply with the regulations of the LCP – no project is exempt.

Sincerely,

Kim Lamorie

President

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