

SUPPLEMENTAL REPORT TO THE REGIONAL PLANNING COMMISSION

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| DATE ISSUED: | April 20, 2023 | |
| HEARING DATE: | April 26, 2023 | AGENDA ITEM: 7 |
| PROJECT NUMBER: | 2017-004054-(3) | |
| PERMIT NUMBER(S): | Major Coastal Development Permit ("Major CDP") RPPL2017006647 | |
| SUPERVISORIAL DISTRICT: | 3 | |
| PROJECT LOCATION: | 25740 Mulholland Highway, Calabasas | |
| OWNER: | Sam Afghani | |
| APPLICANT: | Matt Gifani | |
| CASE PLANNER: | Tyler Montgomery, Principal Regional Planner TMontgomery@planning.lacounty.gov | |

On April 19, 2023, LA County Planning staff ("Staff") received a letter from Robert and Holly Scapa, neighbors of the Project Site, regarding the above Project (Exhibit A-1). It states that the existing paved driveway accessing the Project Site was illegally paved in or about the year 2000 and, to their knowledge, has never been legalized. It also asks that the applicant dedicate a public trail easement across their property, following the path of an existing informal trail. This trail, visible in aerial photographs, follows the applicant's proposed driveway, then runs south, eventually connecting to the proposed Lost Canyon Trail approximately 820 feet beyond the applicant's property line. Lastly, the letter asks why the applicant is allowed to develop a property of 9.9 acres without a Variance when the minimum required lot size for the R-C-20 (Rural Coastal – 20 Acre Minimum Required Lot Area) Zone is 20 acres.

The letter is correct that the access road was paved in or about the year 2000. While there is no record of a CDP for paving being issued at that time, Staff's understanding is that the portion of the paved driveway serving the Project Site was retroactively authorized in 2007 by CDP 4-05-006 (see "Previous Cases" section of the initial Staff Report). Staff is currently conducting further research into Coastal Commission documents to confirm this authorization.

Staff recognizes the importance of requiring trail easements when they are warranted. However, the County Department of Parks and Recreation did not request a dedicated trail easement and no existing or proposed trails cross the applicant's property. In addition, a dedicated trail easement would not provide direct access to any public street or trail. Instead, the proposed Lost Canyon Trail will intersect with the existing access road approximately 600

feet to the south, with a proposed access path to Mulholland Highway 2,000 feet to the northeast. Therefore, an alternative access path to the trail in such proximity is not a high priority, especially when it would be routed less than 60 feet from the proposed residence.

Lastly, the subject property was lawfully created at its current size of 9.9 acres prior to the adoption of the R-C-20 zoning in 2014. The lawful creation of the subject property is documented in a Certificate of Compliance from 1976 (CC 6212). The Project Site's previous zoning was A-1-1 (Light Agricultural – One Acre Minimum Required Lot Area). Therefore, it may be legally developed without a Variance.

Staff's recommendation for approval of the Project remains unchanged. For questions or additional information, please contact Tyler Montgomery 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 | Letter from Robert and Holly Scapa (4/19/23) |
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April 19, 2023

VIA EMAIL AND U.S. MAIL
TMontgomery@planning.lacounty.gov

Los Angeles County
Department of Regional Planning
Attn: Tyler Montgomery, Principal Regional Planner
320 W. Temple Street
Los Angeles, CA 90012

RE: Project No. : 2017-004054-(3)
Project Location : 25740 Mulholland Highway, Calabasas
Owner : Sam Afghani
Hearing Date : April 26, 2023

CONCERNS TO APPROVAL OF PROJECT NO. 2017-004054-(3)

Dear Mr. Montgomery and Regional Planning Commission:

The undersigned, along with my wife Holly, have resided at 25620 Mulholland Highway, Calabasas since 1989. As the Staff Report indicates, the Project Location is within the Santa Monica Mountains Coastal Zone and will result in the construction of a home closest to the Environmentally Sensitive Open Space to the South. I would ask that Staff and the Regional Planning Commission take the following into consideration concerning the Project.

1. Trail Access. The rural area in which we live is one of the last open space areas with access to trails, which are used by hikers, equestrians, and others. The Lost Canyon Trail is a National Park Service Trail running roughly parallel to the East of the access driveway of the Applicant. Immediately adjacent to the Applicant's property are the access trails that cross into the Lost Canyon Trail and are necessary arteries to complete the trail system. I can attest that this Trail has existed in excess of 25 years.

The Applicant should be mandated to keep the trail open for public access from Mulholland Highway to the Calabasas Cold Creek Trail and Lost Canyon Trail. The trail that runs from the access road over a hill and then south from the Applicant's property is clearly evidenced by the aerial imagery set forth in Exhibit E and some of the photographs that follow.

When an Applicant comes before the Commission and has historical trails across their property, they should deed those trails to the public right-of-way as a condition to obtaining any land use entitlements. This particular trail that I have identified will in no way interfere with the proposed build of the Applicant or the quiet use and enjoyment of their property.

I have been recently informed that the owner has no objection to permanently deeding this trail and access to it for the use of the public. This should be evidenced by a recorded covenant running with the land so it is binding on this owner and any successors-in-interest.

If the Applicant is not willing to do so, it should be a condition mandated for the building of this project.

2. The Access Road Was Illegally Paved. The undersigned is not aware of any coastal development permit allowing construction and paving of the access road. I have been informed that, based upon historical aerial photos as well as my own observations, the road was paved in or about 2000. Local residents, including the undersigned, protested the paving but there was no available enforcement officials from the Planning or Coastal Commissions. I am personally not aware of any retroactive approval of the paving, and no such approval should be granted. Illegal paving should not result in an approval without input from those that may be adversely affected and in compliance with building, safety, and environmental mandates.

In addition, the road crosses over an environmentally sensitive habitat area and I believe a blue line stream, which is currently running with water, and it has eroded a portion of the roadway.

As a condition to this Applicant's permit, the Planning Commission should take into account the following:

- a. The road was illegally paved.
- b. The environmental impact of the roadway and shoring it up for the safety of the Applicant and others.
- c. It is my understanding that consistent with the Coastal Act, Los Angeles County Trails Council, and Santa Monica Mountains Conservancy, this access road is to have a 7-10 foot shoulder on the roadway to allow equestrian and pedestrian access to the trails immediately south of the build site.

3. R-C-20. The project site is on 9.9 acres. Pursuant to the Staff Report, approximately 7.4 of the 9.9 acre site was dedicated to the Mountains Recreation and Conservation Authority ("MRCA") for habitat protection.

My concern is that since the project is R-C-20, which has a requirement of a 20-acre minimum required lot area within the Santa Monica Mountains Coastal Zone, how does the Applicant get to build on a 9.9 acre property without an express variance?

I appreciate the opportunity to address the above concerns to the Commission. At this time, I will not be able to personally attend the hearing. I urge the Commission to take into consideration the concerns listed herein, and I look forward to ultimately welcoming the owner into the neighborhood.

Respectfully submitted,



Robert and Holly Scapa