



**PUBLIC REQUEST TO ADDRESS
THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, CALIFORNIA**

MEMBERS OF THE BOARD

HILDA L. SOLIS
HOLLY J. MITCHELL
LINDSEY P. HORVATH
JANICE HAHN
KATHRYN BARGER

Correspondence Received

The following individuals submitted comments on agenda item:				
Agenda #	Relate To	Position	Name	Comments
6.		Favor	GENEVIEVE M Clavreul	
		Oppose	Michelle N Black	Support Appeal, Oppose Project Approval
		Other	Dawn Elliott	N/A
			Dawn Elliott	N/A
			Lisa Grace-Kellogg	Opposed to Project. In support of Appellant, Las Virgenes Homeowners Federation
Item Total		5		
Grand Total			5	

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Ref: 75243-0001

March 6, 2024

BY COMMENT PORTAL AND EMAIL

Chair Lindsey Horvath
Members of the Board of Supervisors of
Los Angeles County
(executiveoffice@bos.lacounty.gov)

Re: 340 Kanan Drive
Project No. R2014-02690-(3)
CUP No. 2014-00127
Env. Assessment No. 201400127
Response to Appeals
Hearing Date: March 12, 2024

Dear Chair Horvath and Honorable Board Members:

Our office represents Howard, Howard Jr. and April Leight, who are decades-long residents of the Santa Monica Mountains and the owners and applicants for the above-referenced "Project," for which they initially applied in 2014. The Regional Planning Commission ("RPC") approved the Project in accordance with the recommendations of the Significant Ecological Area Technical Advisory Committee ("SEATAC"), and with the support of direct neighbors of the subject property (the "RPC Determination"). We respond on the Leights' behalf to the appeal filed by the Los Virgenes Homeowners Federation (the "Federation"), which erroneously conflates a conditionally permitted use with the zoning designation for the property, and provides nothing more than speculation regarding the potential impacts of the Project (which impacts are fully mitigated), contrary to specific technical studies reviewed by County staff and the SEATAC, and falsely claims the Leights' application included misrepresentations. Further, only the Federation signed the appeal; although the Federation appears to imply that it included the Triunfo-Lobo Community Association ("Triunfo"), Triunfo did not appeal, as confirmed in personal communications with the Leights. Despite that, the Leights have worked proactively with Triunfo to provide further accommodations to address their concerns, and members of that community have provided support letters. The Leights attempted to work with the Federation, to no avail. For the reasons discussed below, we ask the Board to affirm the RPC approval of the Project, as conditioned (including twice-yearly meetings with neighbors), and as modified by and with the additional conditions of approval the Leights volunteer.

1. The Property and the Project

The General Plan designates the Property as Mountain Lands 20 (10-ac. minimum lot area), and the Santa Monica Mountains North Area Plan (the “2000 NAP”) and Community Standards District (“CSD”) includes a corresponding zoning designation for the Property of A-1-20 (Light Agricultural—20 ac. minimum lot area). The zoning designation permits a range of agricultural and single-family residential uses by right,¹ and the CSD incorporates the permitted and conditionally permitted uses provided in Chapter 22.16 for the A-1 zone.²

The Leights requested, in 2014 and according to the applicable regulations³, a conditional use permit (“CUP”) for a private guest ranch at their existing residence, constructed in 2006 on a 38-acre parcel adjacent to Kanan Road. Proposed improvements include a 420-s.f. conversion of a portion of the residence to provide an ADA-accessible restroom; non-asphalt paving and provision of parking on previously graded areas of the Property adjacent to the existing driveway; installation of a new onsite wastewater treatment system; and replacement of existing three-foot-tall glass walls with bird-safe, five-foot-tall glass walls along the northwestern portion of the existing outdoor deck. As described further below, other conditions attached to the CUP address events, attendance, and limitations on certain activities.

2. The Leights’ Appeal Concerns Two Conditions of Approval.

The Leights filed an appeal with respect *only* to condition 27 (observation pad) and condition 48 (glass barrier on the deck) of the RPC approval.

With respect to condition 27, the Leights request modification of the condition to permit them to apply for building permits to bring the pad into compliance with applicable regulations, rather than simply requiring removal, as the pad location was previously flat and was drilled to test for the residence’s leach field. Notwithstanding that, the Leights remain willing to accept any appropriate limitations on the use of the observation pad. Alternatively, permit the removal of the existing pavers and replacement with native landscaping. And if the pad cannot be brought into compliance, the Leights will remove it, but will need 12 months to do so: essentially, the same time schedule for bringing the vineyards into compliance with recent changes in regulations.

¹ County Code, Ch. 22.16 and §§ 22.336.080.A.1.

² *Id.*, § 22.336.080, subs. A and A.1.

³ The current CSD (§ 22.102.030) allows, for applications deemed complete prior to adoption of the CSD, processing under then-existing regulations. Consequently, and contrary to the appeal, the 2014 CSD regulations apply to the Project.

With respect to condition 48, SEATAC and the noise study recommended replacement of the existing glass barrier on the deck with six-foot barriers that include a bird-safe coating, for a portion of the deck. As discussed both at SEATAC and the RPC, one segment of the barrier on the westernmost portion of the deck was modified to ensure reduced noise levels at a specific rock outcropping on the Property to the west of the residence, indicated by noise measurement location six on Exhibit G to the 2023 MD Report.⁴ However, condition 48 appears erroneously written to require replacement of the entire existing glass barrier with the six-foot glass barrier (conditions of approval, page 8 of 10). Replacement of the entire glass barrier is not required to maintain compliant noise levels at the Property boundary and adjacent to Kanan Road, and the Leights request modification of the language of condition 48 to clarify the requirement to replace only the indicated portion of the barrier on the attached plans.

3. The RPC Properly Approved a Guest Ranch at the Property, and the Federation Appeal Has No Merit.

After considering zoning, policy, and environmental considerations—including and perhaps most importantly SEATAC—the RPC approved the Project, with conditions. This approval included 20 pages of findings and departmental analysis and recommendations, and was itself based on an extensive staff report with 132 pages of analysis and attachments, including Project-specific technical reports on topics ranging from noise to biological resources. Put simply, and as described below, the approval was well-supported and the appeal fails to raise any substantial issue.

Most significantly, the Federation’s appeal mischaracterizes the RPC’s decision and the underlying regulations, and therefore misses the mark. As described above and in the Staff Report to the RPC, the Project does not include any change to the zoning or 2000 NAP designation of the site, nor did the RPC approve any such change. Rather, the Project only requests the approval of a use that the applicable zoning regulations **conditionally permit**. Further, the appeal seeks to rely on unsupported speculation regarding the potential effects of the Project, and simply ignores the extensive analysis upon which the RPC relied. Lastly, the appeal does not even acknowledge the applicable regulations; that is, it looks to the 2021 provisions, rather than the provisions that governed in 2014, at the time the application for the Project was deemed complete.

⁴ MD Acoustics updated noise and vibration report (2023) (the “2023 MD Report”), pp. 15-16 and Exh. E.

(a) The Project is Consistent with the Applicable Zoning Regulations.

One of the letters on which the appeal relies claims that no such use as a guest ranch exists, resorts to irrelevant references to mischaracterize the use. Additionally, the appeal fails to acknowledge the applicable standards to the Project. For all of these reasons, the appeal’s claims regarding use and zoning do not withstand scrutiny.

Fundamentally, the approved use of a “guest ranch” is conditionally permitted in the A-1 zone, and the RPC approval of the permitted activities is consistent with this use. As stated above, the 2000 NAP designates the property as A-1-20, and incorporates the permitted and conditionally permitted uses provided in the County Code.⁵ Conditionally permitted uses in the A-1 zones include Guest Ranch.⁶ Further, guest ranches were permitted in the CSD at the time of application.⁷ The appeal resorts to a dictionary to define a guest ranch, and attempts to characterize the Project as a “hotel” because the RPC approval allows for overnight stays. But the dictionary definition and speculation that follow from it are irrelevant, because the County Code provides the operative definition:

“Guest ranch. A property operated as a ranch with facilities for overnight accommodation, including guest rooms for rent, eating facilities, meeting rooms, and outdoor recreational facilities such as horseback riding, swimming, or hiking.”⁸

Thus, contrary to the appeal and as stated in the Staff Report, the County Code specifically defines the use to include overnight stays and guest rooms. Further, as the Triunfo letter states on its page 4, a hotel is defined as including a minimum of six guest rooms; because the existing residence includes only three guest rooms, it would not qualify by definition as a hotel. Consequently, consistent with the definition of a guest ranch, and the number of guest rooms in the structure, staff recommended, and the RPC permitted, overnight stays only for up to eight guests and six employees.

⁵ County Code § 22.336.080, subs. A and A.1.

⁶ County Code, Ch. 22.16, Table 22.16.030-B (Lodging Uses category; first column is the A-1 zone).

⁷ Staff Report to RPC, p. 7 of 11. The application was deemed complete in 2014, prior to the current CSD provisions adopted in 2021.

⁸ County Code § 22.14.080 – G; emphasis supplied.

With respect to special events as an accessory use, the resort of the appeal to a dictionary definition of “accessory” is irrelevant, as the County Code provides a definition:

“Accessory use. A use customarily incidental to, related, and clearly subordinate to a principal use established on the same lot, which accessory use does not alter said principal use nor serve property other than the lot on which the principal use is located. ‘Appurtenant use’ means the same as accessory use.”

The Code vests the Director of Regional Planning with the authority to “determine whether a use or structure may be considered accessory pursuant to the definitions contained in this Title 22.”⁹ Under this authorization, and contrary to the appeal, the Director previously determined that special events were, at the time of the application for the Project, permitted as accessory uses to guest ranches and certain other uses.¹⁰

Consistent with this, staff initially recommended approval of the Project, including (per County policy) one outdoor special event per month of up to 200 people, and up to 12 interior events each of less than 100 people and 100-200 people, with unlimited private meetings of up to 45 people from 8:00 a.m. to 8:00 p.m. The RPC, after discussion with the applicant and deliberation, reduced events to one outdoor event per calendar month of up to eight hours, with outdoor activities stopping at 10:00 p.m. and all activities stopping at midnight; and 12 interior events (six each with a maximum occupancy of 100 and 200 persons), with windows closed by 10:00 p.m. No event breakdown of any kind is permitted after 10:00 p.m., and the Leights must notify the community a minimum of 15 days in advance of each event, with additional notice for any changes.

(b) The Project is Consistent with the 2000 NAP.

The Staff Report and RPC approval discuss the consistency of the Project with the 2000 NAP in significant detail, with particular and appropriate emphasis on the land use and conservation policies.

⁹ County Code § 22.02.040.B (emphasis supplied). Further, the same section provides that more than one principal use may occur on a single lot if the uses are not in conflict.

¹⁰ Staff Report to RPC, p. 7 of 11. See fn. 5, above. Further, we note that the example provided in the appeal, though not applicable here, fails: in fact, hotels and other establishments also serve as wedding venues.

With respect to use, the RPC recognized that, consistent with the Mountain Lands designation of the Property, the Project would allow visitors to enjoy nearby resources.¹¹

With respect to conservation, the RPC recognized—which the appeal failed to do—that the Project involves an existing building, with minimal physical changes. As described above, the only modifications of the existing residence are internal (installation of two accessible bathrooms within the existing structure). The other changes will occur in already disturbed areas: a new wastewater treatment system, which will be underground; paving existing graded areas for parking; and replacement of some existing glass barriers on a portion of the existing deck. The other change is actually **removal** of a visible building feature, and replacement with landscaping.

But despite the long existence of the residence, the appeal seeks to portray the Project as if it were a new build, when nothing could be further from the truth. Most of the changes will not even be visible from public rights-of-way (Kanan Road)—the most visible feature is replacement of the pavers of the observation deck with landscaping—or will represent slight modifications of limited existing building features, such as the existing glass barriers and installation of ADA-accessible ramps and lift. Consequently, the claims in the appeal of impacts to visual resources are poorly taken and unsubstantiated.

(i) The Project is Consistent with the Open Space and Conservation Element.

As the RPC determined, the Project is compatible with Policy IV-52 of the 2000 NAP, which specifically encourages private recreational and conference facilities, where appropriate. Here, the portion of Kanan Road near the Property has long been a locus for conference and event facilities, as the area is located along a major route into the Santa Monica Mountains, and is easily accessible from U.S. Route 101. Simply put, the Project would follow an established pattern, but with a smaller-scale facility, more limited events, and more strict limits on operations, including and particularly noise. Furthermore, the Project would use an existing development, rather than construct a new one.

The Project also remains consistent with other policies of the Open Space & Conservation Element of the 2000 NAP. As described in detail in the RPC's Determination, the Project is located on a significant ridgeline, but nevertheless remains compatible with Policies IV-9, -13, -14, and -32, which require developments to protect significant natural features—including ridgelines—and blending projects into hillside settings. The Project would use an existing residence constructed on a site that contains

¹¹ RPC Determination Findings, p. 4 of 12.

a significant ridgeline; however, no new development within the 50-foot ridgeline buffer area would occur. As described above, the Project would include minor improvements to an existing structure and existing graded areas, but does not propose a new building. Further, the Project would remove the existing pavers on the observation deck and replace those pavers with vegetation. The paving of the existing graded areas for parking is consistent with their locations along the existing paved driveway. Overall, the proposed changes will generally not be noticeable from the public right-of-way, with the exception of the replacement of the observation deck surface, which is a potential improvement from the existing condition.

As the RPC determined, the Project would be consistent with Conservation & Open Space Element Policies IV-47 and -52, which collectively require regulation of recreational facilities to protect resources and established neighborhoods. Here, the proposed limitations on events, coupled with the operating restrictions—including and most especially prohibitions on any outdoor amplified noise, and on all exterior noise after 10 p.m.—will make the Project significantly more regulated than the existing facilities in the vicinity, which have no such limitations. Further, the Project would include acoustic glass barriers on portions of the deck to reduce the propagation of sound even during permitted times. The overall level of activity associated with the Project is appropriate to its location and vicinity, given the other, larger facilities in the vicinity, but also the purpose of the facility to provide access to the recreational resources of the Santa Monica Mountains. Indeed, the neighbor closest to the event space portion of the Project (Sean Diehl) has submitted a letter supporting the Project.

(ii) The Project is Consistent with the Noise and Safety Element.

Consistent with the above, the Project also would support applicable policies regarding noise and safety. Policies V-26, -28, and 31 of the Safety & Noise Element require, where feasible, limitations on noise increases; consideration of the effects of noise on wildlife; and prohibitions on outdoor amplified sound outside of the hours of 8:00 a.m. and 8:00 p.m. As detailed in the RPC Determination, the conditions of approval for the project prohibit all outdoor amplified music, prohibit all outdoor noise after 10:00 p.m., and require a real-time noise monitoring program.

Consistent with Policy V-28 particularly, which requires consideration of noise effects on biological resources, the noise analysis for the Project specifically evaluated potential effects on a nearby rock outcropping in consideration of its potential habitat value, and the addition of higher acoustic glass barriers was required specifically to address this point. Further, although SEATAC had already determined in 2020 that the Project would not have a significant effect on biological resources, the repeat consideration of the Project by SEATAC in 2023 specifically addressed Project and noise effects on

biological resources, including any potential for effect on mountain lions. The 2022 Addendum to the Biological Constraints Analysis, prepared by Padre Associates (the “Padre Addendum”) and reviewed by County staff, specifically evaluated the potential effects of the Project on birds and other biological resources, as well as whether the potential exists for mountain lions on the Property, and the potential effects of the Project on mountain lions. The biological studies for the Project specifically included surveys of wildlife on the Property, and those surveys detected only common, non-migratory species. Further, the analysis specifically determined that the area of greatest noise impact was limited to a 1.2-acre portion of the 38-acre Property, and included developed areas and areas of low-quality habitat immediately surrounding the developed area. Noise would be intermittent and irregular, and therefore would not result in long-term or seasonal changes. With respect specifically to mountain lions, the analysis concluded that although the Property may lie within the territory of one or more mountain lions, and the possibility exists that a mountain lion may cross the Property at some point, the Property does not provide essential food resources for primary prey, as the areas adjacent to the residence are generally vineyard, and would not provide attractive habitat.¹² Within this context, if mountain lions were present on the Property, it would be to transit between hunting areas; and the temporary, intermittent, and localized increases in noise and light associated with a limited number of outdoor events per year would not create any long-term behavioral changes that would affect hunting success or mortality. Notably, the Padre Report assumed more events and did not account for the additional operational conditions SEATAC and the RPC attached to the Project, which conditions would further reduce impacts.

Subsequent to the Padre Addendum, MD Acoustics prepared the updated 2023 MD Report for noise and vibration, with the specific aim of addressing one area to the northwest of the residence, at the request of the County. The study was calibrated by playing noise at the Property during a portion of the measurement events.¹³ Noise measurements occurred northwest of the residence, at a rock outcropping; south of the residence, along the western property line near Kanan Road, and at the southern property line.¹⁴ Notably, the predominant source of noise at and near the residence was traffic noise on Kanan Road.¹⁵ Under conservative assumptions, Project-related traffic noise, when combined with existing and anticipated noise, as well as the modified noise barrier at the northwest portion of the residence, the Project (including Project-related traffic) would not exceed County thresholds, and noise levels at Kanan Road

¹² Padre Associates, Inc. 2022. Addendum to the Biological Constraints Analysis Biota Report, Malibu Rocky Oaks. July. Pages 5-6.

¹³ 2023 MD Report, pp. 15-16.

¹⁴ 2023 MD Report, Exh. E.

¹⁵ *Id.*, Table 2.

significantly exceed noise generated by the Project. These mitigated noise levels are below the levels originally assumed in the Padre Addendum; consequently, the conclusions of the Padre Addendum with respect to the effects of noise on biological resources remain valid and consistent with applicable policies of the Safety & Noise Element.

(iii) The Project is Consistent with the Land Use Element.

The RPC considered applicable policies of the Land Use Element, particularly those related to minimizing exterior lighting, as provided in Policy VI-26. Here, the Project must comply with the Rural Outdoor Lighting District requirements set forth in Chapter 22.44 of the County Code, in addition to Project-specific lighting limitations. Those limitations include: no light directed skyward or off-site; no DJ lighting, motion lights, or other effects lighting; and hoods/shields for all outdoor lighting, with all lighting turned off within 30 minutes after cessation of outdoor activities, except for the minimum required security lighting. Certain lights also are limited as to spectrum to reduce any effects on wildlife. Further, as detailed in the RPC Determination, the Project is consistent with all applicable zoning requirements. Considering all of the above, the RPC properly concluded the Project is consistent with applicable land use policies.

4. No Environmental Impact Report is Required, and the Appeal Fails to Raise Any Substantial Issue.

The appeal speculates regarding a range of asserted impacts; however, the technical studies already prepared for the Project evaluated a range of potential environmental effects, and determined no significant impacts would occur. The appeal does not offer any substantial evidentiary basis for a different conclusion.

As a preliminary matter, the appeal asserts that application of the zoning provisions in effect in 2014 versus the current provisions somehow would result in a significant impact, because the current provisions are more restrictive. But the evidence demonstrates otherwise: the issue is not which provisions apply—in fact, the County has as a matter of policy, applied the standards in effect at the time an application was deemed complete—the issue is the impacts themselves. And site-specific studies have demonstrated that significant impacts would not occur, with application of mitigation measures and project design features.

Further, the appeal wrongly asserts the RPC did not “respond to the setting as it exists.” But this is wrong—all of the analysis prepared for the Project considered the existing physical environment—rather, it is the appeal that refuses to recognize that most of the impacts typically associated with development will not occur or do not apply here, because the structure has stood for nearly 20 years and would be only lightly modified.

(a) Claimed Discrepancies in Measurement of the Size of the Residence—if any—are Irrelevant.

The letter attached to the appeal asserts that the size of the existing residence is larger than the approximately 4,042 s.f. stated in the RPC’s approval, based on figures obtained from the County Assessor. However, this is irrelevant for two reasons. First, and most importantly, the residence is an existing structure, and aside from the features described above, the Project would not modify it; that is, the size of the structure is part of the environmental baseline and does not bear any relationship to any potential effect of the Project. If anything, the larger size would merely mean that the conversion of the ADA-compliant restroom would represent a smaller proportion of the residence. Second, discrepancies in measurements can arise from a variety of factors, including method and the differences in building area that the County Code actually counts as square footage for zoning compliance purposes, versus gross area noted during any assessment. But in no case does the size of the structure affect the analysis of the Project, particularly given the 38-acre size of the Property.

(b) The Residence Does Not Function as an Event Venue.¹⁶

Although the appeal attempts to characterize the residence as something else, the appeal is simply wrong. As stated in the Staff Report (cited above), the residence was constructed as such, according to validly issued building permits, in or around 2006. Further, the Leights occupied and continue to occupy the residence, as the appeal concedes.

The appeal’s characterization of the residence as an event venue and hotel is equally misleading. First, as described further below, the residence does not meet the definition of “hotel” in the County Code. Secondly, although the Leights acknowledge—as described in the Staff Report—that a few events were held at the residence, no such events have occurred since 2018. The listing to which the appeal refers is inactive and has been removed, and no short-term rentals are offered. The YouTube video to which the appeal points as evidence of current activity is undated and does not allow verification of any kind. Additionally, Howard Leight Jr., the Estate Manager, has since implemented stricter vetting of any potential renters of the estate after this video was brought to the Leights’ attention. Further, the guest ranch will require on-site staff, which provides a greater degree of control and security.

¹⁶ The appeal also states the residence is currently for sale. Although irrelevant to any consideration of the CUP currently before the Board, that listing occurred soon after Mrs. Leight’s death in 2020, when the Leights considered selling the Property. That listing is no longer operative, as the Leights have opted to retain the Property.

The appeal also asserts—without evidence—that helicopters have been used to bring guests to the residence. But this, too, is false: rather, the Leights’ son had himself piloted a helicopter to the property on two occasions, in the belief that Federal Aviation Administration authorization was sufficient to do so. He has not done so since at least 2016.

Overall, the appeal’s assertion of ongoing illegal activity is simply wrong. As stated in the Staff Report,¹⁷ the last cited event occurred in 2018, and was closed only after a monitoring period established the cessation of the use. No further investigation has provided any evidence of ongoing violations.

(c) The Wildlife Crossing Does Not Affect the Project Analysis, and the Appeal Provides No Evidence of Significant Impacts to Mountain Lions.

The appeal asserts SEATAC “fail[ed] to recognize the location” of the Property. The appeal asserts that because the residence is elevated, shielding lighting downward would effectively illuminate the communities below. As an initial matter, and as described above, specific lighting requirements for this area already apply to the Project, in addition to the shielding requirements, the conditions for the Project limit light levels and use. Also, as described above and not acknowledged by the appeal, the biological resources analysis for the Project already considered noise and lighting levels, and did so for a significantly greater number of events—and therefore a higher level of activity—than the RPC ultimately permitted. The speculation offered by the appeal is just that, and fails to raise any substantive issue.

Likewise, the appeal observes that the Wallis Annenberg wildlife corridor bridge is over 5 miles from the Property, and notes that a mountain lion may have a territory of 75 square miles, and may range farther than that in search of pray. The appeal apparently ignores the Padre Addendum and original report, upon which SEATAC partially based in its decision to recommend approval of the Project, with conditions. Indeed, the Padre Addendum notes the same facts regarding mountain lion range, and specifically evaluates the potential for mountain lion presence on the Property and any potential effect of the Project on mountain lions. Although the appeal attempts to imply some disagreement among experts exists as to the impacts of the Project, no such disagreement exists, as the appeal offers no expert—or even remotely qualified—opinion. Nor does the appeal offer any evidence that the wildlife crossing, which is over 5 miles away as the crow flies, would have any effect of any kind on the potential for

¹⁷ Staff Report, p. 6 of 11. We also note the listing never advertised the guest ranch or disclosed the permit process.

mountain lions to occur on the Property, or that such an occurrence would necessarily result in a significant impact.

The appeal also asserts the Project would fragment mountain lion habitat. Here again, the appeal fails to recognize that activity would only occur on disturbed areas of the Property: installation of two restrooms in the existing residence, replacement of the onsite wastewater treatment system, and paving of existing graded parking areas. Further, the appeal provides no evidence for such fragmentation, or of any heightened potential for mountain lion occurrence on the Property. Both the County biologist and SEATAC reviewed the biological resources studies prepared for the Project, and concluded that no significant impacts to mountain lions—or other wildlife—would occur.

With respect to habitat, the appeal notes several common species of plants that occur on areas other than the Property, claims without evidence that certain species occurred on the Property prior to the Woolsey fires, and faults the analysis of the Property for omitting these species. But the biological resource analysis included surveys of plants on the Property, and appropriately listed those, and the appropriate baseline for analysis is the plants that exist on the Property. Although the appeal notes the protected status of certain plants, such as dudleya species, no such species were observed on the Property, nor does the appeal assert they do: instead, the appeal simply speculates that they may occur. Yet again, however, the Project would use an existing structure, and the only new ground disturbance includes the paving of previously graded and compacted parking areas. That is, even if these species occurred on some portion of the Property—and no evidence states they do—areas outside of the residence, the existing wastewater treatment system, the existing observation pad, and the existing parking areas would not be disturbed as part of the Project.

(d) The Appeal Fails to Substantiate Significant Noise or Light Impacts.

The appeal asserts the Property “is a magnifier of light and sound,” by virtue of its visibility, but offers no evidence of this. In fact, as described in detail above, site-specific studies regarding noise, and SEATAC and the RPC paid particular attention to lighting, and concluded that no significant impact would occur with application of conditions of approval. The noise modeling *specifically accounted for topography*, as shown in Exhibits E-G of the MD Report, which overlay noise contours onto the area. As described above, traffic noise on Kanan Road dominates the noise environment, and the Project would not generate noise in excess of that, particularly with the additional noise barriers required by the conditions of approval.

The appeal asserts that surrounding land uses were misrepresented, and that former homes to the west and northwest were not considered in the noise analysis. This is wrong, and the specific locations of any future/rebuilt homes in those areas is irrelevant, because the noise analysis evaluated noise levels at the Property boundary to the west, and at a rock outcropping to the northwest of the residence on the Property.¹⁸ Further, the noise study included noise contours that extended off-site.¹⁹ Because Project noise levels on the west side of Kanan Road would not exceed existing noise, and because noise levels at the west, north, and south Property boundaries is already mitigated to a less-than-significant level, properties beyond those measurement points also would not experience noise that exceeds applicable thresholds. The neighbors have asserted that prior events at the Property could be heard, but some audible noise is not that same as an environmental impact, and does not represent an exceedence of applicable noise standards. Further, several complaints the neighbors impute to the Property actually resulted from the other venues in the area, as they are able to use amplified sound systems. Here again, the Project would not be permitted to use amplified sound systems outdoors, and will even be required to close the windows of the residence after 10:00 p.m.

With respect to light, the appeal fails to recognize that the residence is an existing structure that already has exterior lighting and, despite this, that lighting was specifically discussed with respect to the Project. Although activity would increase, the hours of outdoor activity are limited, and lighting associated with any outdoor event—of which only 12 can occur, with prior notice to neighbors—must terminate within half an hour of the close of the event. Further, the Project would need to comply with the lighting restrictions that apply in the vicinity. Project lighting will be visible for periods—generally the once-per-month outdoor events permitted by the RPC Determination—but will not be substantially different in kind from the existing lighting, or from lighting that is otherwise permitted but subject to restrictions.

(e) The Appeal Does Not Substantiate any Hydrology or Water Quality Impact.

The appeal speculates that the vineyard on the Property uses herbicides or rodenticides. But any such of those substances is an existing condition, and **not a result of the Project**. Because the vineyard was permitted, and must operate according to the new vineyard standards of the CSD, which include limitations on pest control methods, it has no relevance when considering the potential effects of the Project. Further, the

¹⁸ MD Report, Exh. E.

¹⁹ *Id.* Exh. F (unmitigated) and Exh. G (mitigated).

Leights have suspended commercial operation of the vineyard, and it functions purely for personal enjoyment and education.

(f) The Appeal Does Not Substantiate a Traffic Impact from the Proposed Left-Turn Lane.

The appeal asserts that the proposed left-turn lane into the driveway of the Property would result in a traffic impact due to visibility. However, the Project was reviewed and approved by the Department of Public Works. The assertion that a full queue in the left-turn lane represents a “deadly” situation is unsubstantiated, and is belied by the claim immediately afterward that residents often must wait to turn onto Kanan. And yet again, the number of events permitted for the Project is limited to no more than two per month, and condition of approval 39 requires preparation of an Alternative Vehicle Plan, which includes shuttles, taxis, and other alternative methods of transportation to reduce vehicle traffic and queuing during events.

(g) The County Fulfilled Its Obligations with Respect to Tribal Cultural Resources.

The appeal asserts that the County has not notified what it deems to be the appropriate Native American tribal group. The County notifies the tribal group(s) most likely to have occupied the subject area; here, as stated in the appeal, the Tongva. Although the appeal implies that the Chumash occupied the area, it provides no basis for that assertion. Further, the Chumash may not have requested notification of projects in this area, a prerequisite for any requirement to consult under AB 52. Further, and as described above, the Project does not propose to disturb previously undisturbed land.

(h) The Appeal Fails to Substantiate Any Impact to Historical Resources.

The appeal asserts, without evidence, that the Project would have some unspecified adverse effect on Ballard Mountain and on the Alice Ballard homestead, because it may be “within sight” of either feature. But the appeal does not explain how the use of an existing structure could have such an effect, nor could it credibly do so: the Project will not have any direct or indirect physical impact on either feature, and will not change the existing setting of either feature. This argument is simply specious and made in bad faith.

(i) The Appeal Fails to Substantiate A Significant Wildfire Impact, But the Leights Propose Additional Conditions Regarding Fire Safety.

The appeal speculates that the Project would have a significant wildfire impact based on the claim that multiple road closures during a wildfire will limit evacuation options. But this is an existing condition, rather than an impact of the Project. The number of events and attendees is strictly limited, and the Project must also (as stated above) provide for alternative transportation options, including shuttles, to limit or reduce the effects of traffic, including evacuation. Simply put, the appeal does not substantiate the potential for a cumulative impact to wildfire provided by the use of an existing structure for only 24 (maximum) events per year, particularly where the residence has direct access to Kanan Road.

Notwithstanding the above, the Leights have volunteered to have a fire marshal on-site at the Property during all special events. This measure will further ensure safe and orderly occupation and—if necessary—evacuation of the Property, and will reduce the potential necessity for evacuation of the Property.

(j) The Appeal Fails to Substantiate Any Cumulative Impact.

The appeal asserts that because nearby Calamigos Ranch and Cielo Farms also hold events, that the Project would result in a cumulative impact, but provides no evidence for such an impact. This is particularly true where, as here, the Project would use an existing developed site, with minimal additional ground disturbance or change. Further, and contrary to the appeal, cumulative impacts were discussed at SEATAC and the RPC, and the noise impacts associated with the Project were evaluated in light of the existing noise environment, including the other event venues. The appeal also fails to consider that, unlike the other venues, the Project will not be able to use any exterior amplified music during events—that is, it simply will not contribute to the noise environment to nearly the same degree as facilities that can use amplified exterior sound systems—and the noise generated by the Project will not exceed existing noise levels of traffic. SEATAC recommendations also prohibited drums, horns, bullhorns/megaphones, and the Leights agree with those restrictions.

The appeal asserts that traffic impacts will occur, and attempts to magnify the scope of the Project by aggregating all of the vehicles the Project could theoretically generate over the course of the entire year. But even if the appeal were accurate (it is not, because the events are limited as to attendance and number), CEQA does not consider traffic

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congestion—expressed as level of service—as an environmental impact.²⁰ Further, as provided in the Staff Report (p. 8 of 11), the County’s Department of Public Works did not even consider a traffic analysis necessary in light of the scope of the Project. The Leights hope to set a benchmark for existing and any future venues, particularly with respect to outdoor noise restrictions and 24-hour noise monitoring.

5. Conclusion

For all of the reasons described above, the RPC properly determined the Project is appropriate to the Property and the surrounding area. The RPC Determination was well supported by substantial evidence after ten years of extensive review and multiple meetings before SEATAC—and no public participation of any kind occurred during the last SEATAC meeting. The mitigated negative declaration adopted for the Project satisfies CEQA and is supported by substantial evidence, and the appeal provides no substantial evidentiary basis to require an environmental impact report. The Project meets the applicable criteria for the requested conditional use permits, and satisfies the policy goals of the 2000 NAP and CSD.

Therefore, we respectfully request the Board uphold the RPC Determination, with the additional and modified conditions proposed herein.

Sincerely,



BENJAMIN M. REZNIK and
NEILL E. BROWER of
Jeffer Mangels Butler & Mitchell LLP

BMR:neb
Attachments: Letters of support

cc: Hon. Lindsey Horvath, 3rd District (via email: ThirdDistrict@bos.lacounty.gov)
Dylan Sittig, 3rd District (via email: dsittig@bos.lacounty.gov)
Tyler Montgomery, Department of Regional Planning
(via email: tmontgomery@planning.lacounty.gov)
Kim Lamorie, Las Virgenes Homeowners Federation
(via email: kimlamorie1@gmail.com)

²⁰ Senate Bill 743; *see also Citizens for Positive Growth and Preservation v. City of Sacramento*, 43 Cal.App.5th 609 (2019).

To whom it may concern,

I am writing this letter to you as a personal reference for my neighbor Howard Leight. I have been neighbors with the Leight's for over 12 years. They have done numerous events at their property over the years, not one of which has ever had a negative effect on our standard of living. I have absolutely no objections to the proposed changes that he is requesting to do to his property. Please feel free to contact me if you need any further information.

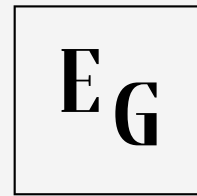
Sean Diehl

430 Kanan Rd

Malibu CA 90265

818-522-3745

A handwritten signature in black ink, appearing to read 'Sean Diehl', with a long horizontal line extending to the right.



To :

February 26, 2024

Jeff Levinson, Interim Executive Officer
Attention: Board Services Clerk of the
Board of Supervisors 383 Kenneth Hahn
Hall of Administration Los Angeles,
California 90012

Dear Mr. Levinson,

I am reaching out to express my appreciation for Howard Leight, estate manager over the Malibu Rocky Oaks estate. As a neighbor, I have observed firsthand the positive influence Mr. Leight has exerted on our community through his thoughtful management and genuine respect for the surrounding environment and its residents.

Under Mr. Leight's management, Malibu Rocky Oaks has been an epitome of responsibility and elegance. His dedication ensuring the estate remains a harmonious part of our neighborhood is commendable. I am confident that future events will be managed with the highest regard for neighbors, maintaining peace and tranquility. Mr. Leight's approachability and responsiveness to any concerns have significantly contributed to a sense of community and mutual respect.

It is with great pleasure that I acknowledge Mr. Leight's efforts in fostering a welcoming and respectful atmosphere. His actions reflect a deep commitment to not just maintaining but enhancing the quality of life for those around him.

I trust that this feedback underscores the positive impact Howard Leight has had on our community. His contributions are a true asset to our neighborhood, and I am grateful for his continued presence and leadership.

Sincerely,

Emma Glaser

esglaser@usc.edu

310-462-1010

31820 Lobo Canyon Road

Agoura Hills, CA 91301

Jeff Levinson, Interim Executive Officer
Attention: Board Services
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Dear Mr. Levinson,

I hope this letter finds you well. I am writing to express my sincere appreciation and positive experiences as a neighbor to the Malibu Rocky Oaks estate, managed by Howard Leight. Living in proximity to such a distinguished property could have been a cause for concern, given the potential for disruptions that often accompany properties of this magnitude. However, my experience has been nothing short of delightful, largely due to Mr. Leight's respectful and considerate stewardship.

Mr. Leight has proven to be a responsible and conscientious neighbor, ensuring that his estate adds value not only to his immediate surroundings but to our community as a whole. His efforts to maintain the estate's aesthetic appeal and to adhere to environmental standards have significantly contributed to preserving the natural beauty and tranquility of our area. It's clear that he holds a deep respect for the land and its history, which is reflected in how the estate is managed.

Furthermore, I am confident that Mr. Leight's approach to hosting events and managing the estate's operations will be conducted with the utmost consideration for neighbors. His open lines of communication and willingness to address any concerns thus far have fostered a positive and harmonious relationship between the estate and its neighbors.

It is rare to find individuals who balance personal interests with those of the broader community with such grace and effectiveness. I am grateful for his continued respectfulness to being a valuable member of our community.

Thank you for your time and consideration. It is my sincere hope that his efforts will be acknowledged and that he will continue to set a positive example for property owners and managers throughout Los Angeles County.

Warmest regards,

Jimmy Shomof
2938 Triunfo Canyon Road
Agoura Hills, CA 91301
jimmy@shomofgroup.com
310-780-7435

Richard Hirsh
31424 Mullholland Hwy
Malibu, CA 90265
rhirsh@johnpaulrichard.com
818-294-5715

August 16, 2023

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

Re: Project # R2014-02690-(3) Agenda Item 7

Dear Chair Hastings,

I am writing to provide my enthusiastic endorsement for Mr. Howard Leight, a valued member of our community within the enchanting Santa Monica Mountains. As a fellow resident and a close acquaintance, I am pleased to submit this letter of recommendation in support of his endeavor to obtain approval for hosting events at his estate, Malibu Rocky Oaks.

Mr. Leight dedication to our community's welfare and harmony has been evident throughout our association. His unwavering commitment to adhering to rules and regulations has significantly contributed to the peaceful and cooperative environment that defines our locality. His efforts have consistently fostered a sense of unity among residents.

Beyond our neighborly relationship, Mr. Leight and I have developed a friendship rooted in shared values and experiences. Our interactions have revealed his outstanding qualities, including warmth, approachability, and a genuine interest in building strong connections. These attributes not only attest to his character but also exemplify his commitment to cultivating a vibrant community.

Moreover, I believe that Mr. Leight would be an excellent candidate for obtaining approval to host events at his estate. His commitment to adhering to regulations, coupled with his conscientiousness, ensures that any events held under his stewardship will be conducted responsibly and with utmost consideration for our community's interests.

His dedication to the preservation of our natural environment is equally praiseworthy. Mr. Leight's consistent adherence to regulations concerning conservation and land management showcases his genuine care for the surroundings and community well-being.

I am confident that granting Mr. Howard Leight approval to hold events at his estate will result in positive contributions to our community. His integrity, commitment to the law, and positive influence make him an exemplary candidate for this endeavor.

Should you require additional information or wish to discuss Mr. Leight's qualifications in more detail, please do not hesitate to reach out to me. Your attention to this matter is greatly appreciated.

Sincerely,

Richard Hirsh

March 4, 2024

Jeff Levinson, Interim Executive Officer-
Attention: Board Services Division
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Project NO. R2014-02690-(3)

Dear Jeff,

I am happy to write to you to show my support for the Malibu Rocky Oaks Guest Ranch. Howard has been a great neighbor. He always does his best to keep the impact to the area to a minimum. I believe the guest ranch is a benefit to our community. Guests at the Ranch have the wonderful opportunity to experience our beautiful Santa Monica Mountains. They will have the memory of their beauty to remember for years to come. I really love the idea of other people enjoying what we get to live in every day.

Sincerely,

Denise Antico Donlon
31400 Lobo Canyon Road
Agoura, CA 91301

818-203-1048

Public comment in support of Agenda item #7 - Project No.
R2014-02690-(3)

Howard and Rada Leese

rsleese@aol.com

805-796-1451

Not the applicant

31455 Tuscany Lane

Malibu, CA 90265

To whom it may concern,

I have personally known the Leight family for years now. When they were able to host events at their beautiful property, which is ideal for memorable weddings, etc, they've always been respectful of the neighbors, keeping all noise to a minimum. So much so that I wasn't aware when they had these events. They are responsible, law abiding citizens and it's a shame that their property hasn't been able to host such events. I know that they will continue to act responsibly and courteous to the neighborhood when operating events. I have several neighbors which also feel this way.

Thank you for your time and consideration,

Howard and Rada Leese



Main Office Phone:
310 - 798-2400
Direct Dial:
310-798-2412

Carstens, Black & Minter LLP
2200 Pacific Coast Highway, Suite 318
Hermosa Beach, CA 90254
www.cbcearthlaw.com

Michelle N. Black
Email Address:
mnb@cbcearthlaw.com

March 11, 2024

Submitted via email executiveoffice@bos.lacounty.gov

Los Angeles County Board of Supervisors
Kenneth Hahn Hall of Administration
500 West Temple Street, Room 383
Los Angeles, CA 90012

Re: Mitigated Negative Declaration for Rocky Oaks Guest Ranch Project, SCH #2022030492; Project No. R2014-02690-(3), Conditional Use Permit No. RCUP-201400127 and the Environmental Assessment No. RCUP-201400127

Honorable Supervisors:

We submit this letter on behalf of the Las Virgenes Homeowner's Federation in connection with the mitigated negative declaration (MND) prepared for the Rocky Oaks Guest Ranch Project ("Project"). The Federation participates in the administrative proceedings for this project with the goal of preventing the significant environmental impacts that will result if the County permits continued development that is inconsistent with the Santa Monica Mountains North Area Plan (NAP). While the Applicant's attorney has presented what purport to be community letters of support, these letters disagree with the official position of community leadership. The communities that have voted on the project, have voted to oppose it for its unadmitted and unmitigated impacts on Santa Monica Mountains communities and wildlife.

The Rocky Oaks Guest Ranch Project ("Project") is inappropriate for this rural and wild location where Mulholland Highway meets Kanan Road. The Project documents claim it would convert an existing 4,042-square-foot single-family residence into a commercial use – a guest ranch and large event venue. However, as documented by County records and community complaints, the Project site has been operating as an unpermitted event venue and hotel for several years. Notably, County Tax Assessor records report the residence as nearly double that size, at 7,665 square feet.

The venue could hold an unlimited number of smaller events, year-round, although the largest outdoor events of 200 people would be limited to 12 per year. Six interior events of 200 people would be allowed per year, as well as six interior events of 100 people. The Project places no cap on “smaller” events of 45 people, indoor or outdoor, from 8:00 a.m. to 8:00 p.m., year-round. Eight overnight guests and six employees would be permitted. Three hundred fifty cubic yards of grading would be required to add 25,838 square feet of parking lot designed to hold 67 parking spaces.

As the Project sits within one of the County’s mapped Significant Ecological Areas, the Project requires a significant ecological area conditional use permit (“SEA-CUP”). We respectfully ask the Board of Supervisors to deny this permit.

LVHF is deeply concerned that the Project will adversely impact public views and trails, recreation, and biological resources within the Santa Monica Mountains. According to the Los Angeles County Code, a commercial guest ranch with an accessory large event center is not an allowable land use for the site. Additionally, the Project is inconsistent with a number of policies of the County’s Santa Monica Mountains NAP, aimed at preserving the habitat, aesthetic resources, and tranquility of the Santa Monica Mountains. Even if this Project were allowable or permitted for the location, which it is not, the Project’s mitigated negative declaration (“MND”) does not satisfy CEQA. Despite the obvious Project impacts, the MND’s only admission that the Project may have significant impacts is limited to impacts on biological resources. While comments from the California Department of Fish and Wildlife make clear that the MND failed to fully analyze impacts to protected mountain lions, other portions of the MND fail to even consider that the Project may have impacts on other aspects of the environment. Finally, the Applicant’s illegal, pre-permit operation of the Project, should prevent its approval.

I. The Project Site Has a History of Violations.

The Project site has a well-documented history of violations for illegal operation of a helistop and a wedding venue. At least three investigations have been opened. In one egregious example, an investigation was opened for operation of an unpermitted helistop just six months after the previous investigation for illegal operation of a helistop was closed. (See, Case No. 11-0012773 and 12-0016227.)

We ask the Board to keep this history of violations in mind when considering the Project. In the context of an environmental impact report – which has *not* been prepared for the Project – the Court of Appeal has opined:

Because an EIR cannot be meaningfully considered in a vacuum devoid of reality, ***a project proponent's prior environmental record is properly a subject of close consideration in determining the sufficiency of the proponent's promises in an EIR.***

(*Laurel Heights Imp Ass'n v. Regents of the University of California* (1988) 47 Cal. 3d 376, 420.) The Court suggested a balancing test:

In balancing a proponent's prior shortcomings and its promises for future action, a court should consider relevant factors including: the length, number, and severity of prior environmental errors and the harm caused; whether the errors were intentional, negligent, or unavoidable; whether the proponent's environmental record has improved or declined; whether he has attempted in good faith to correct prior problems; and whether the proposed activity will be regulated and monitored by a public entity.

(*Ibid.*) In looking at the Project history, it is clear that the violations are repeated, ongoing, and severe. They were not unavoidable. There is no evidence that the Applicant's environmental record has measurably improved. It is also clear that the County does not have the resources or the time to monitor the property and ensure the size, number, and volume of events. Loud parties and excessive night lighting are not typically the highest priorities of an already overburdened Sheriff's Department. The Board cannot uncritically accept the Applicant's claims of future compliance with complicated conditions of approval.

On the contrary, approving this Project will only incentivize future noncompliance, with potentially drastic environmental consequences, given the visual prominence of the Project site and its critical location within the Santa Monica Mountains and mountain lion habitat. For this reason, Section 22.04.110 of the Los Angeles County Code provides that "[n]o application required pursuant to this title shall be accepted for processing or approved where an existing land use, not previously authorized by any statute or ordinance, is being maintained or operated in violation of any applicable provision of this title, or any condition of approval of a land use permit. Other public commenters have submitted to you recent social media posts documenting unpermitted wedding events at the site. The permit must be denied.

II. The Project is Not Permitted in this Location.

County Code (Section 22.08.070) defines a "guest ranch" as "any property operated as a ranch which offers guest rooms for rent or hire and which has outdoor recreational facilities such as horseback riding, swimming or hiking." This does not appear to describe the Project. The Project claims to propose a "guest ranch with

accessory special events.” But what it really aims to be is an event venue with accessory guest rooms. The Project has it backward. Nothing in the Code permits a few guest rooms with accessory 200-person events in the A-1 zone. The new North Area Plan explicitly calls out Lobo Canyon in prohibiting commercial activity. If anything, the Project seeks to be a boutique hotel which is not permitted in the A-1 zone. In any case, the Applicant’s attempts to shoehorn a commercial project into the A-1 zone must be rejected.

III. An Environmental Impact Report is Required to Comply with CEQA.

The California Environmental Quality Act (CEQA) serves two basic, interrelated functions: ensuring environmental protection and encouraging governmental transparency. (*Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal. 3d 553, 564.) CEQA requires full disclosure of a project’s significant environmental effects so that decision-makers and the public are informed of these consequences before the project is approved, to ensure that government officials are held accountable for these consequences. (*Laurel Heights Improvement Ass’n of San Francisco v. Regents of the University of California* (1988) 47 Cal.3d 376, 392.) When substantial evidence supports a fair argument that a project may have a significant impact on the environment, an environmental impact report is required.

A lead agency prepares an initial study in order to determine whether an EIR, a negative declaration, or an MND is the appropriate environmental review document. (14 CCR § 15365, herein “CEQA Guidelines.”) “All phases of project planning, implementation, and operation must be considered in the initial study.” (CEQA Guidelines § 15063(a)(1).) The initial study must consider whether any aspect of a project, either individually or cumulatively, may cause a significant adverse impact. (CEQA Guidelines § 15063(b)(1).) The purpose of the initial study is to provide the lead agency with adequate information regarding a project to determine the appropriate environmental review document and “documentation of the factual basis for the finding in a negative declaration that a project will not have a significant effect on the environment.” (*Ctr. for Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal. App. 4th 1156, 1170, citations omitted.) There must be a basis within the record to support the conclusions reached by the initial study. (*Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170, 1201.) “Where an agency. . . fails to gather information and undertake an adequate environmental analysis in its initial study, a negative declaration is inappropriate.” (*El Dorado County Taxpayers for Quality Growth v. County of El Dorado* (2004) 122 Cal. App. 4th 1591, 1597, citations omitted.) Failure to adequately analyze all of a project’s potentially significant impacts or provide evidence to support conclusions reached in the initial study is a failure to comply with the law.

When a project may have a significant impact on the environment, it necessitates the preparation and certification of an EIR, not an MND. One of the first steps in the process required by the California Environmental Quality Act (“CEQA”) is to determine whether the project may have a significant effect on the environment. “[S]ince the preparation of an EIR is the key to environmental protection under CEQA, accomplishment of the high objectives of that act requires the preparation of an EIR whenever it can be fairly argued on the basis of substantial evidence that the project may have significant environmental impact.” (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75.) Under the CEQA Guidelines, “‘Substantial evidence’ means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.” (Guidelines § 15384(a), emphasis added; *League for Protection of Oakland's etc. Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896, 905.)

The fair argument standard is a “low threshold” test for requiring the preparation of an EIR. (*No Oil, supra*, 13 Cal.3d 68, 84.) Review is de novo, with a “preference for resolving doubts in favor of environmental review.” (*Architectural Heritage Assn. v. County of Monterey* (2004) 122 Cal.App.4th 1095, 1110; *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602-1603.)

The County has failed to prepare a legally adequate initial study and MND due to its failure to even consider impacts outside of impacts to biological resources. The County has also failed to disclose, analyze, and mitigate aesthetic, and recreational impacts caused by the Project’s noise and nighttime lighting, land use impacts related to the Project’s inconsistency with the County’s governing planning documents, traffic safety impacts caused by the proposed turn lane, and the cumulative impacts of the County’s continued deviation from its planning documents. An EIR is required before the Project may be lawfully approved.

IV. Comments from CDFW and Other Trustee and Responsible Agencies Demonstrate Substantial Evidence of a Fair Argument the Project Will Have Adverse Impacts on Protected Species, Including Mountain Lions.

The Project site lies within a County-designated significant ecological area (SEA) within the Santa Monica Mountains. It is also documented habitat for Central Coast South mountain lions, a candidate species under the California Endangered Species Act (CEQA). According to the California Department of Fish and Wildlife (CDFW), which is both a responsible agency and a trustee agency for purposes of mountain lions, the Project may adversely impact mountain lions by through habitat loss and fragmentation, introducing barriers to mountain lion movement, and introducing a new source of nighttime lighting. In addition, the Project could increase the likelihood of mountain lion injuries or mortalities due to human-wildlife conflicts and vehicle strikes. CDFW finds

these impacts are great enough to require application for an Incidental Take Permit under CESA. A take permit is only required when a Project may “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill” a covered species. Accordingly, CDFW’s comments provide substantial evidence of a fair argument that the Project may have a significant impact on biological resources. An EIR is required before the Project may proceed further. Further, despite the predictable and adverse impacts on mountain lions, the MND apparently fails to disclose, analyze, or mitigate the Project’s potential to provide new barriers to mountain lion dispersal, to fragment habitat, to constrain wildlife corridors, to harm or deter mountain lions through human presence, noise, or lighting, to increase fire risk known to have killed mountain lions in the Woolsey Fire, or to address pesticides and rodenticides, despite known links between these chemicals and increased mountain lion mortality. The CDFW letter further recommends mitigation measures which should be analyzed for efficacy and incorporated into the Project.

The Project also has the potential to adversely affect sensitive plant species known to be found in the area, but that are incorrectly listed as unlikely to occur on the Project site. Species that should be assessed include, but are not limited to, Plummer’s Mariposa Lily, Catalina Mariposa Lily, and Dudleya species, especially *Dudleya cymosa* ssp. *agourensis*, (1B.2), *Dudleya cymosa* ssp. *marcescens*, (1B.2) and *Dudleya cymosa* ssp. *ova-folia* (1B.1), as well as *Ceanothus* and *Manzanita* chaparral biomes. A comprehensive analysis based on the plants found onsite prior to the Woolsey fire should be performed, and mitigation based on that analysis should be incorporated.

V. The Project Will Adversely Affect Aesthetics and Recreational Values, Including at Rocky Oaks Park.

Due to its location atop a 2,000-foot platform atop the Santa Monica Mountains, the Project site is readily visible from all around and from below, including from public parkland and trails in Rocky Oaks Park, from Paramount Ranch, as well as from designated scenic highways such as Kanan Road. The “open space” surrounding the Project site is largely parkland. This includes National Park Service land purchased as a bird sanctuary at the back of Lobo Canyon, Santa Monica Mountains Conservancy Land, and a recorded trail for hiking and biking that extends from the back of Lobo Canyon to Kanan Road, with an intersection at the entrance to Hidden Highlands Road across the street from Malibu Rocky Oaks. Sitting on a significant ridgeline, the Project site can be seen and heard from all of these parks and trails.

Without a doubt, the Project would adversely affect public views from these locations. CEQA requires consideration of impacts to public views. (*Ocean View Estates Homeowners Ass’n, Inc. v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396.) Existing views from the area are dark at night when the Project is not fully lit. This will change for an unlimited number of events, depending on size. The Project would also add nearly

30,000 square feet of flat and paved parking areas. However, instead of being located low on the hill, the parking is located at the top, near the house the Project would convert into a venue and overnight accommodation. In addition to diminishing public views from trails and parkland, the Project would adversely impact the recreational value of these parks and trails. Users of parks in the Santa Monica Mountains seek views of nature, solitude, and tranquility that will not be maintained with the noise and lights generated by events if the Project is approved. The MND fails to adequately address, disclose, or mitigate this impact.

Without support, Project documents conclude, “Due to the low density of development, intervening topography and dense vegetation, nighttime light levels are anticipated to be relatively low in the area and limited to the immediate vicinity of residences with exterior lighting.” It is not a small, typical hillside residence with minimal outdoor lighting. The Project is located atop a hill, visible from all around, from below, and from Rocky Oaks Park. It is also visible from Ladyface Mountain, Malibu Lake and Seminole Springs, Mulholland Highway, the Kanan Road hill by Paramount Ranch, the back of Lobo Canyon, parts of Malibu, and many trails within the area. The Project site is visible for miles when lit at night, and it disturbs enjoyment of dark skies, impairs celestial views, and interferes with solitude and wilderness experience. The Project’s nighttime lighting will affect both human residents and wildlife, with greater impacts during the winter months when the sun sets earlier. While useful from a dark sky perspective, promises to shield lights from above will not prevent light spill at lower elevations. CDFW further found that nighttime lighting could adversely affect fully protected mountain lions that inhabit and travel through the area. An EIR is required to fully analyze and mitigate the Project’s nighttime lighting impacts.

These impacts to trail and park use, to night sky enjoyment, and on wildlife habitat are significant impacts to aesthetic resources and recreation that must either be eliminated or disclosed, analyzed, and fully mitigated in an environmental impact report.

VI. The Project Would Cause Adverse Land Use Impacts.

All projects approved in the County of Los Angeles must be consistent with its general plan and its elements. “The general plan is atop the hierarchy of local government law regulating land use.” (*Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176, 1183.) For this reason, the General Plan has been described “the constitution for future development.” (*DeVita v. Napa* (1995) 9 Cal.4th 763, 773, internal citations omitted.) This commercial Project is inconsistent with several policies of the County’s North Area Plan and cannot be approved as proposed.

Where a local or regional policy of general applicability, such as an ordinance, is adopted in order to avoid or mitigate environmental effects, a conflict with that policy in itself indicates a potentially significant impact on the environment. (*Pocket Protectors v. Sacramento* (2005) 124 Cal.App.4th 903.) Indeed, any inconsistencies between a proposed project and applicable land use plans must be discussed in an EIR. (14 CCR § 15125(d); *City of Long Beach v. Los Angeles Unif. School Dist.* (2009) 176 Cal. App. 4th 889, 918; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal. App. 4th 859, 874 [EIR inadequate when Lead Agency failed to identify relationship of project to relevant local plans].) A Project's inconsistencies with local plans and policies constitute significant impacts under CEQA. (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 783-4, 32 Cal.Rptr.3d 177; see also, *County of El Dorado v. Dept. of Transp.* (2005) 133 Cal.App.4th 1376 [fact that a project may be consistent with a plan, such as an air plan, does not necessarily mean that it does not have significant impacts].)

The Project, as proposed, conflicts with the County's governing land use documents. For example, the North Area Plan is clear that commercial projects such as this are not permissible. The prohibition is explicit with regard to Lobo Canyon, which this Project abuts. This is a significant impact on land use that must either be eliminated or analyzed in an EIR.

Despite these inconsistencies, the MND finds that the Project would have no impact on land use. This conclusion lacks the required substantial evidence. On the contrary, a fair argument exists that the Project would have significant impacts on land use, and an EIR is required.

VII. Other Impacts, Including Noise, Wildfire Risk, Traffic Safety, Hydrology, Tribal Cultural Resources, and Cumulative Impacts are Likely Significant and Require Preparation of an EIR.

The MND's conclusion that noise impacts will not be significant is unsupported, as the noise analysis is based upon the unrealistic premise that the maximum noise level of a special event will consist of 200 people speaking at a normal, conversational level. It does not take into account the actual noise levels of the weddings, galas, and other parties that will be expected by people who pay to rent the site. These events have amplification, DJs, music, bands, and emcees. Even conferences will require announcements. Additionally, noise generated atop a hill will carry further than disclosed. As it is, neighbors hear DJ announcements, toasts, and loud music generated by the site. A more realistic noise analysis is required, and mitigation measures to reduce the Project's actual noise levels must be incorporated.

The MND does not adequately describe or mitigate wildfire risks due to introducing large groups of people into an ultra high fire severity zone and due to the difficulty of evacuation along windy roads with limited alternatives. An EIR is needed to evaluate and mitigate this risk.

An EIR is also needed to address traffic safety. Despite previous comments from local residents who traverse Kanan Road daily describing the existing challenges of the existing roadway configuration, the Project still proposes to rely on a 100-foot-long left turn lane into the driveway for southbound traffic coming from the 101. As described by the Las Virgenes Homeowner's Federation:

The curving approach on Kanan goes through a long tunnel, followed by a hillside cut with the road lower than either side, which blocks the driver's vision of what lies ahead. People who don't know the road often slow down on the turn because they can't see very far in front of them. There is no way for a driver who doesn't know the road to anticipate the driveway turn in time to complete it in a safe manner. If the driver is going at the posted speed limit, 55 miles per hour, he would travel 300 feet after braking to come to a complete stop, but he would still most likely overshoot the driveway turn, or in a worst-case scenario, he would get rear-ended by the driver behind him.

Instead of a turn lane, the comment notes:

A complete stop will be necessary because on the weekends, when most events would be held, the traffic going north on Kanan often backs up all the way to PCH, so it would take the driver some time to cross over the northbound traffic. If it is necessary for drivers to sit in the left turn lane for a while in order to cross over traffic, the 100-foot turn lane would quickly fill up *creating a potentially deadly situation*.

The driveway turn could become especially dangerous for attendees running late and worried about missing the beginning of an event, such as a wedding, or as attendees leave the property late at night, especially after consuming alcohol.

The site has existing water quality and hydrological issues that will likely be exacerbated by the Project. The Project drains across Kanan Road into what becomes Lobo Creek. The headwaters of Malibu Creek occur where Lobo Creek meets Triunfo Creek. Malibu Creek drains into Santa Monica Bay, both of which are listed as impaired water bodies under section 303(d) of the Clean Water Act. The MND and proposed mitigation do not ensure that Project runoff is not contaminated with herbicides and pesticides that will continue to endanger sensitive wildlife species (especially amphibians) and downstream neighbors whose wells are supplied by Lobo Creek.

Recent video demonstrates that, during rain events, stormwater from the Project is creating waterfalls at Kanan Tunnel 2. This condition should be investigated to ensure the integrity of the tunnel and of Kanan Road.

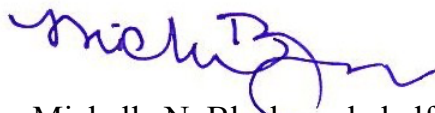
Additionally, since not all required tribal representatives have even been properly notified of the Project, meaningful AB 52 tribal *consultation* has clearly not occurred. The County must complete consultation with the Chumash before proceeding.

An EIR is required to address the cumulative impacts of events due to people, traffic, noise, nighttime lighting, given Staff's acknowledgment of Cielo Farms and Calamigos Ranch, large facilities with restaurants and many, many numerous outdoor events per year, each of which are located one mile to the south of the Project.

Conclusion

We join in the comments of the California Department of Fish and Wildlife, requesting that the County withhold further consideration of the Project until adequate environmental review and mitigation have occurred. The Project will adversely impact rural neighborhoods, public parkland, public trails, and sensitive wildlife species in the Santa Monica Mountains. As currently proposed, the Project cannot satisfy the required CUP finding that it "will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to their use, enjoyment, or valuation of property of other persons located in the vicinity of the site." The Las Virgenes Homeowner's Federation looks forward to the preparation of an EIR that accurately reflects the significant environmental impacts of the Rocky Oaks Guest Ranch Project. Thank you for your consideration of these comments.

Sincerely,



Michelle N. Black, on behalf of
Las Virgenes Homeowner's Federation.

Cc: Hon. Lindsey Horvath, Supervisor, 3rd District, ThirdDistrict@bos.lacounty.gov
Dylan Sittig, 3rd District, dsittig@bos.lacounty.gov
Tyler Montgomery, Department of Regional Planning,
tmontgomery@planning.lacounty.gov

TRIUNFO-LOBO COMMUNITY ASSOCIATION

March 11, 2024

Los Angeles County Board of Supervisors
Kenneth Hahn Hall of Administration
500 West Temple Street, Room 383
Los Angeles, CA 90012

Re: Project No. R2014-02690-(3), Conditional Use Permit No. 201400127-(3), and the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program associated with Environmental Assessment No. 201400127-(3) AGENDA ITEM #6

Dear Supervisors:

We are writing on behalf of the Triunfo Lobo Community Association (“TLC”) to support the appeal of the Las Virgenes Homeowners Federation (“LVHF”). The Project 1) proposes a use not permitted by the previous NAP under which it is being considered; 2) has environmental impacts that have not been adequately addressed by Regional Planning; and 3) if not denied outright, *at a minimum* warrants a full Environmental Impact Report before further consideration.

Our community, which includes the area known as Hidden Highlands is a community of approximately 350 residents which is adjacent to the proposed Project # R2014-02690-(3) (Rocky Oaks Vineyard).¹

TLC is a member of the Las Virgenes Homeowners’ Federation, the appellant in this matter. As such, it has standing to offer comments.

¹ Page 3 of the Staff Report presented to the Planning Commission incorrectly indicates that North of the proposed project consists of vacant land. In fact, the Triunfo Lobo Community is directly to the northwest of the property and in one corner, adjoins Rocky Oaks. None of the residents received notice of the Public Hearing, despite having been affected by noise and lights from the illegal operations for years.

First, as a preliminary matter, it has come to our attention that the Applicant and his attorney/lobbyist have misrepresented that there is support from the Triunfo Lobo Community Association. This is an outright falsehood. Mr. Leight attended a TLC Board meeting and asked for support. Asking is not the same as receiving. He was fully aware that the community association had not taken a position to support the project.

It is clear that Mr. Leight and his representative have engaged in unethical tactics to advance their agenda, disregarding the genuine concerns and objections of the local community. By misrepresenting community support, they have sought to create a false impression of consensus where none exists.²

For the reasons set forth below, the application should be summarily denied as the proposed uses do not conform with the relevant County Code. In the alternative, the Project should, at a minimum, be subject to a full Environmental Impact Report given the significant environmental impacts—which have been fully acknowledged by both the Applicant and Department of Regional Planning.

I. Preliminary Issues

The Applicant seeks approval for a guest ranch and special event facility for meetings, weddings, and other events. But, the fact is that it has been operating as such for years without a permit.

It is patently absurd for the Applicant to claim otherwise when at the time its application was pending, the website offered packages to the general public starting at \$10,000 for overnight “residency.” The link was located at <https://www.maliburockyoaks.com/residency/> and was only taken down in the last few days.

In short, the Applicant acknowledges (and continues to flaunt very publicly) that it is already operating hosting overnight guests and holding commercial events without the benefit of any permits.

Notices of Violation issued against the property are listed on Page 6 of the March 17, 2022, supplemental staff report. These include two for illegally operating a wedding venue. While enforcement closed the most recent case on 2/24/20 due to purported

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cessation of the illegal activity, the fact is that the activity has continued even as late as this year. YouTube and social media are laden with videos of happy couples holding lavish weddings on the property. The latest is here:
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In short, Applicant has been operating a large, full-scale hotel and wedding facility for over a decade, in some cases shuttling guests in via an illegal helicopter landing. The County's Notices of Violation have been ignored.

Applicant has a long history of showing utter disregard for zoning laws, its neighbors and the environment. It should not be rewarded for bad behavior.

And in fact, Section 22.04.110 specifically provides that "[n]o application required pursuant to this title shall be accepted for processing or approved where an existing land use, not previously authorized by any statute or ordinance, is being maintained or operated in violation of any applicable provision of this title, or any condition of approval of a land use permit.

At a minimum, we would request the matter be stayed until such time as the Applicant can demonstrate he is not actively engaged in illegal activity.³

II. The Application should be denied in its entirety as the proposed uses are not permitted pursuant to Title 22 of the County Code

As the application in this matter was deemed complete in 2017, it is being analyzed according to the version of Title 22 in effect prior to June 2021. All references herein are to that version.

In recommending approval, the County has seemingly become confused by what uses its own regulations allow.

The project seeks a CUP for operation of a "guest ranch with accessory special events."

There is no such designation anywhere in the Code.

³ A number of Triunfo-Lobo Canyon residents are actively attempting to rebuild structures which burned during the Wooley Fire. The County has taken the position that permits will not be issued so long as there are any unpermitted structures on the subject property. It is baffling why this standard would apply to residents who are victims of a wildfire, yet the same standard is seemingly not to be applied to a millionaire who seeks to expand a single-family home into a commercial venture.

Guest Ranch

The trend among applicants for CUPs in the Santa Monica Mountains seems to be obtaining a list of activities potentially allowed in A-1 and throwing a dart to determine the use for which they apply.

However, there must be a reasonable relationship between the activities contemplated and the type of permit obtained.

Section 22.08.070 defines a "guest ranch" as "any property operated as a ranch which offers guest rooms for rent or hire and which has outdoor recreational facilities such as horseback riding, swimming or hiking."

Merriam Webster dictionary defines a ranch as "a large farm, especially in the western US and Canada, where cattle or other animals are bred and raised."

Needless to say, there are no cattle or animals being bred and raised at Rocky Oaks Vineyard. If the Applicant's premises is not a "ranch," common sense dictates it is also not a "guest ranch."

In reality, in seeking a permit for overnight stays for eight guests, what they really desire is a permit to operate a hotel, which is defined by 22/08.070 as "any building containing six or more guest rooms or suites of guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied on a temporary basis by guests."

The problem is that hotels, however, are banned from operation on properties zoned A-1.

Simply put, the pending Application is defective on its face and should be denied.

Accessory Use (Special Events)

As shown above, the primary use for the property must fail. As such, the proposed "accessory use" must also fail.

However, the fact is that even if the primary use were appropriate, the accessory use would nonetheless fail on its own.

Nowhere in the Code is there any provision for holding special events such as weddings or other commercial events in A-1. In fact, it is not even a permitted use enumerated in R-R zoning. Event facilities, such as Triunfo Creek Vineyards, were only able to hold weddings after a department memo was issued by former director Bruckner opining that a "dance pavilion permit" contemplated this type of activity. The Board of Supervisors

later put a moratorium on the issuance of new dance pavilion permits and permanently banned them in the updated NAP.

The County, as well as then-Supervisor Kuehl's office steadfastly maintained that there was to be no reading into the Code to allow commercial activity in A-1 residential areas.⁴

Moreover, special events could never be reasonably allowed as an "accessory use" to a Guest Ranch.

"Accessory" is defined as contributing as an adjunct or in a minor way; subsidiary; auxiliary; supplementary. Such activities as are customarily associated with, and are appropriate, incidental, and subordinate to, such principal activity. " (Oxford English Dict. Online (2019)

A wedding is not incidental to an overnight stay. It is not a foregone conclusion that one who books a room at the Holiday Inn is going to throw a wedding in the lobby.

As such, even if the Guest Ranch portion of the application were appropriate for the type of activities being contemplated, the "accessory use" is disallowed.

- III. Even if the proposed uses were appropriate, a project of this magnitude should not be approved without review following a full Environmental Impact Report

As noted above, the proposed uses are simply not provided for by the County Code. The conversation should end here.

Nonetheless, assuming arguendo that the application was not inherently defective, it is unconscionable to approve a project which proposes expansion of a single-family home into a guest ranch and special event facility hosting hundreds of people in a high fire hazard zone and significant ecological area without the benefit of a full EIR.

To its credit, the Planning Commission at its March 2023 meeting sent the project back with instructions to study and report back as to the following:

- a. The effect of Project lighting on wildlife, including birds.
- b. The effect of noise from special events and guest ranch activities on wildlife and neighbors, with a specific emphasis on how far such noise carries from the specific Project location.
- c. The likelihood of mountain lions on the Project Site and the Project's potential impacts on them.

⁴ The new North Area Plan also disallows special events in properties zoned A-1. In fact, it even mentions Lobo Canyon, which adjoins the Applicant's property, by name in prohibiting commercial activity in A-1.

The SEATAC analysis offered in response seemingly fails to recognize the location of the Applicant's property. For example, while a condition of approval is lighting being shielded and directed downward, the property itself sits higher than all neighboring properties. As such, all lighting for special events will necessarily illuminate communities below it. So, while lighting may be limited to only a portion of the Applicant's property, it may nonetheless illuminate a large portion of the properties below it disturbing wildlife, as well as residents. To this end, a study of the migrating and breeding of wildlife would need to be extended to other properties.

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Additionally, the report is entirely devoid of any recognition that the subject property is a mere 1,800 yards from the Wallis Annenberg wildlife corridor bridge currently under construction.



The bridge's purpose is to promote the safe migration of mountain lions and wildlife. The average male mountain lion in the Santa Monica Mountains has a migration range of 200 mi.² while a female has one of 75 square miles. It is inconceivable such a project would not have a significant negative impact on the noble intent of this project. However, without the benefit of an EIR, there is not the opportunity for backers of this project, which include the Annenberg Foundation, Caltrans, the National Park Service, the Santa Monica Mountains Conservancy, Mountains Recreation and Conservation Authority, Resource Conservation District of the Santa Monica Mountains, and the National Wildlife Federation, to offer any input.

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The State of California is spending \$900 million of taxpayers money constructing a wildlife bridge. The Applicant proposes a special event facility hosting 200 partying guests 1,800 yards from the migration path.

At a bare minimum an Environmental Impact Report should be prepared to study the effects of the project.

IV. Conclusion

For the reasons set forth above the Application should be denied. Or, in the alternative, taken off calendar subject to 1) a showing by Applicant that unpermitted activity at Rocky Oaks has ceased for a period of one year; and 2) the undertaking of a full Environmental Impact Report.

Respectfully Submitted,

Triunfo Lobo Community Association

TRIUNFO-LOBO COMMUNITY ASSOCIATION

March 11, 2024

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Kenneth Hahn Hall of Administration
500 West Temple Street, Room 383
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In fact, some weddings are held at the illegally constructed helipad, for which yet another Notice of Violation was issued in 2011.

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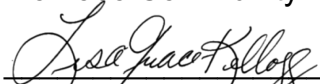
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Respectfully Submitted,

Triunfo Lobo Community Association

By: 
Lisa Grace Kellogg, Board Member



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March 11, 2024

Submitted via email executiveoffice@bos.lacounty.gov

Los Angeles County Board of Supervisors
Kenneth Hahn Hall of Administration
500 West Temple Street, Room 383
Los Angeles, CA 90012

Re: Mitigated Negative Declaration for Rocky Oaks Guest Ranch Project, SCH #2022030492; Project No. R2014-02690-(3), Conditional Use Permit No. RCUP-201400127 and the Environmental Assessment No. RCUP-201400127

Honorable Supervisors:

We submit this letter on behalf of the Las Virgenes Homeowner's Federation in connection with the mitigated negative declaration (MND) prepared for the Rocky Oaks Guest Ranch Project ("Project"). The Federation participates in the administrative proceedings for this project with the goal of preventing the significant environmental impacts that will result if the County permits continued development that is inconsistent with the Santa Monica Mountains North Area Plan (NAP). While the Applicant's attorney has presented what purport to be community letters of support, these letters disagree with the official position of community leadership. The communities that have voted on the project, have voted to oppose it for its unadmitted and unmitigated impacts on Santa Monica Mountains communities and wildlife.

The Rocky Oaks Guest Ranch Project ("Project") is inappropriate for this rural and wild location where Mulholland Highway meets Kanan Road. The Project documents claim it would convert an existing 4,042-square-foot single-family residence into a commercial use – a guest ranch and large event venue. However, as documented by County records and community complaints, the Project site has been operating as an unpermitted event venue and hotel for several years. Notably, County Tax Assessor records report the residence as nearly double that size, at 7,665 square feet.

The venue could hold an unlimited number of smaller events, year-round, although the largest outdoor events of 200 people would be limited to 12 per year. Six interior events of 200 people would be allowed per year, as well as six interior events of 100 people. The Project places no cap on “smaller” events of 45 people, indoor or outdoor, from 8:00 a.m. to 8:00 p.m., year-round. Eight overnight guests and six employees would be permitted. Three hundred fifty cubic yards of grading would be required to add 25,838 square feet of parking lot designed to hold 67 parking spaces.

As the Project sits within one of the County’s mapped Significant Ecological Areas, the Project requires a significant ecological area conditional use permit (“SEA-CUP”). We respectfully ask the Board of Supervisors to deny this permit.

LVHF is deeply concerned that the Project will adversely impact public views and trails, recreation, and biological resources within the Santa Monica Mountains. According to the Los Angeles County Code, a commercial guest ranch with an accessory large event center is not an allowable land use for the site. Additionally, the Project is inconsistent with a number of policies of the County’s Santa Monica Mountains NAP, aimed at preserving the habitat, aesthetic resources, and tranquility of the Santa Monica Mountains. Even if this Project were allowable or permitted for the location, which it is not, the Project’s mitigated negative declaration (“MND”) does not satisfy CEQA. Despite the obvious Project impacts, the MND’s only admission that the Project may have significant impacts is limited to impacts on biological resources. While comments from the California Department of Fish and Wildlife make clear that the MND failed to fully analyze impacts to protected mountain lions, other portions of the MND fail to even consider that the Project may have impacts on other aspects of the environment. Finally, the Applicant’s illegal, pre-permit operation of the Project, should prevent its approval.

I. The Project Site Has a History of Violations.

The Project site has a well-documented history of violations for illegal operation of a helistop and a wedding venue. At least three investigations have been opened. In one egregious example, an investigation was opened for operation of an unpermitted helistop just six months after the previous investigation for illegal operation of a helistop was closed. (See, Case No. 11-0012773 and 12-0016227.)

We ask the Board to keep this history of violations in mind when considering the Project. In the context of an environmental impact report – which has *not* been prepared for the Project – the Court of Appeal has opined:

Because an EIR cannot be meaningfully considered in a vacuum devoid of reality, ***a project proponent's prior environmental record is properly a subject of close consideration in determining the sufficiency of the proponent's promises in an EIR.***

(*Laurel Heights Imp Ass'n v. Regents of the University of California* (1988) 47 Cal. 3d 376, 420.) The Court suggested a balancing test:

In balancing a proponent's prior shortcomings and its promises for future action, a court should consider relevant factors including: the length, number, and severity of prior environmental errors and the harm caused; whether the errors were intentional, negligent, or unavoidable; whether the proponent's environmental record has improved or declined; whether he has attempted in good faith to correct prior problems; and whether the proposed activity will be regulated and monitored by a public entity.

(*Ibid.*) In looking at the Project history, it is clear that the violations are repeated, ongoing, and severe. They were not unavoidable. There is no evidence that the Applicant's environmental record has measurably improved. It is also clear that the County does not have the resources or the time to monitor the property and ensure the size, number, and volume of events. Loud parties and excessive night lighting are not typically the highest priorities of an already overburdened Sheriff's Department. The Board cannot uncritically accept the Applicant's claims of future compliance with complicated conditions of approval.

On the contrary, approving this Project will only incentivize future noncompliance, with potentially drastic environmental consequences, given the visual prominence of the Project site and its critical location within the Santa Monica Mountains and mountain lion habitat. For this reason, Section 22.04.110 of the Los Angeles County Code provides that "[n]o application required pursuant to this title shall be accepted for processing or approved where an existing land use, not previously authorized by any statute or ordinance, is being maintained or operated in violation of any applicable provision of this title, or any condition of approval of a land use permit. Other public commenters have submitted to you recent social media posts documenting unpermitted wedding events at the site. The permit must be denied.

II. The Project is Not Permitted in this Location.

County Code (Section 22.08.070) defines a "guest ranch" as "any property operated as a ranch which offers guest rooms for rent or hire and which has outdoor recreational facilities such as horseback riding, swimming or hiking." This does not appear to describe the Project. The Project claims to propose a "guest ranch with

accessory special events.” But what it really aims to be is an event venue with accessory guest rooms. The Project has it backward. Nothing in the Code permits a few guest rooms with accessory 200-person events in the A-1 zone. The new North Area Plan explicitly calls out Lobo Canyon in prohibiting commercial activity. If anything, the Project seeks to be a boutique hotel which is not permitted in the A-1 zone. In any case, the Applicant’s attempts to shoehorn a commercial project into the A-1 zone must be rejected.

III. An Environmental Impact Report is Required to Comply with CEQA.

The California Environmental Quality Act (CEQA) serves two basic, interrelated functions: ensuring environmental protection and encouraging governmental transparency. (*Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal. 3d 553, 564.) CEQA requires full disclosure of a project’s significant environmental effects so that decision-makers and the public are informed of these consequences before the project is approved, to ensure that government officials are held accountable for these consequences. (*Laurel Heights Improvement Ass’n of San Francisco v. Regents of the University of California* (1988) 47 Cal.3d 376, 392.) When substantial evidence supports a fair argument that a project may have a significant impact on the environment, an environmental impact report is required.

A lead agency prepares an initial study in order to determine whether an EIR, a negative declaration, or an MND is the appropriate environmental review document. (14 CCR § 15365, herein “CEQA Guidelines.”) “All phases of project planning, implementation, and operation must be considered in the initial study.” (CEQA Guidelines § 15063(a)(1).) The initial study must consider whether any aspect of a project, either individually or cumulatively, may cause a significant adverse impact. (CEQA Guidelines § 15063(b)(1).) The purpose of the initial study is to provide the lead agency with adequate information regarding a project to determine the appropriate environmental review document and “documentation of the factual basis for the finding in a negative declaration that a project will not have a significant effect on the environment.” (*Ctr. for Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal. App. 4th 1156, 1170, citations omitted.) There must be a basis within the record to support the conclusions reached by the initial study. (*Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170, 1201.) “Where an agency. . . fails to gather information and undertake an adequate environmental analysis in its initial study, a negative declaration is inappropriate.” (*El Dorado County Taxpayers for Quality Growth v. County of El Dorado* (2004) 122 Cal. App. 4th 1591, 1597, citations omitted.) Failure to adequately analyze all of a project’s potentially significant impacts or provide evidence to support conclusions reached in the initial study is a failure to comply with the law.

When a project may have a significant impact on the environment, it necessitates the preparation and certification of an EIR, not an MND. One of the first steps in the process required by the California Environmental Quality Act (“CEQA”) is to determine whether the project may have a significant effect on the environment. “[S]ince the preparation of an EIR is the key to environmental protection under CEQA, accomplishment of the high objectives of that act requires the preparation of an EIR whenever it can be fairly argued on the basis of substantial evidence that the project may have significant environmental impact.” (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75.) Under the CEQA Guidelines, “‘Substantial evidence’ means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.” (Guidelines § 15384(a), emphasis added; *League for Protection of Oakland's etc. Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896, 905.)

The fair argument standard is a “low threshold” test for requiring the preparation of an EIR. (*No Oil, supra*, 13 Cal.3d 68, 84.) Review is de novo, with a “preference for resolving doubts in favor of environmental review.” (*Architectural Heritage Assn. v. County of Monterey* (2004) 122 Cal.App.4th 1095, 1110; *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602-1603.)

The County has failed to prepare a legally adequate initial study and MND due to its failure to even consider impacts outside of impacts to biological resources. The County has also failed to disclose, analyze, and mitigate aesthetic, and recreational impacts caused by the Project’s noise and nighttime lighting, land use impacts related to the Project’s inconsistency with the County’s governing planning documents, traffic safety impacts caused by the proposed turn lane, and the cumulative impacts of the County’s continued deviation from its planning documents. An EIR is required before the Project may be lawfully approved.

IV. Comments from CDFW and Other Trustee and Responsible Agencies Demonstrate Substantial Evidence of a Fair Argument the Project Will Have Adverse Impacts on Protected Species, Including Mountain Lions.

The Project site lies within a County-designated significant ecological area (SEA) within the Santa Monica Mountains. It is also documented habitat for Central Coast South mountain lions, a candidate species under the California Endangered Species Act (CEQA). According to the California Department of Fish and Wildlife (CDFW), which is both a responsible agency and a trustee agency for purposes of mountain lions, the Project may adversely impact mountain lions by through habitat loss and fragmentation, introducing barriers to mountain lion movement, and introducing a new source of nighttime lighting. In addition, the Project could increase the likelihood of mountain lion injuries or mortalities due to human-wildlife conflicts and vehicle strikes. CDFW finds

these impacts are great enough to require application for an Incidental Take Permit under CESA. A take permit is only required when a Project may “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill” a covered species. Accordingly, CDFW’s comments provide substantial evidence of a fair argument that the Project may have a significant impact on biological resources. An EIR is required before the Project may proceed further. Further, despite the predictable and adverse impacts on mountain lions, the MND apparently fails to disclose, analyze, or mitigate the Project’s potential to provide new barriers to mountain lion dispersal, to fragment habitat, to constrain wildlife corridors, to harm or deter mountain lions through human presence, noise, or lighting, to increase fire risk known to have killed mountain lions in the Woolsey Fire, or to address pesticides and rodenticides, despite known links between these chemicals and increased mountain lion mortality. The CDFW letter further recommends mitigation measures which should be analyzed for efficacy and incorporated into the Project.

The Project also has the potential to adversely affect sensitive plant species known to be found in the area, but that are incorrectly listed as unlikely to occur on the Project site. Species that should be assessed include, but are not limited to, Plummer’s Mariposa Lily, Catalina Mariposa Lily, and Dudleya species, especially *Dudleya cymosa* ssp. *agourensis*, (1B.2), *Dudleya cymosa* ssp. *marcescens*, (1B.2) and *Dudleya cymosa* ssp. *ova-folia* (1B.1), as well as *Ceanothus* and *Manzanita* chaparral biomes. A comprehensive analysis based on the plants found onsite prior to the Woolsey fire should be performed, and mitigation based on that analysis should be incorporated.

V. The Project Will Adversely Affect Aesthetics and Recreational Values, Including at Rocky Oaks Park.

Due to its location atop a 2,000-foot platform atop the Santa Monica Mountains, the Project site is readily visible from all around and from below, including from public parkland and trails in Rocky Oaks Park, from Paramount Ranch, as well as from designated scenic highways such as Kanan Road. The “open space” surrounding the Project site is largely parkland. This includes National Park Service land purchased as a bird sanctuary at the back of Lobo Canyon, Santa Monica Mountains Conservancy Land, and a recorded trail for hiking and biking that extends from the back of Lobo Canyon to Kanan Road, with an intersection at the entrance to Hidden Highlands Road across the street from Malibu Rocky Oaks. Sitting on a significant ridgeline, the Project site can be seen and heard from all of these parks and trails.

Without a doubt, the Project would adversely affect public views from these locations. CEQA requires consideration of impacts to public views. (*Ocean View Estates Homeowners Ass’n, Inc. v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396.) Existing views from the area are dark at night when the Project is not fully lit. This will change for an unlimited number of events, depending on size. The Project would also add nearly

30,000 square feet of flat and paved parking areas. However, instead of being located low on the hill, the parking is located at the top, near the house the Project would convert into a venue and overnight accommodation. In addition to diminishing public views from trails and parkland, the Project would adversely impact the recreational value of these parks and trails. Users of parks in the Santa Monica Mountains seek views of nature, solitude, and tranquility that will not be maintained with the noise and lights generated by events if the Project is approved. The MND fails to adequately address, disclose, or mitigate this impact.

Without support, Project documents conclude, “Due to the low density of development, intervening topography and dense vegetation, nighttime light levels are anticipated to be relatively low in the area and limited to the immediate vicinity of residences with exterior lighting.” It is not a small, typical hillside residence with minimal outdoor lighting. The Project is located atop a hill, visible from all around, from below, and from Rocky Oaks Park. It is also visible from Ladyface Mountain, Malibu Lake and Seminole Springs, Mulholland Highway, the Kanan Road hill by Paramount Ranch, the back of Lobo Canyon, parts of Malibu, and many trails within the area. The Project site is visible for miles when lit at night, and it disturbs enjoyment of dark skies, impairs celestial views, and interferes with solitude and wilderness experience. The Project’s nighttime lighting will affect both human residents and wildlife, with greater impacts during the winter months when the sun sets earlier. While useful from a dark sky perspective, promises to shield lights from above will not prevent light spill at lower elevations. CDFW further found that nighttime lighting could adversely affect fully protected mountain lions that inhabit and travel through the area. An EIR is required to fully analyze and mitigate the Project’s nighttime lighting impacts.

These impacts to trail and park use, to night sky enjoyment, and on wildlife habitat are significant impacts to aesthetic resources and recreation that must either be eliminated or disclosed, analyzed, and fully mitigated in an environmental impact report.

VI. The Project Would Cause Adverse Land Use Impacts.

All projects approved in the County of Los Angeles must be consistent with its general plan and its elements. “The general plan is atop the hierarchy of local government law regulating land use.” (*Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176, 1183.) For this reason, the General Plan has been described “the constitution for future development.” (*DeVita v. Napa* (1995) 9 Cal.4th 763, 773, internal citations omitted.) This commercial Project is inconsistent with several policies of the County’s North Area Plan and cannot be approved as proposed.

Where a local or regional policy of general applicability, such as an ordinance, is adopted in order to avoid or mitigate environmental effects, a conflict with that policy in itself indicates a potentially significant impact on the environment. (*Pocket Protectors v. Sacramento* (2005) 124 Cal.App.4th 903.) Indeed, any inconsistencies between a proposed project and applicable land use plans must be discussed in an EIR. (14 CCR § 15125(d); *City of Long Beach v. Los Angeles Unif. School Dist.* (2009) 176 Cal. App. 4th 889, 918; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal. App. 4th 859, 874 [EIR inadequate when Lead Agency failed to identify relationship of project to relevant local plans].) A Project's inconsistencies with local plans and policies constitute significant impacts under CEQA. (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 783-4, 32 Cal.Rptr.3d 177; see also, *County of El Dorado v. Dept. of Transp.* (2005) 133 Cal.App.4th 1376 [fact that a project may be consistent with a plan, such as an air plan, does not necessarily mean that it does not have significant impacts].)

The Project, as proposed, conflicts with the County's governing land use documents. For example, the North Area Plan is clear that commercial projects such as this are not permissible. The prohibition is explicit with regard to Lobo Canyon, which this Project abuts. This is a significant impact on land use that must either be eliminated or analyzed in an EIR.

Despite these inconsistencies, the MND finds that the Project would have no impact on land use. This conclusion lacks the required substantial evidence. On the contrary, a fair argument exists that the Project would have significant impacts on land use, and an EIR is required.

VII. Other Impacts, Including Noise, Wildfire Risk, Traffic Safety, Hydrology, Tribal Cultural Resources, and Cumulative Impacts are Likely Significant and Require Preparation of an EIR.

The MND's conclusion that noise impacts will not be significant is unsupported, as the noise analysis is based upon the unrealistic premise that the maximum noise level of a special event will consist of 200 people speaking at a normal, conversational level. It does not take into account the actual noise levels of the weddings, galas, and other parties that will be expected by people who pay to rent the site. These events have amplification, DJs, music, bands, and emcees. Even conferences will require announcements. Additionally, noise generated atop a hill will carry further than disclosed. As it is, neighbors hear DJ announcements, toasts, and loud music generated by the site. A more realistic noise analysis is required, and mitigation measures to reduce the Project's actual noise levels must be incorporated.

The MND does not adequately describe or mitigate wildfire risks due to introducing large groups of people into an ultra high fire severity zone and due to the difficulty of evacuation along windy roads with limited alternatives. An EIR is needed to evaluate and mitigate this risk.

An EIR is also needed to address traffic safety. Despite previous comments from local residents who traverse Kanan Road daily describing the existing challenges of the existing roadway configuration, the Project still proposes to rely on a 100-foot-long left turn lane into the driveway for southbound traffic coming from the 101. As described by the Las Virgenes Homeowner's Federation:

The curving approach on Kanan goes through a long tunnel, followed by a hillside cut with the road lower than either side, which blocks the driver's vision of what lies ahead. People who don't know the road often slow down on the turn because they can't see very far in front of them. There is no way for a driver who doesn't know the road to anticipate the driveway turn in time to complete it in a safe manner. If the driver is going at the posted speed limit, 55 miles per hour, he would travel 300 feet after braking to come to a complete stop, but he would still most likely overshoot the driveway turn, or in a worst-case scenario, he would get rear-ended by the driver behind him.

Instead of a turn lane, the comment notes:

A complete stop will be necessary because on the weekends, when most events would be held, the traffic going north on Kanan often backs up all the way to PCH, so it would take the driver some time to cross over the northbound traffic. If it is necessary for drivers to sit in the left turn lane for a while in order to cross over traffic, the 100-foot turn lane would quickly fill up *creating a potentially deadly situation*.

The driveway turn could become especially dangerous for attendees running late and worried about missing the beginning of an event, such as a wedding, or as attendees leave the property late at night, especially after consuming alcohol.

The site has existing water quality and hydrological issues that will likely be exacerbated by the Project. The Project drains across Kanan Road into what becomes Lobo Creek. The headwaters of Malibu Creek occur where Lobo Creek meets Triunfo Creek. Malibu Creek drains into Santa Monica Bay, both of which are listed as impaired water bodies under section 303(d) of the Clean Water Act. The MND and proposed mitigation do not ensure that Project runoff is not contaminated with herbicides and pesticides that will continue to endanger sensitive wildlife species (especially amphibians) and downstream neighbors whose wells are supplied by Lobo Creek.

Recent video demonstrates that, during rain events, stormwater from the Project is creating waterfalls at Kanan Tunnel 2. This condition should be investigated to ensure the integrity of the tunnel and of Kanan Road.

Additionally, since not all required tribal representatives have even been properly notified of the Project, meaningful AB 52 tribal *consultation* has clearly not occurred. The County must complete consultation with the Chumash before proceeding.

An EIR is required to address the cumulative impacts of events due to people, traffic, noise, nighttime lighting, given Staff's acknowledgment of Cielo Farms and Calamigos Ranch, large facilities with restaurants and many, many numerous outdoor events per year, each of which are located one mile to the south of the Project.

Conclusion

We join in the comments of the California Department of Fish and Wildlife, requesting that the County withhold further consideration of the Project until adequate environmental review and mitigation have occurred. The Project will adversely impact rural neighborhoods, public parkland, public trails, and sensitive wildlife species in the Santa Monica Mountains. As currently proposed, the Project cannot satisfy the required CUP finding that it "will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to their use, enjoyment, or valuation of property of other persons located in the vicinity of the site." The Las Virgenes Homeowner's Federation looks forward to the preparation of an EIR that accurately reflects the significant environmental impacts of the Rocky Oaks Guest Ranch Project. Thank you for your consideration of these comments.

Sincerely,



Michelle N. Black, on behalf of
Las Virgenes Homeowner's Federation.

Cc: Hon. Lindsey Horvath, Supervisor, 3rd District, ThirdDistrict@bos.lacounty.gov
Dylan Sittig, 3rd District, dsittig@bos.lacounty.gov
Tyler Montgomery, Department of Regional Planning,
tmontgomery@planning.lacounty.gov

TRIUNFO-LOBO COMMUNITY ASSOCIATION

March 11, 2024

Los Angeles County Board of Supervisors
Kenneth Hahn Hall of Administration
500 West Temple Street, Room 383
Los Angeles, CA 90012

Re: Project No. R2014-02690-(3), Conditional Use Permit No. 201400127-(3), and the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program associated with Environmental Assessment No. 201400127-(3) AGENDA ITEM #6

Dear Supervisors:

We are writing on behalf of the Triunfo Lobo Community Association (“TLC”), which includes the area known as Hidden Highlands. We are a community of approximately 350 residents which is adjacent to the proposed Project # R2014-02690-(3) (Rocky Oaks Vineyard).¹

TLC is a member of the Las Virgenes Homeowners’ Federation, the appellant in this matter. As such, it has standing to offer comments.

First, as a preliminary matter, it has come to our attention that the Applicant and his attorney/lobbyist have misrepresented that there is support from the Triunfo Lobo Community Association. This is an outright falsehood. Mr. Leight attended a TLC Board meeting and asked for support. Asking is not the same as receiving. He was fully aware that the community association had not taken a position to support the project.

It is clear that Mr. Leight and his representative have engaged in unethical tactics to advance their agenda, disregarding the genuine concerns and objections of the local

¹ Page 3 of the Staff Report presented to the Planning Commission incorrectly indicates that North of the proposed project consists of vacant land. In fact, the Triunfo Lobo Community is directly to the northwest of the property and in one corner, adjoins Rocky Oaks. None of the residents received notice of the Public Hearing, despite having been affected by noise and lights from the illegal operations for years.

community. By misrepresenting community support, they have sought to create a false impression of consensus where none exists.²

For the reasons set forth below, the application should be summarily denied as the proposed uses do not conform with the relevant County Code. In the alternative, the Project should, at a minimum, be subject to a full Environmental Impact Report given the significant environmental impacts—which have been fully acknowledged by both Applicant and Department of Regional Planning.

I. Preliminary Issues

The Applicant seeks approval for a guest ranch and special event facility for meetings, weddings and other events. But, the fact is that it has been operating as such for years without a permit.

It is patently absurd for the Applicant to claim otherwise when, at the time its application was pending, the website offered packages to the general public starting at a mere \$10,000, for overnight “residency.” The link was located at <https://www.maliburockyoaks.com/residency/> and was only taken down in the last few days.

In short, the Applicant acknowledges (and continues to flaunt very publicly) that it is already operating hosting overnight guests and holding commercial events without the benefit of any permits.

Notices of Violation issued against the property are listed on Page 6 of the March 17, 2022, supplemental staff report. These include two for illegally operating a wedding venue. While enforcement closed the most recent case on 2/24/20 due to purported cessation of the illegal activity, the fact is that the activity has continued even as late as this year. YouTube and social media are laden with videos of happy couples holding lavish weddings on the property. The latest is here: <https://www.youtube.com/watch?v=tAR0mWB1qeI>

In fact, some weddings are held at the illegally constructed helipad, for which yet another Notice of Violation was issued in 2011.

² After belly aching about the Appellant attaching a copy of TLC’s comment letter to the Planning Commission, Appellant submitted three “support” letters from individual residents of Triunfo Lobo Canyon. One, Denise Donlon, operates a faux “castle” which serves as an illegal wedding venue in a residential neighborhood and has been issued a notice of violation by the County. The second is the son of one of LA’s largest developers. The third appears to a USC student that no one in the community has ever heard of. This is hardly a cross-section of the Triunfo Lobo community. Howard Leight knows full well that the TLC Board is the official voice of the community, particularly as he went to the trouble of attending a Board meeting to seek support. It is disingenuous that when the Board declined to support his project, he resorted to submitting letters from cronies and scofflaws, trying to pass them off as voices of the community.



In short, Applicant has been operating a large, full-scale hotel and wedding facility for over a decade, in some cases shuttling guests in via an illegal helicopter landing. The County's Notices of Violation have been ignored.

Applicant has a long history of showing utter disregard for zoning laws, its neighbors and the environment. It should not be rewarded for bad behavior.

And in fact, Section 22.04.110 specifically provides that “[n]o application required pursuant to this title shall be accepted for processing or approved where an existing land use, not previously authorized by any statute or ordinance, is being maintained or operated in violation of any applicable provision of this title, or any condition of approval of a land use permit.

At a minimum, we would request the matter be stayed until such time as the Applicant can demonstrate he is not actively engaged in illegal activity.³

II. The Application should be denied in its entirety as the proposed uses are not permitted pursuant to Title 22 of the County Code

As the application in this matter was deemed complete in 2017, it is being analyzed according to the version of Title 22 in effect prior to June 2021. All references herein are to that version.

³ A number of Triunfo-Lobo Canyon residents are actively attempting to rebuild structures which burned during the Wooley Fire. The County has taken the position that permits will not be issued so long as there are any unpermitted structures on the subject property. It is baffling why this standard would apply to residents who are victims of a wildfire, yet the same standard is seemingly not to be applied to a millionaire who seeks to expand a single-family home into a commercial venture.

In recommending approval, the County has seemingly become confused by what uses its own regulations allow.

The project seeks a CUP for operation of a “guest ranch with accessory special events.”

There is no such designation anywhere in the Code.

Guest Ranch

The trend among applicants for CUPs in the Santa Monica Mountains seems to be obtaining a list of activities potentially allowed in A-1 and throwing a dart to determine the use for which they apply.

However, there must be a reasonable relationship between the activities contemplated and the type of permit obtained.

Section 22.08.070 defines a "guest ranch" as “any property operated as a ranch which offers guest rooms for rent or hire and which has outdoor recreational facilities such as horseback riding, swimming or hiking.”

Merriam Webster dictionary defines a ranch as “a large farm, especially in the western US and Canada, where cattle or other animals are bred and raised.”

Needless to say, there are no cattle or animals being bred and raised at Rocky Oaks Vineyard. If the Applicant’s premises is not a “ranch,” common sense dictates it is also not a “guest ranch.”

In reality, in seeking a permit for overnight stays for eight guests, what they really desire is a permit to operate a hotel, which is defined by 22/08.070 as “any building containing six or more guest rooms or suites of guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied on a temporary basis by guests.”

The problem is that hotels, however, are banned from operation on properties zoned A-1.

Simply put, the pending Application is defective on its face and should be denied.

Accessory Use (Special Events)

As shown above, the primary use for the property must fail. As such, the proposed “accessory use” must also fail.

However, the fact is that even if the primary use were appropriate, the accessory use would nonetheless fail on its own.

Nowhere in the Code is there any provision for holding special events such as weddings or other commercial events in A-1. In fact, it is not even a permitted use enumerated in R-R zoning. Event facilities, such as Triunfo Creek Vineyards, were only able to hold weddings after a department memo was issued by former director Bruckner opining that a “dance pavilion permit” contemplated this type of activity. The Board of Supervisors later put a moratorium on the issuance of new dance pavilion permits and permanently banned them in the updated NAP.

The County, as well as then-Supervisor Kuehl’s office steadfastly maintained that there was to be no reading into the Code to allow commercial activity in A-1 residential areas.⁴

Moreover, special events could never be reasonably allowed as an “accessory use” to a Guest Ranch.

“Accessory” is defined as contributing as an adjunct or in a minor way; subsidiary; auxiliary; supplementary. Such activities as are customarily associated with, and are appropriate, incidental, and subordinate to, such principal activity. ” (Oxford English Dict. Online (2019)

A wedding is not incidental to an overnight stay. It is not a foregone conclusion that one who books a room at the Holiday Inn is going to throw a wedding in the lobby.

As such, even if the Guest Ranch portion of the application were appropriate for the type of activities being contemplated, the “accessory use” is disallowed.

- III. Even if the proposed uses were appropriate, a project of this magnitude should not be approved without review following a full Environmental Impact Report

As noted above, the proposed uses are simply not provided for by the County Code. The conversation should end here.

Nonetheless, assuming arguendo that the application was not inherently defective, it is unconscionable to approve a project which proposes expansion of a single-family home into a guest ranch and special event facility hosting hundreds of people in a high fire hazard zone and significant ecological area without the benefit of a full EIR.

To its credit, the Planning Commission at its March 2023 meeting sent the project back with instructions to study and report back as to the following:

- a. The effect of Project lighting on wildlife, including birds.

⁴ The new North Area Plan also disallows special events in properties zoned A-1. In fact, it even mentions Lobo Canyon, which adjoins the Applicant’s property, by name in prohibiting commercial activity in A-1.

- b. The effect of noise from special events and guest ranch activities on wildlife and neighbors, with a specific emphasis on how far such noise carries from the specific Project location.
- c. The likelihood of mountain lions on the Project Site and the Project's potential impacts on them.

The SEATAC analysis offered in response seemingly fails to recognize the location of the Applicant's property. For example, while a condition of approval is lighting being shielded and directed downward, the property itself sits higher than all neighboring properties. As such, all lighting for special events will necessarily illuminate communities below it. So, while lighting may be limited to only a portion of the Applicant's property, it may nonetheless illuminate a large portion of the properties below it disturbing wildlife, as well as residents. To this end, a study of the migrating and breeding of wildlife would need to be extended to other properties.

The Wallis Annenberg Wildlife Corridor

Additionally, the report is entirely devoid of any recognition that the subject property is a mere 1,800 yards from the Wallis Annenberg wildlife corridor bridge currently under construction.



The bridge's purpose is to promote the safe migration of mountain lions and wildlife. The average male mountain lion in the Santa Monica Mountains has a migration range of 200 mi.² while a female has one of 75 square miles. It is inconceivable such a project would not have a significant negative impact on the noble intent of this project. However, without the benefit of an EIR, there is not the opportunity for backers of this project, which include the Annenberg Foundation, Caltrans, the National Park Service, the Santa Monica

Mountains Conservancy, Mountains Recreation and Conservation Authority, Resource Conservation District of the Santa Monica Mountains, and the National Wildlife Federation, to offer any input.

In addition to environmental concerns, safety should be the Commission's primary focus when analyzing the suitability of a project. Seemingly the Commission recognized this based on the discussion in the March 2022 hearing. Before approving a project of this nature, requiring an Environmental Impact Report which thoroughly analyzes the effects of the project is the prudent decision.

"In...cases where there is a disagreement or it is not certain the extent to which a project may have a significant effect on the environment, the lead agency "shall treat the effect as significant and shall prepare an environmental impact report." Cal. Code Regs., tit. 14, § 15064, subd (g)

The State of California is spending \$900 million of taxpayers money constructing a wildlife bridge. The Applicant proposes a special event facility hosting 200 partying guests 1,800 yards from the migration path.

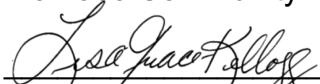
At a bare minimum an Environmental Impact Report should be prepared to study the effects of the project.

IV. Conclusion

For the reasons set forth above the Application should be denied. Or, in the alternative, taken off calendar subject to 1) a showing by Applicant that unpermitted activity at Rocky Oaks has ceased for a period of one year; and 2) the undertaking of a full Environmental Impact Report.

Respectfully Submitted,

Triunfo Lobo Community Association

By: 
Lisa Grace Kellogg, Board Member