



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

Correspondence Received

MEMBERS OF THE BOARD

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

			The following individuals submitted comments on agenda item:	
Agenda #	Relate To	Position	Name	Comments
10.		Favor	Illece Buckley Weber	In favor of the Appeal and against the proposed Project No. R2014-02690-(3)
			Neill E Brower	Letter from Applicant/Representative
			Roger Pugliese	We are in favor of the Appeal and attached the Appeal Documents explaining why. This project requires a Full and complete EIR as stated
		Item Total	3	
Grand Total			3	

NON-APPLICANT

Date 8/31/2023

Public Hearing/Zoning Section
Los Angeles County Board of Supervisors
Room 383, Kenneth Hahn
Hall of Administration
500 West Temple Street
Los Angeles, California 90012

PROJECT

NO.: R 2014- 02690- (3)

APPLICANT: Las Virgenes Homeowners Federation, Inc.

LOCATION: 340 Kanan Rd. Malibu 90265

APN 2058-017-025

Plan # RCUP 201400127

RPPL 2017009197
Related zoning matters:

**Zoned
District:**

USGS Quad
Pt. Dume

CUP(s) or VARIANCE No.

Change of Zone Case No.

Subdivision Project: YES ☐ NO ☒

This is an appeal on the decision of the Regional Planning Commission in the subject case. This form is to be presented in person with a check or money order made payable to the "Board of Supervisors" (check or money order must be presented with personal identification), during regular business hours of 8:00 a.m. to 5:00 p.m. prior to the appeal deadline at the above address. (Appeal fees subject to change). Contact the Zoning Section of the Board of Supervisors for information: (213) 974-1426.

This is to appeal: (Check one)

☐ The Denial of this request: \$1,104*

☒ The Approval of this request: \$1,104*

*Except for Subdivision appeals: \$130.00 of this appeal amount is allocated to the Board of Supervisors' Hearing

Briefly, explain the reason for the appeal (attach additional information if necessary):

see submitted letters to RPC from: LVHF (dated 8/21/23)
and Triunfo-Lobo Community Assoc. (dated 8/22/23)
TLC - defective application; proposed uses not permitted
pursuant to Title 22 (prior to 6/2021) not provided
for by Co. Code; no designation for guest ranch
c/accessory spec. events; impacts to new wildlife
corridor, etc.

LVHF - Full EIR essential; as proposed,
inconsistent w/ orig. NAP/CSD; misrepre-
sentations in application

~~Kim Lamorie~~ Kim Lamorie, Pres. LVHF
~~Joan Slimacosky~~ Joan Slimacosky, Treas.
(Signed) Appellant LVHF

Las Virgenes Homeowners Fed, Inc.
Print Name

5 P.O. Box 353
Street Address

Agoura Hills, CA 91301
City/Zip

(818) 231-1520 / (818) 274-1638
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TRIUNFO-LOBO COMMUNITY ASSOCIATION

Los Angeles County Planning Commission Department of Regional Planning

320 West Temple Street Los Angeles, CA 90012

Re: Project No. R2014-02690-(3) Agenda Item# 7 (23-518) Dear Commissioners:

We are writing on behalf of the Triunfo Lobo Community Association, 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

For the reasons set forth below, the application should be summarily denied as the proposed uses do not conform with the relevant County Code.

Additionally, even if the application were not defective on its face, given the significant community and environmental effects of the project, it should be reviewed only after a full environmental impact report (EIR) has been undertaken.

I. Preliminary Issues

The August 10, 2023, report to the Regional Planning Commission contains factual errors and significant omissions, which are crucial to the decision-making process.

First, the premises itself is erroneously described as a 4,042 square foot single-family residence.

¹ Page 3 of the Staff Report 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.

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In fact, the subject property is nearly double that. The County Tax Assessor records show that it is 7,665 square feet. (Attachment 1) ²

Second, to describe the property as a single-family home is a mischaracterization. While millionaire Howard Leight may live in the property part time, it is, in fact, currently operating as an unpermitted event venue and hotel. While it seeks a CUP for a guest ranch and special event facility for meetings,

weddings and other events, the reality is that it has been operating as such for years without a permit.

For example, its website offers packages to the general public starting at a mere \$10,000, for overnight “residency.” <https://www.maliburockyoaks.com/residency/>

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 last month. 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=tAROmWB1qel>

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

² Interestingly, Rocky Oaks is now on the market for \$49,500,000 and being advertised by its own realtor as being over 9,000 square feet, suggesting that some unpermitted square footage has been added to the property.
<https://malibumark.com/properties/rocky-oaks>.

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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. And while conjecture, it is likely that the sole purpose of this application is to increase the potential value of the property to a commercial buyer by legitimizing activity already occurring. And as the permit attaches to the land, this leaves vast room for further abuse.

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 taken off calendar 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.

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.

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.

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

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 “

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

Accessory Use (Special Events)

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."

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.

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

⁴The 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.

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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. That should end the discussion.

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:

1. The effect of Project lighting on wildlife, including birds.
2. 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

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as residents. To this end, a study of the migrating and breeding of wildlife would need to be extended to other properties.

Additionally, the report is entirely devoid of any recognition that the subject property is a mere 5.16 miles south, south-west 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,

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.

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...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

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effect as significant and shall prepare an environmental impact report." Cal. Code Regs., tit. 14, § 15064, subd (g)

With respect to other significant environment concerns, we concur and adopt the points raised by the Las Virgenes Homeowners Federation.

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

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August 21, 2023

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

Agenda Item #7. DENY Project No. R2014-02690-(3) a. Conditional Use Permit No. RCUP-201400127

b. Environmental Assessment No. RCUP-201400127
Request to convert an existing single-family residence into a guest ranch

with accessory special events

Honorable Regional Planning Commissioners:

On behalf of the Las Virgenes Homeowners Federation, Inc., and our Santa Monica Mountains rural villages and thousands of stakeholders, we respectfully ask the Commission to deny this Project and CUP as reflected above and reject the MND as the environmental assessment remains deficient. We maintain that an EIR is an essential requirement [among others] to a pathway for approval for this Project.

This Project proposal is inconsistent with the original NAP/CSD as it is proposed.

Facts – Rationale

Support and Concur with Triunfo Lobo Community Association

We support and concur with the Triunfo Lobo Community Association's letter of opposition, particularly as far as the appropriateness of the proposed use.

Background

To make an accurate decision, and to understand the significant impacts this Project will have on the environment, rural neighborhoods, the public's parkland, public trails, public resources, and the wildlife that call it home, it is essential to understand where the Project is actually sited, the fact that it is on the market for sale, and the background of violations.

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• It's For Sale.

Here is a link to an August 16, 2023, CNBC report of the real estate listing:

"Look inside the \$44.5 million Tuscan-style mega villa perched 2,000 feet above

Malibu. <https://www.nbcsandiego.com/news/business/money-report/look-inside-the-44-5-million-tuscan-style-mega-villa-perched-2000-feet-above-malibu/3285844/>

"If you have a God complex, this is the house for you," listing agent Shawn Ellio of Nest Seekers International told CNBC on a recent tour of the property.

This is a picture of the site.

So, to be clear, the elements the owner and applicant are requesting here will just become part of the enhanced selling price. Maybe now it will sell? It doesn't appear the current owner will be operating it, nor will he be responsible for implementing the CUP – including none of the conditions that will be imposed.

- **Who is the target market?**

This has no discernible benefit for the public or for public access. Quite the opposite. It is a private, elite business with an elite clientele and yet the impacts are all to the public's resources, the mountain environment, and to the rural communities. It capitalizes to a great degree on the public's investment of open space and parkland as part of its draw and seeking.

As excerpted: "The property is currently made available for rent by the night and for events. Ellio told CNBC the going rate for an overnight stay during the high season is \$15,000, or \$105,000 per week, [but the estate is also marketed on Airbnb](#) where depending on dates, the rates can drop below \$2,500 a night. "

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- **Violations. How to Enforce?**

There is already a history of violations on this property site – and a continual stream of complaints from residents about late night noise, parties, helicopters, and more. Permitting up to 12 exterior events of 200, 12 interior events of 100-200, and 12 events of 100 or less and unlimited indoor meetings of 45 people or less is akin to adding fuel to the fire with no chance of firefighters coming to the rescue.

What assurances do we have that any rules will be followed? Who is going to enforce this kind of activity? It is folly to think County enforcement, or the Sheriff is going to be able to assess the legality of an outdoor or indoor event. How will the County ensure numbers of partygoers don't go over 200 or 100 on this private facility that does weekend business primarily? Who is going to monitor the noise and lighting? People who are paying a lot of money to rent an exclusive facility like this particularly for weddings, etc., will not want to abide by restrictions. They will not be having low impact conversations outside - that is absurd (what the noise analysis studied), they will be having loud parties and celebrations.

CASE NO.	VIOLATION	CLOSED/OPEN
11-0012773	Operation of a helistop without a CUP	Opened 5/24/2011; Closed 1/11/2012 after monitoring period revealed no further activity.
12-0016227	Operation of a wedding venue and a helistop without a CUP	Opened 7/3/2012; Closed 4/18/2016 after monitoring period revealed no further activity.
RPCE2018004153	Operation of a wedding venue and helistop without a CUP	Opened 7/31/2018; Closed 2/24/2020 after monitoring period revealed no further activity.

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Unmitigable Impacts - Project Requires EIR

Based on its size, its elevation, location, and request to add special events as an accessory use, permitting under the old NAP/CSD, and history, there is no way impacts can be mitigated to less than significant. An EIR is required. This single-family home conversion to a guest ranch with a special event business has the potential to significantly damage the environment and thus CEQA requires an EIR. No mitigation measures applied to this Project can reduce the significant effects to a less than significant level or avoid them altogether.

• Old Vs. New NAP/CSD Impacts

Fact is the old and outdated NAP/CSD is not as resource protective, not as community protective, and not as wildlife protective, as the new updated NAP/CSD.

As an example, in the new updated NAP/CSD new vineyards are prohibited because of the impacts to the environment and to the public's resources. Homes and businesses are prohibited from building on ridgelines like this supposed 9000+ square foot single family home asking now to be converted to a business high above in the mountains. Lengthy driveways meandering up mountainsides like this of approximately 1900 feet -- are also prohibited -- development site access is limited to a maximum of 300 feet. Noise, lighting, and number of special events are also limited and tightly controlled. There are even restrictions on parking cars now in directions away from wildlife habitat to minimize light impacts as well.

• Negative Viewshed Impacts -- Recreational Users

There will be negative viewshed impacts virtually in a 360-degree circle as you can see from the photos. Three new elevated parking areas, more cars, and nighttime lighting for all aspects of the business -- a beacon visible to all -- from the County's designated scenic routes, parkland, and communities. **It is a magnifier of light and sound.**

There were no corrections made to the record on the vast parkland and numerous hiking, biking, and riding trails in the surrounding mountains. Because this property sits on a significant ridgeline, it can be seen from almost everywhere one can recreate in this section of the mountains. It disturbs the recreationalists' appreciation of the outdoors and gives lie to Kanan being a scenic road.

• Cumulative Impacts

Cumulative impacts are significant and must be studied in the EIR. This is not the only business operating special event facilities in this protected wildland, wildlife habitat, and in the midst of rural community neighborhoods. Converting traffic impacts for example from a single-family home to a business accommodating potentially thousands of cars/people per year doing business on virtually every weekend is no simple request or matter.

Cumulative sound, light, traffic, impaired drivers, and new wildfire risks all endanger the mountain communities and primarily nocturnal wildlife struggling to thrive.

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The staff analysis under *Land Use Compatibility* seems to inadvertently confirm this need, "Nearby recreational uses include Cielo Farms and Calamigos Ranch, large facilities hosting restaurants and numerous outdoor events per year, each of which are located approximately one mile to the south." Exactly. This is precisely what the problem is, and the cumulative impacts have NOT been analyzed.

Furthermore, in the new updated NAP/CSD locations of special event facilities are required to be spaced apart. The point being – because the Project is being considered under old and outdated regulations, proper and comprehensive environmental EIR review is even more critical.

• Incomplete and Incorrect Analysis – Assumptions

So very many environmental questions were raised at the previous hearing, but the owner was only asked to respond to four issues, lighting, noise, mountain lions, and rodents, and at that, inadequately. SEATAC was requested to do further analysis. Their analysis is unusable because they intentionally did not respond to the seeking as it exists. They continued to repeat the fallacy in the original application that there is only open land, mostly parkland, to the west and northwest. There is a community of what were sixteen homes before the Woolsey fire that can hear and see much of what takes place at Rocky Oaks Vineyard. This misconception was repeated in the analyses of the lighting and noise effects resulting in consideration of effects on wildlife, not on the closest neighbors.

Also, the same issue arises in the staff analysis, this assumption: "The use is also substantially compatible with single-family residences, open space, and recreational

uses in the immediate area.” No. This is a change in use! Where is the evidence substantiating this – especially that this is *substantially* compatible with single family residences? What factors were considered in making this assumption? This single-family home conversion to a commercial business -- a guest ranch and a new special event venue are not compatible with single family neighborhoods which is why *this* problem is addressed in the new regulations in the updated NAP/CSD.

- **Aesthetic/Light Impacts**

In the *Project Setting* for example it erroneously states that, “The nearest relatively high-density development (Seminole Hot Springs) is limited to less than 200 homes and located approximately 1.0 miles to the east-northeast. Seminole Hot Springs is not anticipated to substantially affect nighttime light levels in the immediate vicinity of the property.” This statement doesn’t even make sense, and if they mean that the new influx of nighttime parties on this 2000-foot-high perch in the Santa Monica Mountains will not impact this community, again, where is the actual proof, or the study evidencing this? Another questionable assumption by the developer’s consultant?

Further they falsely claim, “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. High light levels associated

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with suburban or urban areas (including street lighting, extensive security lighting) are not present. Exterior lighting at the property is less than most residences in the area, and projects very little beyond developed and/or fenced areas into wildlife habitat.” Again, what facts substantiate these claims?

Anticipated and other assumptive statements are made here without the benefit of study or proof. And a dose of reality – single family residences in the area are not perched 2000 feet on top of a significant ridgeline lighting for commercial ventures – weddings and other special events. Neither are they trying to permit for parking for 67 cars and three new parking areas visible up a mountainside. Further, there is no allowance made for outdoor event impacts on nocturnal wildlife and communities in the winter, when it gets darker much earlier and wildlife is active much earlier – thus light impacts are greater.

This new lighting analysis mainly resulted in recommendations to shield the lights from above. The problem with this having almost no effect, other than helping our Dark Skies initiative, is that this property is on a significant ridgeline, above everyone else, where it can be seen from miles around at night interfering with the aesthetic appreciation of a wildlands experience in addition to the failure of consideration of the wildlife. Shielding from above doesn’t stop anyone from seeing all of the lighting. The local

parks, especially Paramount Ranch have night programs for children. They tell ghost stories for Halloween, have star-gazing nights to learn about the celestial bodies, and do birdwatching to learn about owls. Other local facilities have campouts for children to experience the outdoors at night. Bright lights set high up on a mountain top interferes with these activities.

This picture demonstrates that clearly there will be significant lighting and noise impacts due to a commercial conversion. And add 200 plus party revelers etc., and three parking areas.

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- **Noise Impacts**

Noise impacts cannot be mitigated as the Project is currently proposed. As you can see by the location, every surrounding community and sensitive wildlife living/traversing within will be impacted.

The sound analysis is absurd. The maximum noise consideration is 200 people talking in a conversational tone. This is not what happens at any wedding venue we have ever been to nor what local residents have heard coming from Rocky Oaks Vineyard. There is usually amplification, an officiant performs the wedding, a DJ talks, music plays loudly, and people talk even more loudly to hear each other over the sound of the music. The sound analysis must be redone to take into account that there are neighbors who can hear all of this and to reflect the reality of the noise level of these celebratory weddings. At the level of previous events at Rocky Oaks, the neighbors could hear all of these activities, and the noise was significant enough to affect their rural indoor/outdoor lifestyle. It prevents the neighbors from enjoying their properties and impacts their quality of life.

The noise impact study that needs to be redone was prepared by a noise control engineer hired by the applicant. It was apparently reviewed by the Department of Public Health. But exactly how and what does that mean? Reviewed how? Did the County's sound experts or sound consultants [that were utilized for setting noise standards in the update NAP/CSD] go out to the site at various times, etc.?

- **Incomplete Biological Resources Analysis – Protected Plants – Mountain Lions -- Fragmented Habitat**

To just say that it is unlikely for mountain lions to occur on the property because none of the plants present are what deer like to eat is inaccurate. Mountain lions don't follow rules. They go wherever they want as we know from all the people who post pictures of mountain lions in their driveways in the subdivisions north of the freeway. It's much more likely that they would be somewhere on the thirty-eight acres of Rocky Oaks Vineyard than in a subdivision. Mountain lions usually go where there are deer,

their primary food source. There are live oaks growing on the property, also mountain mahogany, and hollyleaf cherry, all of which provide high quality foraging for the deer. Deer enjoy browsing on grasses and clovers, which are also present, to say nothing of the grapevines and grapes. Consequently, there is no logical reason why mountain lions would not follow deer onto the property.

We need to study what additional impacts the wildlife will be subject to with this conversion and how and if the Project further fragments mountain lion connectivity corridors with the added density of people, lights, and noise.

The treatment of plant species in the original biological restraints analysis is very limited. There are several commonly present plants missing from the list. Ceanothus of at least three different species line Kanan Road, but not one species was mentioned in the report. California prickly phlox was present on the property before the 2018 fire but was not listed. Manzanitas cover a rocky hillside a short distance from Rocky Oaks, but not one was listed either as “observed” or

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“potential for occurrence.” The same is true for scarlet larkspur. Plummer’s mariposa lily (4.2) are present on the property and should be protected from any clearance activities. Catalina mariposa lily (4.2) was not listed as being present but are more common in the area than the Plummer’s. Federally and state protected Dudleyas, especially *Dudleya cymosa* ssp. *agouensis*, (1B.2), *Dudleya cymosa* ssp. *marcescens*, (1B.2) and *Dudleya cymosa* ssp. *ova-folia*, (1B.1), are very common in surrounding areas, but none were identified on the property. It was just stated that they might be found in the rocky areas. It is critically important that these dudleyas be identified, so they can be protected. Besides developmental threats to their existence, dudleyas are being removed and poached by criminals who then resell them on the internal market. If this property is opened to the paying public, there is always the chance that there will be a bad actor among the guests. The original biological analysis was done a year and a half after the Woolsey fire. This was most likely too short a time period for all of the plants to have resprouted fully enough to be visible or identifiable. A new biological assessment must be done to properly identify the plant species present and correct the many omissions in this report.

• Hydrology and Water Quality

At the last hearing, we requested that Rocky Oaks Vineyard be restricted from using herbicides and pesticides. Once again, the neighbors were overlooked. The run-off from Rocky Oaks Vineyard runs across Kanan Road into the drainage which becomes Lobo Creek. Several neighbors there are dependent on well water supplied by Lobo Creek. It would be toxic for them to drink water that has been polluted by the use of herbicides and pesticides. It would also be toxic to the animals dependent on the creek water especially amphibian species which are threatened world-wide. Lobo Creek at its

confluence with Triunfo Creek becomes the headwaters for Malibu Creek, an important water source for the Santa Monica Bay.

- **Wildfire Impacts**

Evacuation in the presence of a wildfire is mentioned in the latest response from the owner as being a solvable problem. As we all saw in the news reports from Maui, easier said than done. In Maui, the people had a single road to travel on for evacuation, and they were only able to go one way because the road was closed off in the other direction due to the presence of the fire. This picture would essentially be the same if a wildfire would occur in the mountains. The other thing that would be the same is that you'd have chaos -- the residents, some pulling horse trailers, and the tourists all trying to escape on the same roadway. Kanan Road is the only viable evacuation route from this site. Mulholland Highway going south and east parallels Kanan for several miles only takes longer to traverse because it is a winding roadway. Mulholland going west again winds through rural inaccessible land that would provide fire fuel without the ability of the Fire Department to even access it because there are no secondary roads. Kanan Road northbound would be going into the wildfire and one would only be able to traverse it if the fire hadn't yet made its way anywhere near the freeway and the road hadn't been closed. If that is the case, the road would be shared with locals who would also be trying to evacuate resulting in traffic backups putting people's lives at risk. If Kanan Road has been closed at the freeway, taking the southbound route would then be the only viable escape avenue for both residents

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and guests possibly leading to a backup at PCH where people could be stuck in their vehicles when the fire burns over them. In 1978, the fire burned from the freeway, to not just the coast but all the way west to Broad Beach, in two hours and twenty minutes. There is not much time to make a decision on which way to go and certainly no time for a do-over.

- **Traffic – New Left Turn Lane Impacts**

The plan for a 100-foot-long left turn lane into the Rocky Oaks driveway for southbound traffic is still being proposed as a secure solution for guests coming from the 101 freeway. It sounds like something dreamed up in an office far from the proposed venue. 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. A complete stop will be necessary because on the weekends, when most events would be

held, the traffic going north on Kanan osen backs up all the way to PCH, so it would take the driver some @me to cross over the northbound traffic. If it is necessary for drivers to sit in the les turn lane for a while in order to cross over traffic, the 100-foot turn lane would quickly fill up crea@ng a poten@ally deadly situa@on.

This issue was raised in our previous le`er and was for some reason s@ll not addressed or reevaluated despite the fact that it puts people's lives directly at risk. The traffic analysis is insufficient. There are @mes it takes residents of Triunfo Lobo, wan@ng to head north, seven to eight minutes to make their les turn onto Kanan. Cukng across traffic is a difficult endeavor especially in the summer.

• Tribal Cultural Resources

STILL the appropriate Na@ve American tribe has not been no@fied. The Chumash Tribe should have been contacted and given the considera@on of weighing in on the poten@al for cultural resources being present on the property. The Gabrielino-Tongva Tribe was not the tribe that occupied this area of the mountains. The planner said that the Gabrielino-Tongva occupied Topanga as the reason for his contac@ng them. They may have occupied part of Topanga, but many references say that Topanga is a Chumash word. The Chumash people were/are a part of this community. We would appreciate DRP taking care of this.

• Cultural Resources

Ballard Mountain is a unique historical resource, honoring an African-American family that homesteaded the area in the late nineteenth century. John Ballard, the patriarch of the family was an early City of Los Angeles pioneer and one of the founders of the 1st AME Church. The homestead of Alice Ballard, John's daughter, which is nearby, will soon be opened to the public by Tree People. The opera@on of an event venue within sight and hearing of these important sites is an@the@cal to the apprecia@on of the history of our pioneers who fought much to hold their posi@on in a white dominant society, so their descendants could thrive.

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In summary, there are many more ques@onable *conclusions* that have been made by the developer's consultants that are not based on fact or evidence – but arguably made to support the Project's approval.

Conver@ng a single-family use to a commercial use is a big deal – and as you can tell from the actual photos this is no shrinking violet proposal. It is not hidden in a canyon or located at ground level. It is loud and obvious – and so are the impacts which is why the County is compelled to do its due diligence and require an EIR and instead of making an argument for the project based on flawed ra@onale and assump@ons by the developer's consultants, etc., do our own studies, and do it right. Conclusions based on facts.

As proposed, it is inconsistent with the original NAP/CSD. The guiding principal has always been since the North Area's inception and its focus on preservation as our then Supervisor Zev Yaroslavsky said, "let the land dictate the use", not vice versa. The NAP will protect mountain resources against pollution and what Yaroslavsky called "ill-conceived development" inside a national park.

This mountaintop was developed as a single family – albeit large mega mansion. It was not approved as a commercial venture but here it is now with all of its larger-than-life attributes which for the most part would no longer be allowed -- like its significant ridgeline location and 1900-foot mountain climbing access driveway – never mind the number of events or denuding the natural, native chaparral hillsides with vineyards. More reasons to require an EIR.

The National Recreation Area is a very special place – our 10 million plus County residents and California taxpayers have paid for the open space and parkland and the ability to escape the urban jungle and enjoy the peace and tranquility of the Santa Monica Mountains. This has potential domino effect repercussions. This is a profit driven business first and foremost that is not vested in saving parkland but in utilizing it for advantage, that will serve a few and yet wreak impacts on our communities, on the public's resources, on visitors' ability to recreate and enjoy the quiet and dark, and wildlife trying to thrive.

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We respectfully ask you to deny Project No. R2014-02690-(3), Conditional Use Permit No. RCUP- 201400127 and the Environmental Assessment No. RCUP-201400127.

For the reasons outlined here and others, we disagree with, "although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent." **This has not been proven.** The applicant's studies are flawed, conditions imposed on lighting and noise, traffic, etc., do not mitigate the environmental impacts to our viewsheds, biological resources, communities, to the public's resources nor to our wildland and wildlife resources.

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

*Note: *Our original comment letter submitted at the previous hearing follows on next page.*

11

October 26, 2024
Los Angeles County Board of Supervisors
320 West Temple Street Los Angeles, CA 90012
Re: Agenda Item #10 - SUPPORT THE APPEAL

Dear Honorable Supervisors:

I am a 30+ year resident of the City of Agoura Hills, which is the gateway to the Santa Monica Mountains. I reside in the Fountainwood development which has been/is a member of the Las Virgenes Homeowners Federation. I respectfully ask the Board of Supervisors to grant the appeal, denying this Project and CUP, and reject the deficient MND as the environmental assessment.

I support, concur, and incorporate by reference the comments of the Triunfo Lobo Community Association particularly as to the appropriateness of the proposed use. Further, I support, concur, and incorporate by reference the August 21, 2023, comments of the Las Virgenes Homeowners Federation Inc. of the Santa Monica Mountains ("Federation".) Due to the significant community and environmental effects of a single family resident being entitled to become a "Guest Ranch", this project must be reviewed only after a full environmental impact report ("EIR") has been undertaken. A full EIR will seek the input from 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, agencies and organizations that provide valuable and necessary input to conserve and protect the Santa Monica Mountains.

The Federation's opposition letter of August 21, 2023, sets forth in detail the reasons the MND is deficient and the need for a full EIR to analyze, including but not limited to, the following:

- Viewshed Impacts
- Cumulative Impacts
- Aesthetics/Lighting Impacts
- Noise Impacts
- Biological Resources Analysis - Protected Plants- Mountain Lions/Fragmented Habitat
- Hydrology and Water Quality
- Wildfire Impacts
- Traffic - New Left Turn Lane Impacts
- Tribal Cultural Resources and Cultural Resources

For the reasons outlined here, and in the Federation's prior comments, I disagree that "although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent." Without a full EIR, there is no substantial evidence to support this statement and, because there have been a number of Notice of Violations issued by LA County against this property, which were ignored by the applicant, this Board should view a project based on the agreement of the project proponent, with skepticism.

The applicant's studies are flawed, the conditions imposed on lighting and noise, traffic, etc., do not mitigate the environmental impacts to our viewsheds, biological resources, communities, to the public resources nor to our wildland and wildlife resources, which is the intent and purpose of a full EIR.

If this Project moves forward without a complete study of the environmental impacts, it will forever be a blight to our County's largest urban park. It is important to get it right.

Thank you for your consideration.

Illece Buckley Weber
illecebw@yahoo.com

Benjamin M. Reznik
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Ref: 75243-0001

October 25, 2024

BY COMMENT PORTAL AND EMAIL

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

Re: Agenda Item 10
Project No. R2014-02690-(3)
CUP No. 2014-00127
Env. Assessment No. 201400127
340 Kanan Drive
Response to Appeals
Hearing Date: October 29, 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,” which involves the use of an existing building, and 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 previously responded to the appeal at issue in our letter dated March 6, 2024, and we ask that you affirm the RPC’s approval as conditioned, and as modified with additional conditions of approval the Leights volunteered.

1. The Project Would Occur at an Existing Residence on a Large Property.

The Leights requested, in 2014 and according to the applicable regulations¹, 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 site improvements generally concern interior remodeling for restrooms, additional glass

¹ Contrary to the appeal, the 2014 CSD regulations apply to the Project, for the reasons provided in the Staff Report and our March 6, 2024 letter.

barriers on portions of the outdoor deck, limited exterior additions for compliance with the Americans with Disabilities Act, and non-asphalt paving for driveway and parking areas. Conditions of the CUP address events, attendance, guests, and limitations on certain other activities.

2. The Leights are Long-Time Residents Who Have Worked with Their Neighbors to Condition the Project.

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, the approval was well-supported and struck an appropriate balance with general public concerns.

Additionally, the Leights worked with their neighbors—including, most notably, the Triunfo-Lobo Association (“Triunfo”)—to gain their support. In accordance with their agreement, the Leights have agreed not to have *any* outdoor amplified music or loudspeakers. Further, 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. Lastly, the Leights have agreed to noise monitoring during events.

3. 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.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Neill E. Brower", with a long horizontal flourish extending to the right.

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

BMR:neb

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)