



Los Angeles County  
Department of Regional Planning



*Planning for the Challenges Ahead*

Jon Sanabria  
Acting Director of Planning

November 24, 2009

TO: Leslie G. Bellamy, Chair  
Wayne Rew, Vice Chair  
Esther L. Valadez, Commissioner  
Harold V. Helsley, Commissioner  
Pat Modugno, Commissioner

FROM: Tyler Montgomery *TM*  
Regional Planning Assistant II  
Zoning Permits II Section

SUBJECT: **PROJECT NO. 87527-(3)**  
**MINOR MODIFICATION TO CONDITIONAL USE PERMIT NO. 87527**  
**December 2, 2009 Discussion & Possible Action**  
**Agenda Item No. 9**

The following correspondence was received by staff after the distribution of the most recent update memo. Included is an e-mail, sent by Talyn Mirzakhian of the City of Calabasas on August 14, 2009, which revised the position of the City's letter of July 22, 2009. The City's current position is that it will only support the project if all of its original conditions (from its letter of May 27, 2009). During preparation of the previous update memo, the inclusion and discussion of this letter was inadvertently excluded.

As part of the attached correspondence, the Mont Calabasas HOA's attorney, Mr. Fred Gaines, produces evidence that two (2) letters of objection were received by staff within 15 of the receipt of notices by the senders. However, this does not remove the ambiguity surrounding the issue of whether or not the objection period was closed 15 days after the first notice or was reopened upon the referral of the matter to the Commission. Therefore, staff's recommendation to refer the matter back to the Hearing Officer remains unchanged.

11/24/09  
MM:TM

FRED GAINES  
SHERMAN L. STACEY  
LISA A. WEINBERG\*  
REBECCA A. THOMPSON  
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**FAX TRANSMITTAL**

**TO:** Tyler Montgomery **FAX #:** (213) 626-0434

**FROM:** Fred Gaines, Esq. **DATE:** November 24, 2009

Number of pages including this cover page: 11

**CLIENT/CASE NAME:** Mont Calabasas Commercial Center

**MESSAGE:** Attached please find correspondence of this date regarding the above-referenced matter.

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November 24, 2009

**ORIGINAL SENT BY U.S. MAIL**

**VIA FACSIMILE (213) 626-0434**

Director of Planning  
Los Angeles County Dept. of Regional Planning  
320 West Temple Street, Room 1346  
Los Angeles, CA 90012  
Attn: Tyler Montgomery

Re: Mont Calabasas Commercial Center  
Modification to Conditions of Approval for CUP 87527  
Regional Planning Commission Hearing on December 2, 2009

Dear Mr. Montgomery:

As you know, this law office represents the Mont Calabasas Homeowners Association (the "Association") with regard to the commercial development contemplated in the application referenced above (the "Application"). We have received and reviewed the Regional Planning Commission Staff Report for the project referenced above. As an initial matter, the Association is not opposed to Staff's recommendation that the matter be referred back to the Hearing Officer for the initial decision. The Association understands that if it is not satisfied with any decision on this matter made by the Hearing Officer, the Association may appeal that decision to the Regional Planning Commission.

With regard to the Staff Report, we note that it contains several inaccuracies that should be brought to the Regional Planning Commission's attention prior to the December 2, 2009 hearing. First, Staff suggests that the applicant worked with the City of Calabasas (the "City") Design Review Committee in part in response to the Association's request that it do so. The Association did not make such a request; it is the Association's understanding that the applicant began working with the City either at the request of the City or on its own accord, due to the pending annexation of the project site to the City.

Next, in describing the position taken by the City with regard to this matter, the Staff Report fails to discuss or attach the August 14, 2009 e-mail to Tyler Montgomery from Talyn Mirzakhmanian of

Director of Planning

November 24, 2009

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Calabasas City Planning. The e-mail, a true and correct copy of which is attached as Exhibit "A," states that "[t]he City does want it to go on the record that we support the Vidovich commercial center project with the incorporation of all the conditions that we included in our letter. ... the City does want it to be known that our support is based upon the incorporation of those conditions." As such, it is clear that the City's support of the subject project is conditioned on the incorporation of the conditions described in the City's May 27, 2009 letter.

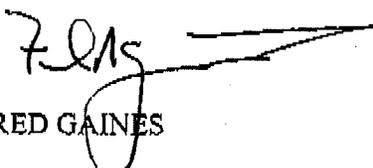
With regard to the Association's position on the project, it should be clarified that the Association has not taken a final position in part because the applicant has refused to address two of the Association's concerns with the project: the issues regarding security enhancements to Mont Calabasas and maintenance of the *applicant-owned* slope adjacent to the project site. The Association acknowledges that these concerns are a matter of private agreement between the Association and the applicant, and cannot be imposed as conditions of project approval unless the applicant volunteers to such conditions.

Finally, the Staff Report questions whether the correspondence received by the Association and the Las Virgenes Homeowners Federation on November 9, and November 10, 2009, respectively, were timely given the purported e-mailing of the Notice of a Request for Minor Modification to the Association on October 22, 2009. As the attached e-mail from Tyler Montgomery to Pam Lundquist of the Association shows, the Notice was not e-mailed until October 28, 2009. See Exhibit "B." In addition, the envelope containing the mailed notice to Ms. Lundquist has a postmark date of October 28, 2009, as shown on the attached Exhibit "C." As such, the last day to submit letters to Regional Planning regarding the project was November 12, 2009, and the letters received were timely.

Thank you for your attention to this matter. We look forward to the upcoming Regional Planning Commission hearing. As always, please do not hesitate to contact me at any time with any questions or comments you may have.

Sincerely,

GAINES & STACEY LLP

By   
FRED GAINES

cc: Supervisor Zev Yaroslavsky  
Deputy Ben Saltsman  
Maureen Tamuri, City of Calabasas

# EXHIBIT "A"



> To: 'Montgomery, Tyler';  
> 'rgaur@sikand.com'; Mark Sikand  
>  
> Subject: RE: Las Virgenes Commercial

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>  
>  
>  
>  
>  
>  
>  
> Good morning all:

>  
>  
> There has been an internal  
> miscommunication on our part and I  
> apologize profusely for this. The City does want it to go on the  
> record that we support the Vidovich commercial center project with the  
> incorporation of all the conditions that we included in our letter.  
> This takes us  
> back to how Tyler had originally interpreted the letter and prepared  
> the minor modification notice. What conditions the County ultimately  
> decides to impose is out of our hands, but the City does want it to be  
> known that our support is based on the incorporation of those  
> conditions. Again, I apologize for the confusion. Tyler, please call  
> me for clarification.

>  
>  
>  
> Sincerely,

>  
>  
> Talyn Mirzakhanlan  
> Planner  
> 100 Civic Center Way  
> Calabasas, CA 91302  
>  
> Tel: (818) 224-1712  
>  
> Fax: (818) 225-7329

# EXHIBIT "B"

**Alicia Bartley**

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Begin forwarded message:

**From:** "Montgomery, Tyler" <[TMontgomery@planning.lacounty.gov](mailto:TMontgomery@planning.lacounty.gov)>  
**Date:** October 28, 2009 7:13:08 AM PDT  
**To:** <[SLICorp@aol.com](mailto:SLICorp@aol.com)>  
**Subject:** RE: 12/2/09 Hearing Notice for Las Virgenes commercial project

Pam,

Attached is the notice of hearing that will go out in today's mail.

Sincerely,

Tyler Montgomery

Regional Planning Assistant II

Zoning Permits II, Room 1346

L.A. County Regional Planning

320 West Temple Street

Los Angeles, CA 90012

11/23/2009

(213) 974-6435

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**From:** [SLICorp@aol.com](mailto:SLICorp@aol.com) [mailto:[SLICorp@aol.com](mailto:SLICorp@aol.com)]  
**Sent:** Tuesday, October 27, 2009 7:29 PM  
**To:** Montgomery, Tyler  
**Cc:** [SLICorp@aol.com](mailto:SLICorp@aol.com)  
**Subject:** Re: 12/2/09 Hearing Notice for Las Virgenes commercial project

Hi Tyler,

I'm just checking in with you to see if the notice for the 12/2/09 Public Hearing has been mailed out yet. Maybe it's too early for it but we have a BOD meeting tomorrow night and I wanted to provide an update. If it hasn't gone out yet do you know when it will be mailed?

Thanks.

Pam

Pamela Lundquist  
Silver Lining, Inc.  
P.O. Box 8398  
Calabasas, CA 91302  
818/880-1285  
[SLICorp@aol.com](mailto:SLICorp@aol.com)

# EXHIBIT "C"

12



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

Pamela Lundquist  
26611 Mont Calabasas Dr.  
Calabasas, CA 91302

9130243453

11/24/2009 10:59 FAX 8189330222



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