

AGUA DULCE TOWN COUNCIL

33201 Agua Dulce Canyon Road * Box Number 8 * Agua Dulce, CA 91390

Website: www.adtowncouncil.com

July 18, 2022

Supervisor Kathryn Barger
County of Los Angeles Board of Supervisors
500 West Temple Street, Room 869
Los Angeles, CA 90012

Via Email to: kbarger@bos.lacounty.gov

**RE: Project Number R2012-02971-(5)
LA County Board of Supervisors Public Hearing, July 26, 2022
Appeal of Denial of Conditional Use Permit No. 201200163 due to inactivity
Gardens of Paradise, 32222 Agua Dulce Canyon Road, Agua Dulce**

- Don Henry, President
(661) 268-1731
BH33605@aol.com
- Mary Johnson, Secretary
(661) 492-5999
maryjohnson767@gmail.com
- Chris Yewdall, Treasurer
(310) 962-4662
cjewdall@msn.com
- Kathryn Segura, Clerk
(310) 650-6337
phdanimals@yahoo.com
- Candy Clemente, Member
cccryder@aol.com
- Scott Keller, Member
(661) 317-5355
scottwilliamkeller@gmail.com
- Lou Vince, Member
(310) 597-7154
Lou@LouVince.com

Dear Supervisor Barger:

The Agua Dulce Town Council (Council) appreciates the opportunity to comment on the Regional Planning Commission's denial of the Conditional Use Permit (CUP) for Gardens of Paradise due to inactivity on July 21, 2021 that has been appealed to the Los Angeles County Board of Supervisors and will be heard on July 26, 2022. We are opposed to allowing the CUP to continue and request the Board of Supervisors uphold the Regional Planning Commission's denial decision. Please include this correspondence as part of the public record and consider our concerns as you take action on this project.

The applicant, Shaul Yakovi, has been operating an unpermitted special event facility at 32222 Agua Dulce Canyon Road, Agua Dulce since he purchased the property in 2008 through May 13, 2021 when the facility was closed and secured with barricades to prevent physical access. The order of physical barriers and barricades were the result of a modification to a preliminary injunction by the Superior Court of California, County of Los Angeles, Civil Division. On May 10, 2021, Judge Doyle modified the preliminary injunction issuing orders authorizing LA County to install physical barriers and barricades to prevent physical access into Gardens of Paradise. (See section titled Preliminary Injunction) Until those barricades were installed, the community of Agua Dulce was an innocent victim of the reckless and lawless actions of Mr. Yakovi and his associates at Gardens of Paradise, including events held at the venue in defiance of LA County's COVID-19 mandates. As a note, those barricades remain in place and is the community's assurance that the unpermitted event facility will remain closed until the proper permits are in place.

History

Mr. Yakovi and his associates will have you believe that for numerous years, their facility has operated in the Agua Dulce community without any issues and that Gardens of Paradise is a fixture and integral part of the Agua Dulce community. This couldn't be further from the truth. Gardens of Paradise has been operated as an unpermitted land use since 2008 and Mr. Yakovi has not made an adequate effort to obtain the required land use permit for business. Additionally, the property has a documented and lengthy history of zoning violations, safety issues, and violations of Los Angeles County Health Officer Orders dating from 2008 thru 2021. The

applicant has been given multiple opportunities to proceed. Over nine years there have been seven correction letters, disregarded deadlines, continuance after continuance, and numerous notices of intent to deny due to inactivity. The applicant was unresponsive and submittals were inadequate. The Department of Regional Planning (DRP) has given extreme latitude to the applicant with extensions to deadlines. Nine years is way too long to have a case in process. During the processing, violations on the property continued to mount.

The property owner is unresponsive, uncooperative, and has demonstrated he has no regard to abiding by rules, regulations, or court orders. During COVID-19, the applicant ignored the Los Angeles County Health Officer Order and hosted events with 500 to 600 guests every weekend and many weeknights during the pandemic.

Mr. Yakovi and his associates may try to blame the nuisances generated on their property, to other nearby properties. We want to be very clear on this. The property at 32222 Agua Dulce Canyon Road is the property generating the nuisance complaints. Nearby neighbors know when the events are happening. Because this unpermitted business is on the main roadway from State Road 14 into Agua Dulce, residents traveling on Agua Dulce Canyon Road could see the property was open and welcoming guests or would see the guests departing. Based on reports produced by Los Angeles Sheriff Deputy Orlando Martinez, from August of 2020 until May of 2021 when the facility was physically barricaded, the Los Angeles Sheriff Department responded to nearly 150 community complaints regarding the nuisance Gardens of Paradise was creating. All of these Sheriff complaints were registered for Gardens of Paradise address of 32222 Agua Dulce Canyon Road. (Please refer to Community Concerns/Complaints)

Operation of the Business While Suspended by the California Secretary of State

Ben & Reef Gardens, Inc. (California Corporation C3037708) is the business entity that operates Gardens of Paradise. As can be confirmed by reviewing the California Secretary of State's website (www.sos.ca.gov), Ben & Reef Gardens, Inc. was suspended from operating in California for 17 months between July 2011 and November 2012, suspended again for 13 months between July 2015 and August 2016 and finally suspended in December 2017 before being revived four years later in October 2021. Throughout these periods of suspension by the Secretary of State, Gardens of Paradise continued to conduct events at the venue.

A further Limited Liability Company named Gardens of Paradise, LLC was registered with the California Secretary of State in October 2020 (202028910741) by the same principal associated with Ben & Reef Gardens, Inc. which has the same name and address as the Gardens of Paradise venue in Agua Dulce. The Secretary of State's website suggests that this business is also delinquent in filing the Statement of Information that was due 18 months ago as of December 21, 2020.

Ben & Reef Gardens, Inc. filed a Chapter 7 bankruptcy case (2:14-bk-12962-ER) in February 2014 that was closed in April 2014. Ben & Reef Gardens, Inc. filed a second Chapter 11 bankruptcy case that was converted into a Chapter 7 filing (2:18-bk-20901-ER) in September 2018 that was closed May 2019. The case summary indicates that the Trustee sought to dismiss the case after representatives from Ben & Reef Gardens failed to appear at the 341 meeting where the creditors and the trustee can question the debtor, including assets to settle the debts.

From the above, it is clear that the principals behind Gardens of Paradise are able to ignore the State's basic requirements for operating a business legally in California and apparently continued to conduct business even when suspended from doing so by the Secretary of State over periods totaling almost 7 years over the 10 year period between 2011 and 2021.

Regional Planning Commission Hearing – July 21, 2021

At the Regional Planning Commission Hearing in July of 2021, Mr. Yakovi and his attorney, Mr. Steve Kaplan, spoke in favor of allowing the Conditional Use Permit application to continue through the County review process. Nearly 20 speakers testified in opposition to the project and in support of the action to deny the CUP due to inactivity. The detailed numerous complaints and concerns about the facility included complaints about persistent and excessive noise, especially during late night and early morning hours, traffic, potential impaired drivers leaving the facility, potential impacts to the groundwater table from water used by the facility, potential impacts to water quality from the aging septic systems on the site, potential fire hazards caused by pyrotechnics and open flame fire allegedly used at the facility, an alleged lack of respect for and cooperation with law enforcement, County officials, and for the general public, violation of public health orders during the COVID-19 pandemic, excessive lighting believed to violate the County's Rural Outdoor Light District requirements, the

failure by the applicant to follow the applicable local and State rules, regulations, and requirements, potential adverse impacts to human health, potential impacts to wildlife and domestic animals, as well as other concerns.

As the hearing was drawing to a close, Commissioner Modugno concluded with this statement, “Madame Chair, we have patiently listened to all the testimony and we have hundreds of pages and the submittals that we received yesterday. And again this morning. I quite frankly, in all my years of public service and that goes back to 1980, City Council, Planning Commission, Metropolitan Water Commission, several organizations; **this is one of the most egregious cases of blatant violations that I recall ever having seen.**” After that statement, the public hearing was closed and the Regional Planning Commission voted unanimously to deny the appeal and uphold the Hearing Officer’s decision to deny the CUP due to inactivity.

Preliminary Injunction

On October 23, 2020, the County of Los Angeles filed for injunctive relief prohibiting Gardens of Paradise as well as their agents, officers, and employees from conducting, hosting, contracting for, participating in, or attending any large gathering or event at the property. The complaint cited three causes of action: 1) Violating the Health Order by conducting large events and gatherings at Gardens of Paradise, 2) By refusing to comply with the Health Order, Gardens of Paradise is endangering the health and welfare of attendees as well as the community at large, and thus committing a public nuisance, and 3) Violating Los Angeles County Code by failing to obtain the proper permits for the tent installed on the property thereby maintaining the property in an unsafe condition, and Violating Los Angeles County Code by allowing multiple unpermitted uses (outdoor dance pavilion, event facility, two restroom structures, structure housing office/conference room, and guard shack) and undertaking development within a Significant Ecological Area without the required Department of Regional Planning review.

On December 15, 2020, the County of Los Angeles filed the operative First Amended Complaint for 1) violation of public health orders, 2) abatement of the public nuisance, 3) violation of LA County Code Section 1.23.050, Maintaining Public Nuisance Unlawful, and 4) violation of the UCL, Unfair Competition Law.

January 6, 2021, Judge Beckloff entered a preliminary injunction prohibiting all persons associated with Gardens of Paradise from conducting or hosting events at 32222 Agua Dulce Canyon Road until it 1) complies with the County’s Fire/Zoning Code by obtaining all necessary permits and fire suppression equipment and 2) complies with provisions of the County Health Officer Order related to the control of COVID-19. Religious services and ceremonies could be hosted but only in compliance with the Order and the Department of Public Health’s protocols for places of worship. Parties and receptions were not allowed.

Gardens of Paradise made no attempt to remedy the unpermitted structures, resolve the violations, or stop operating a special event venue. Mr. Yakovi violated the preliminary injunction by continuing to hold events and parties. May 10, 2021, Judge Doyle modified the preliminary injunction issuing orders instructing Southern California to disconnect electrical service, authorizing LA County to enter the property to physically secure it so that no further events could occur, and authorizing LA County to install barriers and barricades to prevent physical access into Gardens of Paradise. Events finally ceased on May 13, 2021, when LA County installed concrete barriers and barricades to prevent physical access into Gardens of Paradise. It was only when the concrete barriers were placed at the property entrance that the venue stopped holding events.

Significant Ecological Area

If for no other reason, we feel the Conditional Use Permit needs to be denied because the zoning of the property changed 8 days after the Conditional Use Permit was filed and the property is now included within a Significant Ecological Area. That zoning change was ten years ago and the CUP is still not approved, nor is the Site Plan consistent with the Project Description. The Project Description indicates the proposed development is for the operation of an event center and corporate retreat with banquet facilities and preparation area, a soccer field, basketball courts, swimming pools, fishing ponds, equestrian stables, and tennis courts. Restrooms, dining areas, food preparation storage, and staff facilities will be included. Parking will be available for 350 vehicles and the 55 existing RV hookups will be upgraded to current code. This project is a large commercial venture and is inconsistent with the surrounding area. Within a Significant Ecological Area, it is important to facilitate a balance between limited development and resource conservation. The proposed development activities need to be reviewed closely so site design is a key element in conserving fragile resources such as streams, oak woodlands and threatened or endangered species and their habitat. A new CUP application with sufficient community input aligned with current zoning is the only acceptable way to move forward.

Community Complaints/Concerns

There have been various ongoing community concerns and complaints about the property since 2008. The complaints reached a new level in August of 2020. At that time, Gardens of Paradise was holding events up to 5 days per week with hundreds of patrons. They were blatantly disregarding Los Angeles County Health Officer Order by having events. Additionally, they were endangering the community having events without proper permits that require fire suppression equipment, and thereby putting neighboring lives and property at risk. The loud music that reverberates off the canyon walls was disruptive and harmful to many of the neighbors, some more than 2-3 miles away. Here is a sampling of community concerns:

- One neighbor has a special needs daughter with a seizure disorder. The music and sound checks would start around noon and would continue thru the night into the early morning hours...sometimes up to 4:00 AM. The constant loud music was a source of distress and posed a potential risk of seizures to her daughter.
- Neighbors can't open their windows, particularly at night because the sound is too deafening. Even with closed windows, the sound would permeate the homes.
- Neighbors have early morning commitments and couldn't get adequate rest due to the excessive noise
- The loud music causes dogs to bark, making another audible nuisance.
- Neighbors are worried about the safety of traveling on the local roads when the events are closing down and up to 600 people are exiting the property, some of whom may be intoxicated.
- Some neighbors have tried to communicate with Mr. Yakovi or his agents, and have been met with hostility, aggression, and threats.
- Neighbors are concerned that Gardens of Paradise does not follow the law and the neighbors don't want to live next to illegal activity.
- Concerns about health and safety related to water quality issues.
- Concerns about impacts on the groundwater supply from aging septic systems since most residents rely on private water wells for their household water supply.
- Loss of peace and quiet and our rural way of life.
- Fire is a consistent fear factor of many community members since we live a Very High Fire Hazard Severity Zone.
- Neighbors have been logging calls with the Sheriff's Dept. Nearly 150 calls in a 9 month period prior to the injunction that finally caused the disruptive events to cease.
- Interrupted sleep can cause irritability, daytime sleepiness, increased stress, decreased accuracy, tremors, aches and memory lapses or loss.
- Our local school, Vasquez High School never received a refund of \$17,000 for their cancelled prom at Gardens of Paradise. (See section titled Vasquez High School Prom Refund Never Received from Gardens of Paradise)

Vasquez High School Prom Refund Never Received from Gardens of Paradise

We are particularly troubled that Mr. Yakovi and his associates have indicated that Gardens of Paradise has issued refunds for all cancelled events. That is not true. Our local Acton-Agua Dulce Unified School District Vasquez High School had scheduled their 2020 prom at the venue prior to the pandemic. When the pandemic related restrictions were imposed, the school requested their event venue cost of \$17,000.00 be returned. The school was met with response from Gardens of Paradise that there is a "no-refund" policy. Their only option offered was to reschedule the event. A Prom is a one-time yearly event. The students themselves had raised money for the cost of the venue with fundraisers and donations. Rescheduling a Prom to a later date after the pandemic was an unacceptable option since a Prom is a one-time yearly event. The fact that our local High School is out \$17,000 is disturbing and we fear that other monies Gardens of Paradise accepted for events that were cancelled have not been refunded to other parties, in contradiction of their claims.

Proliferation of Other Unpermitted Event Venues

There have been other unpermitted event venues that have started hosting unpermitted events in the area; none have generated the complaints to the extent of Gardens of Paradise. We blame the proliferation of unpermitted event venues in Agua Dulce on the fact that Gardens of Paradise operated without permits for over 9 years and it was only a court order that forced the closure of the unpermitted business. There are at least 4 other unpermitted event venues in Agua Dulce the Council has reported to Zoning Enforcement of the Department of Regional Planning. If Gardens of Paradise is allowed to continue to process their CUP application instead of starting over with a new application, that action sends a clear message to the other unpermitted venues that Los Angeles County allows businesses to continue without having to abide by laws, codes, regulations, or conditions. That will also send a clear message to the community that their concerns are

being dismissed.

Communication with the Agua Dulce Town Council

In each of the correction letters, DRP indicated that it is recommended the applicant contact the Agua Dulce Town Council to present his proposed project to the community to gain community support. The applicant did NOT contact the Agua Dulce Town Council in any of the nine years the project has been pending. Bypassing community input does not allow the community to weigh in on their concerns about the project. Instead, the Council has fielded many, many community complaints for the loud music that extends into the early morning hours that reverberates off the canyon walls and can be heard up to 2-3 miles away from the property in addition to many other legitimate concerns. The unpermitted event venue jeopardizes and/or endangers the public health, safety and general welfare of the residents and additionally adversely affects their health, peace, comfort, and/or welfare. (See section titled Community Concerns/Complaints)

It wasn't until July 16, 2021, five days before the Regional Planning Commission's scheduled Public Hearing on the Appeal of the Hearing Officer's denial of the CUP due to inactivity, that Mr. Mike Lewis, a consultant working with Mr. Yakovi, contacted the Agua Dulce Town Council with a request to present the project to the Council and community. On August 9, 2022, the Council responded indicating that any discussions about the Project would be inappropriate since the Conditional Use Permit was denied by the Hearing Officer and the denial was upheld by the Regional Planning Commission. The Council again heard from Mr. Lewis in October of 2021 requesting to make a presentation. The Council responded indicating there would be no benefit in discussion of the CUP until the Board of Supervisors reaches a decision following the hearing of the appeal of the denial of the CUP due to inactivity.

Conclusion

We do not believe there will be any true intent or action from the applicant to turn things around and make things right. There is substantial evidence to support the Hearing Officer's and the Regional Planning Commission's denial decisions. We are opposed to allowing the CUP to continue and request the Board of Supervisors uphold the Regional Planning Commission's decision to deny the CUP due to inactivity. The applicant can reapply for a Conditional Use Permit for the property with the current zoning designation of A-1-2 and consideration that the property is within a Significant Ecological Area. Additionally we request that the Board of Supervisors make sure the barricades remain in place until an approved Conditional Use Permit is in place and all conditions have been met or permanently if the Board of Supervisors denies this appeal. The community of Agua Dulce needs the assurance that the unpermitted event facility will remain closed until the proper permits are in place. Those barricades are our assurance.

Irrespective of the decision of the Board of Supervisors on this appeal, we are formally requesting the Board implore Mr. Yakovi to immediately reimburse \$17,000 to Vasquez High School for their cancelled Prom in order to make them whole.

We thank you for your careful consideration in taking action on this matter.

Respectfully,

Don Henry

Don Henry, President
Agua Dulce Town Council – 2022

cc: Ms. Celia Zavala, Executive Officer, Board of Supervisors executiveoffice@bos.lacounty.gov
Ms. Stephanie English, 5th District Field Deputy senglish@bos.lacounty.gov
Mr. Anish Saraiya, 5th District Planning & Public Works Deputy asaraiya@bos.lacounty.gov
Ms. Amy Bodek, Director of Regional Planning abodek@planning.lacounty.gov
Mr. Mitch Glaser, Assistant Administrator, Regional Planning mglaser@planning.lacounty.gov
Mr. Samuel Dea, Supervisor Regional Planner sdea@planning.lacounty.gov
Mr. Richard Claghorn, Principal Regional Planning Assistant rclaghorn@planning.lacounty.gov
Mr. Eric Sahakian, Superintendent, Acton-Agua Dulce Unified School District
esahakian@aadusd.k12.ca.us
Ms. Yolanda McCauley, Executive Assistant to Superintendent at AADUSD
ymccauley@aadusd.k12.ca.us