

Regional Planning Commission Transmittal Checklist

Hearing Date 3/17/2010
Agenda Item Number 7

Project Number: R2008-00315-(3)
Case(s): Variance No. 200900010
Contact Person: Tyler Montgomery, Zoning Permits II

Included	NA/None	Document
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Factual
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Property Location Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Staff Report
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Conditions
<input checked="" type="checkbox"/>	<input type="checkbox"/>	DPW Letter
<input checked="" type="checkbox"/>	<input type="checkbox"/>	FD Letter
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other Department's Letter(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Burden Of Proof Statement(s)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental Documentation (IS, MMP, EIR)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Opponent And Proponent Letters
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Photographs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Resolution (ZC Or PA)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ordinance with 8.5 X 11 Map (ZC Or PA)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Aerial (Ortho/Oblique) Image(s)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use Radius Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan And Elevations
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other

Reviewed By: 



Los Angeles County Department of Regional Planning
 320 West Temple Street, Los Angeles, California 90012
 Telephone (213) 974-6443

PROJECT NO. R2008-00315-(3)
VARIANCE NO. 200900010

RPC MEETING DATE March 17, 2010	CONTINUED TO
AGENDA ITEM	
PUBLIC HEARING DATE March 17, 2010	

APPLICANTS Philip & Dawn Fine	OWNERS Philip & Dawn Fine	REPRESENTATIVE Cary Gepner
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REQUEST
Variance: To authorize the expansion of an existing deck within the required 20-foot front yard setback of a single-family residence in the R-1-10,000 (Single Family Residence; 10,000 square-foot minimum lot size) zone.

LOCATION/ADDRESS 1557 Topanga Skyline Drive, within the Topanga Canyon Community Standards District (CSD)	ZONED DISTRICT The Malibu
ACCESS From Topanga Skyline Drive, to the east	COMMUNITY Malibu Coastal Zone
	EXISTING ZONING R-1-10,000 (Single Family Residence; 10,000 square-foot minimum lot size)

SIZE 1.9 acres	EXISTING LAND USE Single-family residence	SHAPE Irregular	TOPOGRAPHY Sloping
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SURROUNDING LAND USES & ZONING	
North: Vacant land, Single-family residences—R-1-10,000 (Single Family Residence; 10,000 square-foot min. lot size)	East: Vacant land, Single-family residences—R-1-10,000 (Single Family Residence; 10,000 square-foot min. lot size)
South: Vacant land, Single-family residences—R-1-10,000 (Single Family Residence; 10,000 square-foot min. lot size)	West: Vacant land, Single-family residences—R-1-10,000 (Single Family Residence; 10,000 square-foot min. lot size)

GENERAL PLAN	DESIGNATION	MAXIMUM DENSITY	CONSISTENCY
Malibu Coastal Plan	4 (Rural Land II)	1 dwelling unit per 5 acres	See Staff Analysis

ENVIRONMENTAL STATUS
 Class 3 Categorical Exemption – Small Structures

DESCRIPTION OF SITE PLAN
 The applicant proposes to demolish two (2) existing stairways and decks—appurtenant to a 2,093 square-foot single-family residence—and replacing them with a single a stairway and deck of approximately 550 square feet. The existing deck was legally constructed within the required 20-foot front yard setback for the R-1-10,000 zone through the granting of a yard modification. However, the Topanga Canyon Community Standards District (CSD)—adopted in 1990 and modified in 2002—requires that a variance be issued for all deviations from a zone’s development standards. Because the existing deck is being enlarged, a variance application is required.

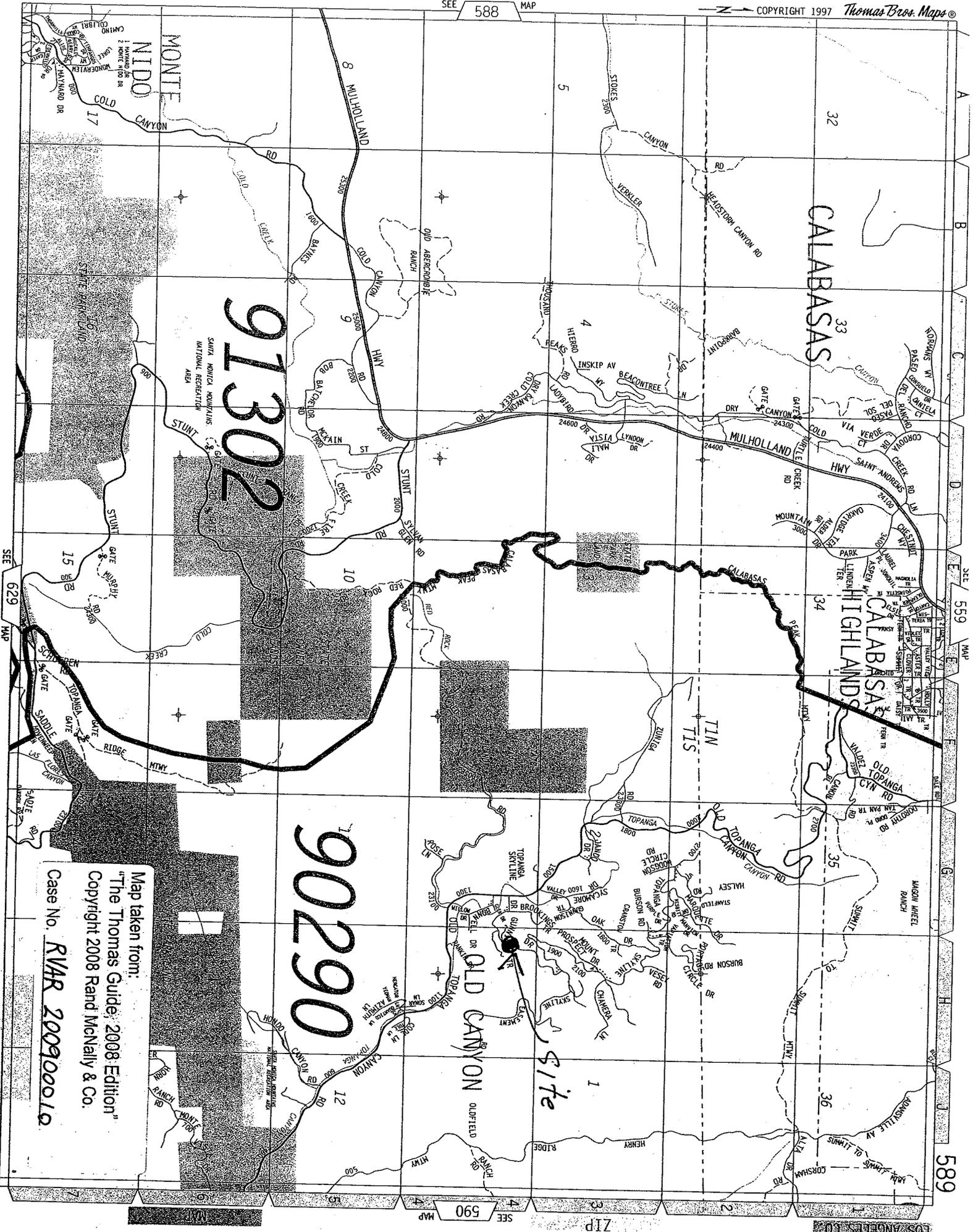
KEY ISSUES

- Satisfaction of Section 22.56.040 of Title 22 of the Los Angeles County Code Conditional Use Permit Burden of Proof requirements.

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING)		
SPEAKERS* (O) (F)	PETITIONS (O) (F)	LETTERS (O) (F)

*(O) = Opponents (F) = In Favor



91302

90290

site 1

Map taken from:

"The Thomas Guide: 2008 Edition"

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Case No. R1AR 200900010

STAFF ANALYSIS

PROJECT NUMBER

R2008-00315-(3)

CASE NUMBER

Variance No. 200900010

ENTITLEMENTS REQUESTED

Pursuant to Section 22.56.260 of the Los Angeles County Planning and Zoning Code (Title 22), the applicants, Philip and Dawn Fine, are requesting a variance to authorize the expansion of an existing deck within the required 20-foot front yard setback of a single-family residence in the R-1-10,000 (Single Family Residence; 10,000 square-foot minimum lot size) zone and within the Topanga Canyon Community Standards District (CSD). Within the Topanga Canyon CSD, any modification to development standards within a small lot subdivision may only be approved through the variance process.

DESCRIPTION OF SUBJECT PROPERTY

Location

1557 Topanga Skyline Drive, Topanga, in the Topanga Canyon Community Standards District and within The Malibu Zoned District of Los Angeles County.

Physical Features

The property consists of two (2) parcels with a total area of approximately 23,200 square feet (0.53 acres), which slopes steeply upward from east to west (average 57percent grade), and an existing 2,093 square-foot single-family residence near its eastern edge. The remainder of the property consists of native vegetation, including oak trees, and accessory decks and landscaping. The parcel is irregularly shaped and takes access from Topanga Skyline Drive to the east. The Old Topanga Creek ESHA and a designated Significant Oak Woodland are located approximately 100 feet to the southeast of the property.

EXISTING ZONING

Subject Property

The subject property is zoned R-1-10,000 (Single Family Residence; 10,000 square-foot minimum lot size). The property is also within the Topanga Canyon CSD.

Surrounding Properties

Surrounding properties are zoned as follows:

To the north, south, east, and west: R-1-10,000 (Single Family Residence; 10,000 square-foot minimum lot size)

EXISTING LAND USES

Subject Property

Single-family residence, including appurtenant decks and landscaping

Surrounding Properties

Land uses in the vicinity of the subject property consist of the following:

To the north, south, east, and west: Vacant land and single-family residences

PREVIOUS CASES/ZONING HISTORY

The current single-family residence was approved by Plot Plan 35522 in 1988. As a part of this plot plan, a yard modification was approved that allowed construction of the residence and accessory structures within the required 20-foot front yard setback. The Topanga Canyon CSD—first adopted in 1990 and modified in 2002—now requires that any development within a required setback apply for a variance. While repair or replacement of the existing deck would be allowed, its proposed expansion requires this entitlement.

Land Use Policy Map

The subject property is designated “4” (Rural Land II) in the Malibu Coastal Plan. The Plan states that these areas are “generally low-intensity, rural areas characterized by rolling to steep terrain usually outside established rural communities.” Permitted uses included large-lot residential uses, low-intensity commercial recreational uses, and agricultural uses.

SITE PLAN

The 23,200 square-foot property is located at 1557 Topanga Skyline Drive in Topanga and slopes steeply upward (average 57percent grade) from east to west. An existing 2,093 square-foot single-family residence is located on the southeastern portion of the property. Two (2) existing wooden stairways and second-story decks are located on the north and south sides of the residence, respectively. There is also a third-story wooden deck that extends along the north, east, and south sides of the residence (see site photos). Currently, the front yard setback of the structure, including decks, is between 0 and 1’9” from the property line. Without the decks, the existing residence is between 4’9” and 5’7” from the front property line. This setback was approved through a yard modification with Plot Plan 35522 in 1988. The residence is accessed directly from Topanga Skyline Drive to the east, and a covered garage and basement is located on the structure’s first story.

The applicant proposes demolishing two (2) existing second-story wooden decks and stairways and replacing them with a single wooden deck spanning the north, east, and west sides of the residence. A single, curving concrete stairway would access the deck from the northern side of the residence, and the existing northern access door would be modified to become the structure’s main entrance. The new deck would have an area of approximately 500 square feet and would continue the residence’s existing front yard setback (between 0 and 1’9”). The third-story deck would be rebuilt in the same configuration it currently has. The side yard setback to the south would be expanded from 5’0” to 7’6” due to the demolition of the southern stairway.

An oak tree is located approximately 20 feet to the north of proposed construction. The applicant's site plan indicates that no encroachment into the tree's canopy dripline will occur.

Compliance with Applicable Zoning Standards

Section 22.20.105 of the Los Angeles County Code lists development standards for the R-1-10,000 (Single Family Residence; 10,000 square-foot minimum lot size) zone. Rear-yard and side-yard setbacks of the existing residence fall within these standards (15 feet and 5 feet, respectively). A 20-foot front yard setback is also required, which is the reason for the filing of the variance application. The Code also requires two (2) covered off-street parking spaces for each single-family residence, which are provided by the existing first-floor garage.

Unless specifically modified by a variance, developments in Zone R-1-10,000 shall have a maximum height of 35 feet above grade, excluding chimneys and antennas. The existing residence was approved at its current height in 1988 and does not propose an increase in height.

Compliance with Topanga Canyon Community Standards District (CSD)

The Topanga Canyon CSD states that "any modifications of development standards (within small lot subdivisions) shall be considered only through the variance procedures contained in Part 2, Chapter 22.56 of this code." The subject property is located within a small lot subdivision, as designated within the CSD. Therefore, in order to expand the porch within the required 20-foot front yard setback, a variance must first be granted.

Density standards based on the average slope of a property do not apply to this project, as the project does not propose construction of a new dwelling unit. All other applicable CSD standards would be met by the project.

BURDEN OF PROOF—VARIANCE

As required by Section 22.56.290 of the Los Angeles County Code, in addition to the information required in the permit application, the applicant shall substantiate to the satisfaction of the Commission the following facts:

- A. That there are special circumstances or exceptional characteristics applicable to the property involved, such as size, shape, topography, location, or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification;
- B. That such variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity and zone;
- C. That the granting of the variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone;

The applicant's Burden of Proof responses are attached to this document.

ENVIRONMENTAL DOCUMENTATION

This project has been determined to be categorically exempt under the environmental reporting procedures and guidelines of the California Environmental Quality Act (CEQA). If approved, the project qualifies for a Class 3, New Construction or Conversion of Small Structures, exemption.

PUBLIC COMMENTS

Legal Notification/Community Outreach

A total of 89 public hearing notices regarding the proposal were mailed to property owners and other interested parties within the 500-foot radius of the subject property on February 4, 2010. The hearing notice was published in the *Malibu Times* and in *La Opinion* on February 11, 2010. The notice has been posted on the property for at least 30 days prior to the public hearing date. Case materials were also sent to the Calabasas Library and posted on the Regional Planning website. Staff has received no public comments at this time.

COUNTY DEPARTMENT COMMENTS

During its analysis of the project, Regional Planning staff consulted with the Los Angeles County Fire Department and the Los Angeles County Department of Public Works regarding the project proposal. Both departments have submitted correspondence clearing the project for public hearing (enclosed).

STAFF EVALUATION

Aside from the required 20-foot front yard setback, the proposed deck expansion for a single-family residence would be allowed by right within the R-1-10,000 (Single Family Residence; 10,000 square-foot minimum lot size) zone. In addition, both a single-family residence and an accessory deck are appropriate uses within the Rural Land II land use classification of the Malibu Coastal Plan.

The project site consists of two adjacent parcels. While the existing residence is located on the southern parcel, a portion of the septic system for the residence is located on the northern parcel. When granting a discretionary permit, it is Regional Planning policy to require a covenant to hold such parcels as one property. This shall be added as a condition of approval.

In order for a variance to be granted, the applicant must demonstrate that the property in question has some special circumstance or exceptional characteristic that does not apply to other identically zoned parcels in the vicinity. In this case, the existing residence and decks were approved at their current location before the implementation of the Topanga Canyon CSD. Allowing the expansion of the second-story deck would not decrease the front-yard setback; it would simply be adhering to the existing setback achieved by the third-story deck directly above it.

A variance application must also demonstrate that denying the project would deprive the owner of a substantial property right. In this case, the property owners are seeking to make use of an existing setback that was approved with the original construction of the residence. The proposed improvements would also increase access to the property for the purpose of fire safety, allowing 360 degree access for firefighters to the second story of the home and easier potential evacuation for residents. To deny the request could deprive the applicant of property rights already enjoyed by neighbors, as similar improvements could be made to nearby residences.

To be granted a variance, the applicant must also show that the requested increase in height is not likely to be materially detrimental to the public welfare. This is unlikely to be the case, as the setback of the existing structure will not be decreased. In addition, the structure would be relatively unobtrusive and would blend well with the existing architecture of the residence. Finally, no area residents have objected to the project proposal.

STAFF RECOMMENDATION

After reviewing the facts of the case, staff believes that the applicant has met the burden of proof for approval of a variance. Therefore, staff recommends approval of Variance 200900010, subject to the attached conditions.

SUGGESTED MOTION

I move that the Regional Planning Commission close the public hearing and APPROVE Variance 200900010 with the attached Findings and Conditions.
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Prepared by Tyler Montgomery, Regional Planning Assistant II
Reviewed by Maria Masis, Zoning Permits II Section Head

Attachments:

- Draft Findings
- Draft Conditions of Approval
- Applicant's Burden of Proof statements
- Clearance letter from County Fire
- Clearance letter from Public Works
- Site photos
- Site plan and elevations

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FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

PROJECT NO. R2008-00315-(3)
VARIANCE NO. 200900010

REGIONAL PLANNING COMMISSION HEARING DATE: MARCH 17, 2010

SYNOPSIS:

Pursuant to Section 22.56.260 of the Los Angeles County Planning and Zoning Code (Title 22), the applicant is requesting a variance to authorize the expansion of an existing deck within the required 20-foot front yard setback of a single-family residence in the R-1-10,000 (Single Family Residence; 10,000 square-foot minimum lot size) zone and within the Topanga Canyon Community Standards District (CSD). Within the Topanga Canyon CSD, any modification to development standards within a small lot subdivision may only be approved through the variance process.

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:

Findings

1. The applicants, Philip and Dawn Fine, are requesting a variance to authorize the expansion of an existing deck within the required 20-foot front yard setback of a single-family residence in the R-1-10,000 (Single Family Residence; 10,000 square-foot minimum lot size) zone and within the Topanga Canyon Community Standards District (CSD). The proposed deck expansion would have a distance of between 0 and 1'9" from the front property line. The site is located at 1557 Topanga Skyline Drive in The Malibu Zoned District of Los Angeles County.
2. The project site is zoned R-1-10,000 (Single Family Residence; 10,000 square-foot minimum lot size). The property is also within the Topanga Canyon CSD.
3. The property consists of two (2) parcels with a total area of approximately 23,200 square feet (0.53 acres), which slopes steeply upward from east to west, and an existing 2,093 square-foot single-family residence near its eastern edge. The remainder of the property consists of native vegetation, including oak trees, and accessory decks and landscaping. The parcel is irregularly shaped and takes access from Topanga Skyline Drive to the east. The Old Topanga Creek ESHA and a designated Significant Oak Woodland are located approximately 100 feet to the southeast of the property.
4. Surrounding properties to the north, south, east, and west are zoned R-1-10,000 (Single Family Residence; 10,000 square-foot minimum lot size).

5. The surrounding land uses to the north, south, east, and west consists of vacant land and single-family residences.
6. The current single-family residence was approved by Plot Plan 35522 in 1988. As a part of this plot plan, a yard modification was approved that allowed construction of the residence and accessory structures within the required 20-foot front yard setback. The Topanga Canyon CSD—first adopted in 1990 and modified in 2002—now requires that any development within a required setback apply for a variance. While repair or replacement of the existing deck would be allowed, its proposed expansion requires this entitlement.
7. The Department of Regional Planning has determined that the project qualifies for a Class 3 Categorical Exemption (Small Structures) under the California Environmental Quality Act (CEQA) reporting requirements.
8. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, and property posting.
9. The subject property is designated “4” (Rural Land II) in the Malibu Coastal Plan. The Plan states that these areas are “generally low-intensity, rural areas characterized by rolling to steep terrain usually outside established rural communities.” Permitted uses included large-lot residential uses, low-intensity commercial recreational uses, and agricultural uses.
10. Staff consulted with the Los Angeles County Fire Department and the Los Angeles County Department of Public Works regarding the project proposal. These departments subsequently cleared the project for public hearing.
11. Staff has not received any comments from the public regarding this project proposal.
12. Section 22.20.105 of the Los Angeles County Code lists development standards for the R-1-10,000 (Single Family Residence; 10,000 square-foot minimum lot size) zone. Rear-yard and side-yard setbacks of the existing residence fall within these standards (15 feet and 5 feet, respectively). A 20-foot front yard setback is also required, which is the reason for the filing of the variance application. The Code also requires two (2) covered off-street parking spaces for each single-family residence, which are provided by the existing first-floor garage.
13. Unless specifically modified by a variance, developments in Zone R-1-10,000 shall have a maximum height of 35 feet above grade, excluding chimneys and antennas. The existing residence was approved at its current height in 1988 and does not propose an increase in height.

14. The two-story single-family residence would have 2,700 square feet of floor area and a 750 square-foot detached garage. The residence would be located on a 10,000 square-foot graded pad on the northeastern portion of the 4.1-acre parcel, which slopes steeply upward from west to east. The actual structure of the residence would have a maximum height of 26 feet. However, because the graded pad was not originally authorized as a building site, it is the policy of the Department of Regional Planning to measure the height of the residence from the original natural grade. Therefore, the residence would project to a maximum height of 50 feet above the pre-existing grade.
15. The Topanga Canyon CSD states that “any modifications of development standards (within small lot subdivisions) shall be considered only through the variance procedures contained in Part 2, Chapter 22.56 of this code.” The subject property is located within a small lot subdivision, as designated within the CSD. Therefore, in order to expand the porch within the required 20-foot front yard setback, a variance must first be granted.
16. Density standards based on the average slope of a property do not apply to this project, as the project does not propose construction of a new dwelling unit. All other applicable CSD standards would be met by the project.
17. The 23,200 square-foot property is located at 1557 Topanga Skyline Drive in Topanga and slopes steeply upward (average 57percent grade) from east to west. An existing 2,093 square-foot single-family residence is located on the southeastern portion of the property. Two (2) existing wooden stairways and second-story decks are located on the north and south sides of the residence, respectively. There is also a third-story wooden deck that extends along the north, east, and south sides of the residence. Currently, the front yard setback of the structure, including decks, is between 0 and 1’9” from the property line. Without the decks, the existing residence is between 4’9” and 5’7” from the front property line. The residence is accessed directly from Topanga Skyline Drive to the east, and a covered garage and basement is located on the structure’s first story.
18. The applicant proposes demolishing two (2) existing second-story wooden decks and stairways and replacing them with a single wooden deck spanning the north, east, and west sides of the residence. A single, curving concrete stairway would access the deck from the northern side of the residence, and the existing northern access door would be modified to become the structure’s main entrance. The new deck would have an area of approximately 500 square feet and would continue the residence’s existing front yard setback (between 0 and 1’9”). The third-story deck would be rebuilt in the same configuration it currently has. The side yard setback to the south would be expanded from 5’0” to 7’6” due to the demolition of the southern stairway.

19. An oak tree is located approximately 20 feet to the north of proposed construction. No encroachment into the tree's canopy dripline will occur.
20. Aside from the required 20-foot front yard setback, the proposed deck expansion for a single-family residence would be allowed by right within the R-1-10,000 (Single Family Residence; 10,000 square-foot minimum lot size) zone. In addition, both a single-family residence and an accessory deck are appropriate uses within the Rural Land II land use classification of the Malibu Coastal Plan.
21. In order for a variance to be granted, the applicant must demonstrate that the property in question has some special circumstance or exceptional characteristic that does not apply to other identically zoned parcels in the vicinity. In this case, the existing residence and decks were approved at their current location before the implementation of the Topanga Canyon CSD. Allowing the expansion of the second-story deck would not decrease the front-yard setback; it would simply be adhering to the existing setback achieved by the third-story deck directly above it.
22. A variance application must also demonstrate that denying the project would deprive the owner of a substantial property right. In this case, the property owners are seeking to make use of an existing setback that was approved with the original construction of the residence. The proposed improvements would also increase access to the property for the purpose of fire safety, allowing 360 degree access for firefighters to the second story of the home and easier potential evacuation for residents. To deny the request could deprive the applicant of property rights already enjoyed by neighbors, as similar improvements could be made to nearby residences.
23. To be granted a variance, the applicant must also show that the requested increase in height is not likely to be materially detrimental to the public welfare. This is unlikely to be the case, as the setback of the existing structure will not be decreased. In addition, the structure would be relatively unobtrusive and would blend well with the existing architecture of the residence. Finally, no area residents have objected to the project proposal.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That because of special circumstances or exceptional characteristics applicable to the property, the strict application of the code deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification; and
- B. That such variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity and zone; and

- D. That such adjustment will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a Variance as set forth in Sections 22.56.330 of the Los Angeles County Code.

REGIONAL PLANNING COMMISSION ACTION:

1. Approve the Categorical Exemption (Class 3) for the project, and determine that the proposed project is exempt from the reporting requirements of the California Environmental Quality Act (CEQA).
2. In view of the findings of fact and conclusions presented above, Variance No. 200900010 is **APPROVED** subject to the attached conditions.

VOTE:

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date:

c: Commission Services, Zoning Enforcement, Building and Safety

MM:TM
03/03/10

1. This grant authorizes the expansion of an existing deck within the required 20-foot front yard setback of a single-family residence in the R-1-10,000 (Single Family Residence; 10,000 square-foot minimum lot size) zone and within the Topanga Canyon Community Standards District (CSD), subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions of the grant have been recorded as required by Condition No. 8. Notwithstanding the foregoing, this condition (No.3), and Condition Nos. 4 [indemnification], and condition number 5 [litigation deposit], and 6 [expiration date] shall be effective immediately upon final approval of this grant by the County.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

6. This grant will expire unless used within 2 years from the date of approval. A one-year time extension may be requested, in writing and with the appropriate fee, before the expiration date.
7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition; upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
9. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
10. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
11. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
12. A covenant to hold the subject parcel (APN 4438-011-039) as one with the adjacent parcel to the north (APN 4438-011-008), which is also owned by the applicants, shall be filed and submitted to the Department of Regional Planning prior to final approval of the project, to the satisfaction of the Director of Planning.
13. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, a Revised Exhibit "A" shall be submitted to the Department of Regional Planning within sixty (60) days of the date of approval for the variance.

Burden of Proof

- A. since the current structure and decks were originally permitted to be built closer to the property line than current set-back requirements allow; and improvements to structures and decks will then necessarily occur closer to the property line than otherwise allowable by current set-back requirements; and that proposed improvements maintain the set-back distances already granted at the time of construction.
- B. other property owners in the same vicinity and zone have the right to improve their property and structures for the purposes of fire safety, firefighter access, and emergency egress routes for residents; and these proposed improvements will significantly improve the safety of the residents of this property by creating multiple egress routes, 360 degree access for firefighters, and more fire resistant materials than the current structure.
- C. These improvements will occur within the current footprint of the existing structure, decks and exterior stairways, and thus will have no negative impact to public welfare or be injurious to other property in the area. In fact, the proposed improvements include more fire resistant materials and much improved firefighter access to the structure and property. Thus the granting of the variance will benefit the public welfare and nearby property by creating a safer environment.

Estes, Phillip

From: Jaeggi, Scott [SJaeggi@fire.lacounty.gov]
Sent: Wednesday, December 30, 2009 2:44 PM
To: cary@gepnerarchitects.com
Cc: Estes, Phillip
Subject: VAR R2008-00315 / 1557 Topanga Skyline Drive, Topanga (Co.)

THIS PROJECT IS CLEARED BY THE FIRE DEPARTMENT FOR PUBLIC HEARING

Hi Cary,

Please find the attached conditions of approval for the above referenced project. If you have any additional questions please feel free to contact me directly.

Respectfully,

SCOTT JAEGGI

Inspector
County of Los Angeles Fire Department
Fire Prevention Division
Land Development Unit
(323) 890-4238

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Estes, Phillip

R2008-00315

From: Burger, Steve [SBURGER@dpw.lacounty.gov]
Sent: Thursday, January 07, 2010 5:06 PM
To: Kalhor, Soheila; Estes, Phillip
Cc: Petrowsky, Kevin
Subject: RE: Variance T2009-00010 - environmental/variance review

Great. Sounds like we are good to go.

DPW clearance

From: Kalhor, Soheila
Sent: Wednesday, January 06, 2010 7:54 AM
To: Burger, Steve; 'Estes, Phillip'
Cc: Petrowsky, Kevin
Subject: RE: Variance T2009-00010 - environmental/variance review

FYI

Kevin just told me that we do not have a violation file for this address.

Soheila Kalhor, P.E., M.S.
District Engineer
L.A. County Department of Public Works
Building & Safety Division
26600 Agoura Road, Suite 110
Calabasas, CA 91302

(818) 880-4150 Office
(818) 880-6279 Fax
skalhor@ladpw.org

From: Burger, Steve
Sent: Tuesday, January 05, 2010 3:20 PM
To: 'Estes, Phillip'; Kalhor, Soheila
Subject: RE: Variance T2009-00010 - environmental/variance review

Soheila, any other items RP needs to know about that may be violations of the Zoning Code?

From: Estes, Phillip [mailto:PEstes@planning.lacounty.gov]
Sent: Tuesday, January 05, 2010 3:02 PM
To: Burger, Steve
Subject: RE: Variance T2009-00010 - environmental/variance review

This variance is the only active zoning permit application we have for this property. Looks like the original was PP 35522.

PHILLIP ESTES, AICP | Principal Regional Planner
Los Angeles County Regional Planning
320 W. Temple Street, 13th Floor | Los Angeles, CA 90012
Phone 213.974.6435 | Fax 213.626.0434 | TDD 213.617.2292
planning.lacounty.gov

From: Burger, Steve [mailto:SBURGER@dpw.lacounty.gov]
Sent: Tuesday, January 05, 2010 2:56 PM
To: Kalhor, Soheila; Estes, Phillip
Cc: Ibrahim, Amir; Narag, Andy; Cruz, Ruben; Hui, Tony; Duong, Toan
Subject: RE: Variance T2009-00010 - environmental/variance review

This is for the reconstruction/modification of the second story deck on the front of the property. Do you know if the deck originally had permits? Phillip, are there any other items that the applicant is running through Regional Planning? I think that they may be doing some retaining walls associated with some steps as well.

From: Kalhor, Soheila
Sent: Tuesday, January 05, 2010 2:48 PM
To: Burger, Steve; 'Phillip Estes'
Cc: Ibrahim, Amir; Narag, Andy; Cruz, Ruben; Hui, Tony; Duong, Toan
Subject: RE: Variance T2009-00010 - environmental/variance review

Steve,

There are several structures with different violations on this property. Can you clarify which structure this clearance is for? Thanks.

Soheila Kalhor, P.E., M.S.
District Engineer
L.A. County Department of Public Works
Building & Safety Division
26600 Agoura Road, Suite 110
Calabasas, CA 91302

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(818) 880- 6279 Fax
skalhor@ladpw.org

From: Burger, Steve
Sent: Tuesday, January 05, 2010 2:13 PM
To: 'Phillip Estes'
Cc: Ibrahim, Amir; Narag, Andy; Cruz, Ruben; Hui, Tony; Duong, Toan; Kalhor, Soheila
Subject: RE: Variance T2009-00010 - environmental/variance review

Phillip, we reviewed the plot plan for this project. The proposed improvements are encroaching within an area designated for future Right of Way. However, the topography of the area would not make an expansion utilizing the future ROW likely. Therefore, we have no objections to the project. Please consider this e-mail to be Public Works' clearance of this project for your variance. Note that the applicant will still need to process a building permit through the Building and Safety office, but I'm sure they know that already.

Ruben will be also preparing a waiver release letter for RP and Building and Safety's use. But as stated above, for the purposes of moving this project along, you can consider it cleared by Public Works.

Soheila, FYI. If you haven't see this yet, it will be coming your way. We are clearing it for encroachment into the future ROW, and Planning is in the process of granting a waiver of the yard setbacks.

From: Duong, Toan
Sent: Wednesday, December 30, 2009 10:13 AM
To: Burger, Steve; Narag, Andy
Cc: Ibrahim, Amir; 'Phillip Estes'; Yanez, Jarrett; Cruz, Ruben; Hui, Tony
Subject: RE: Variance T2009-00010 - environmental/variance review

Yes, for variances like this we process them as right of way waiver that goes through Road/Grading units.

Jarrett,

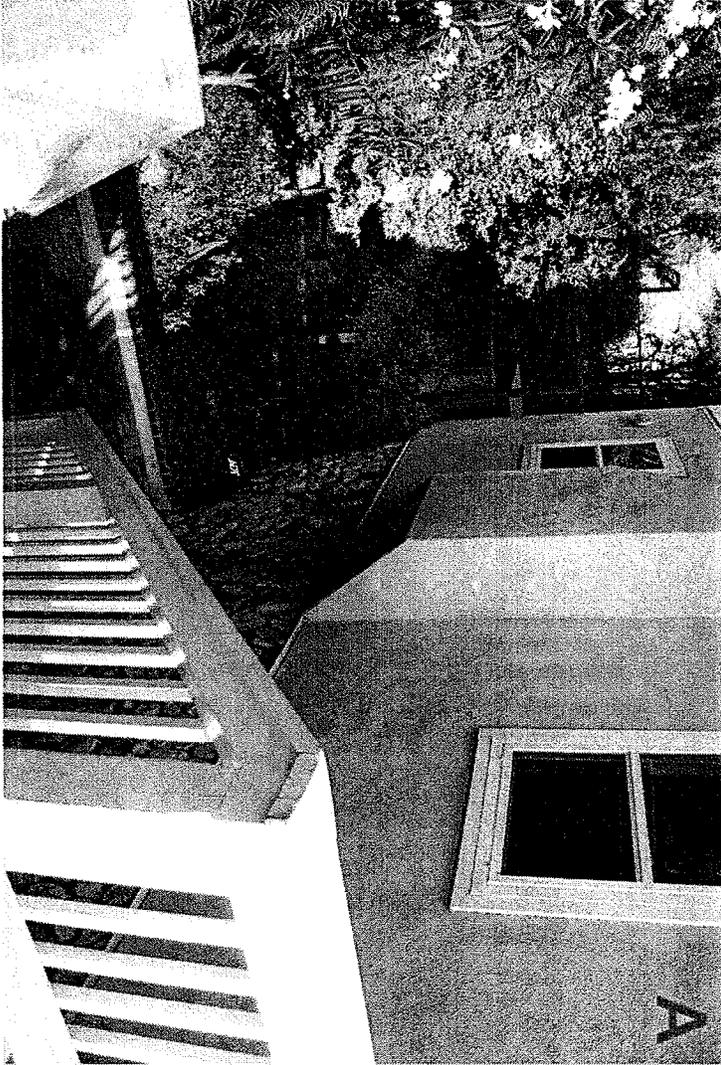
Is this the project that we forwarded to Road/Grading section for right of way waiver review on Monday?

From: Burger, Steve
Sent: Wednesday, December 30, 2009 10:03 AM
To: Narag, Andy; Duong, Toan
Cc: Ibrahim, Amir; Phillip Estes
Subject: Variance T2009-00010 - environmental/variance review

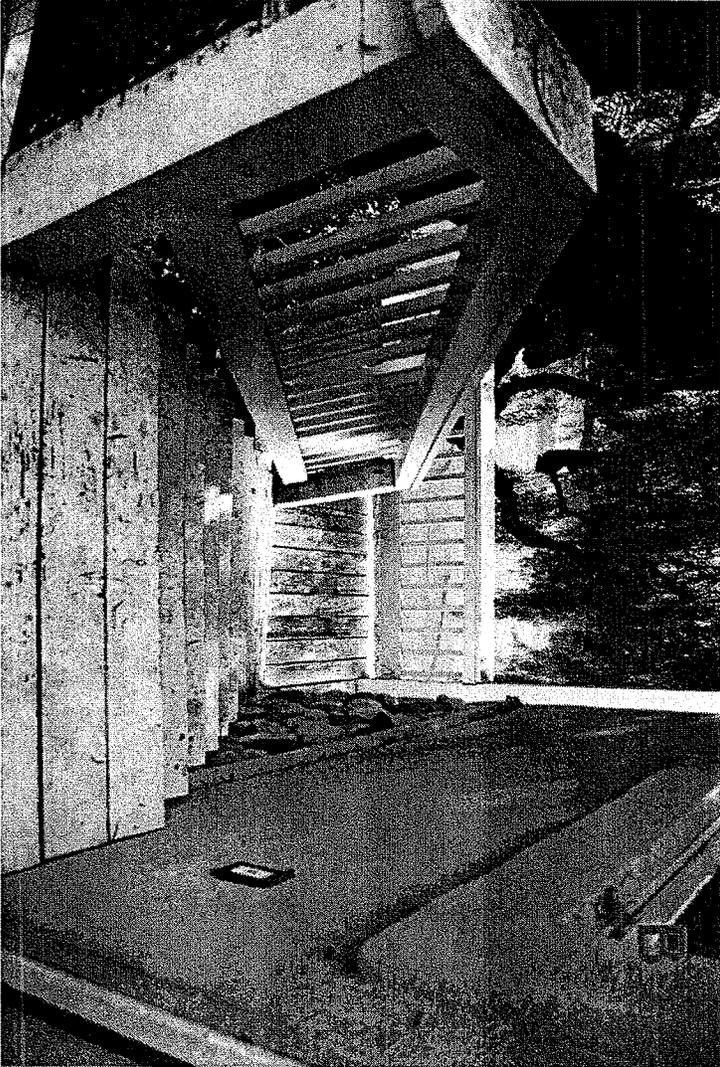
Hi Andy/Toan,

I understand that this project may be in to us for review(Andy, I'm including you because your name came up). I believe that it is a yard setback variance request for adding a deck to an existing structure. Given that this project is so simple, I'd like to try to streamline it if possible. I would think that we just need to verify that there are no conflicts with existing or future Right of Way. We can defer any required drainage and soils/geology review to the Building Permit stage. My goal would be to get back to Phillip by next week. Toan, if you could get me a copy of the application/IS, I can take a look at it as well.

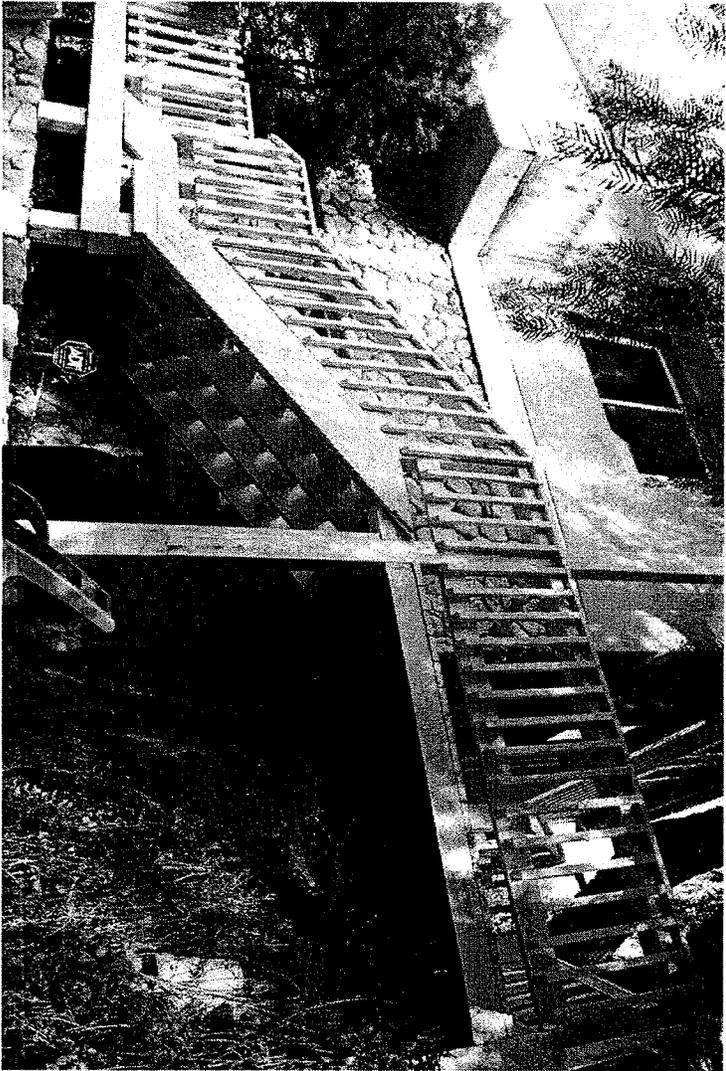
Thanks.



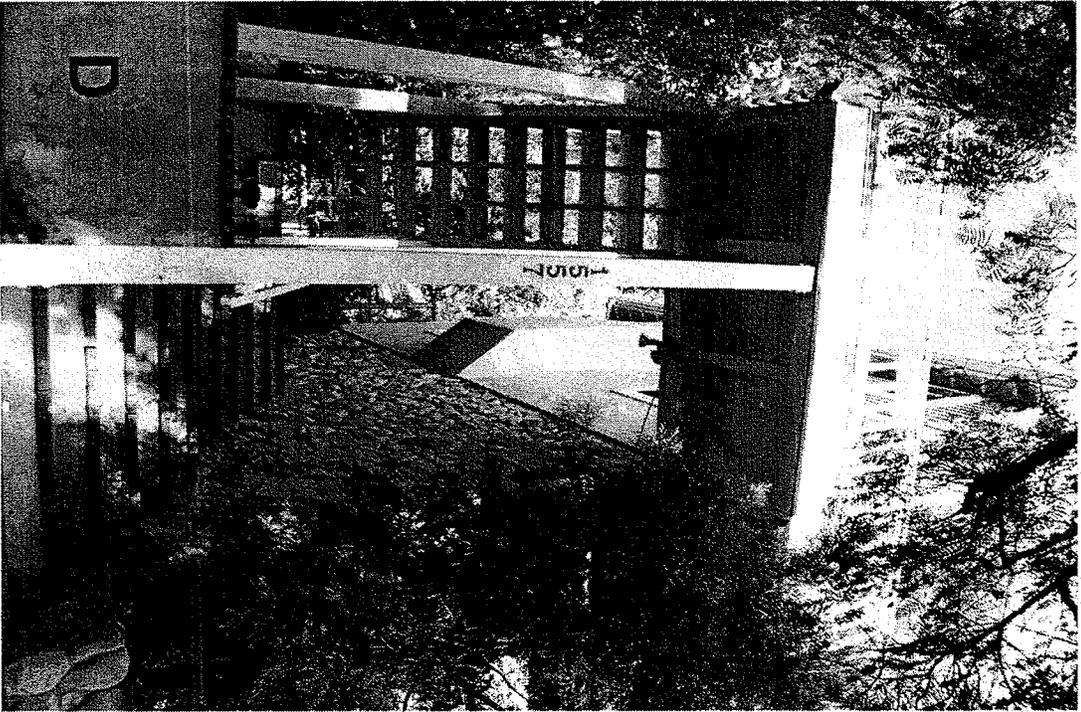
From far left of lower deck looking down the stairs



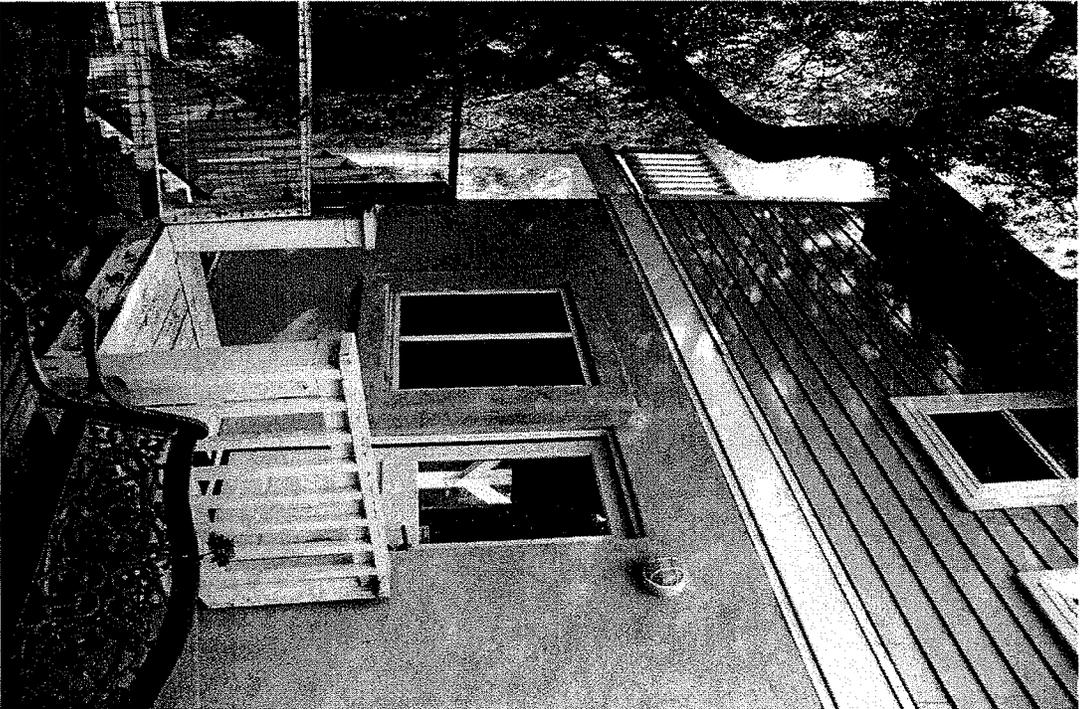
From what will become our Front Door on the right of house looking down the stairs



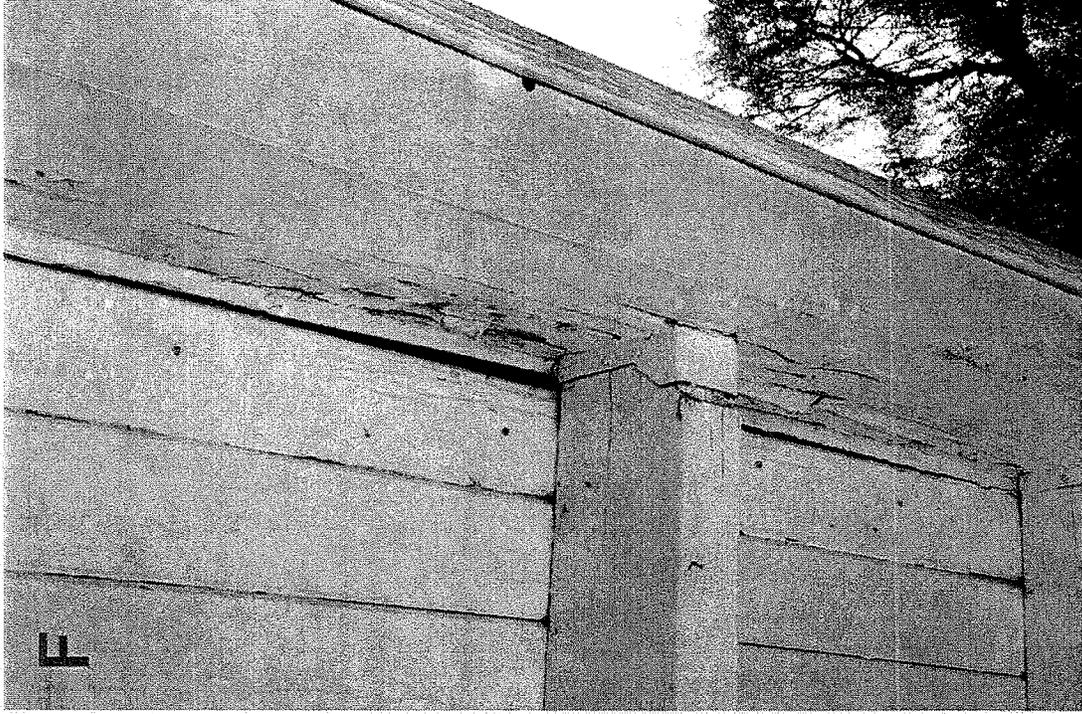
From right of house at street level looking up at what will become our Front Door



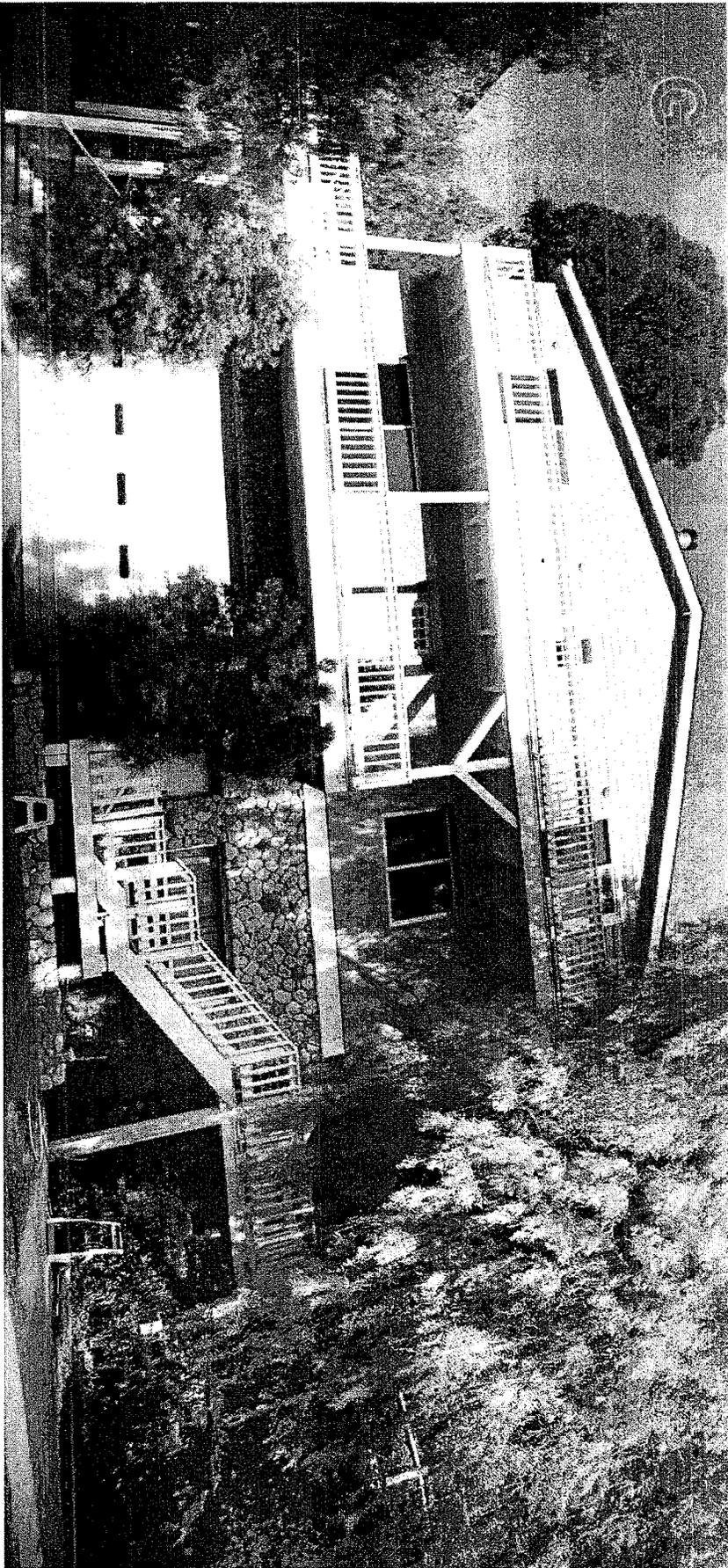
From far left of house at street level looking up



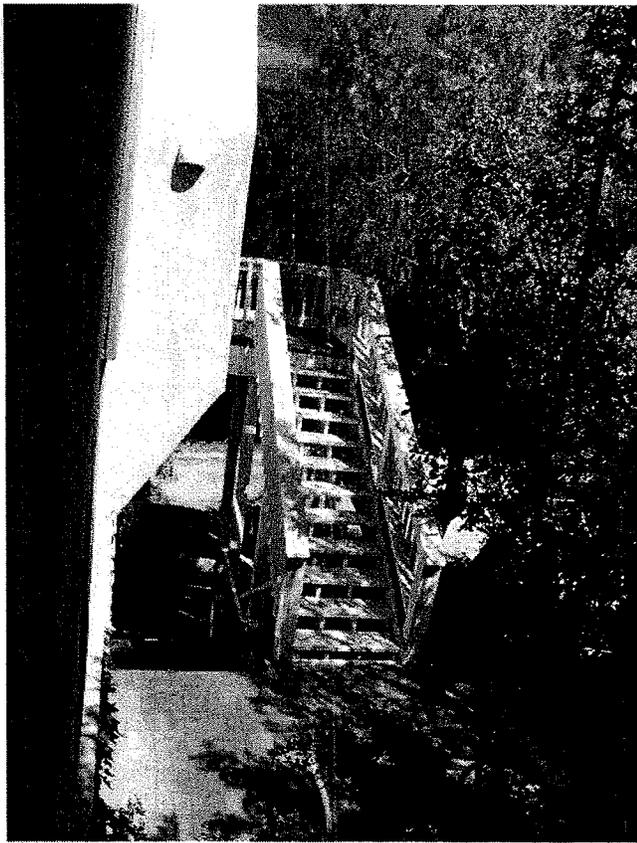
Far right side of house looking at what will become our Front Door



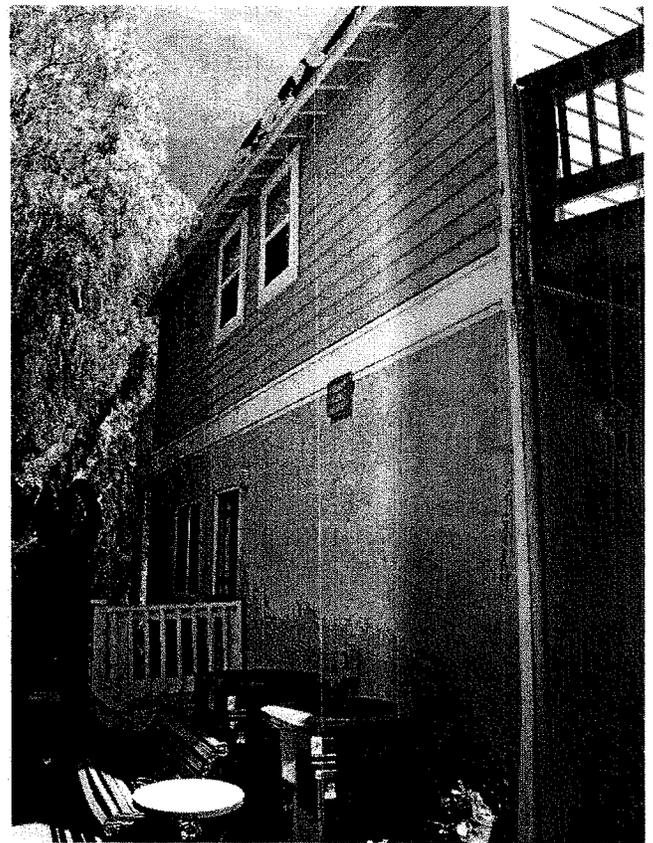
Some of the rotting wood that needs replacement on underside of top deck



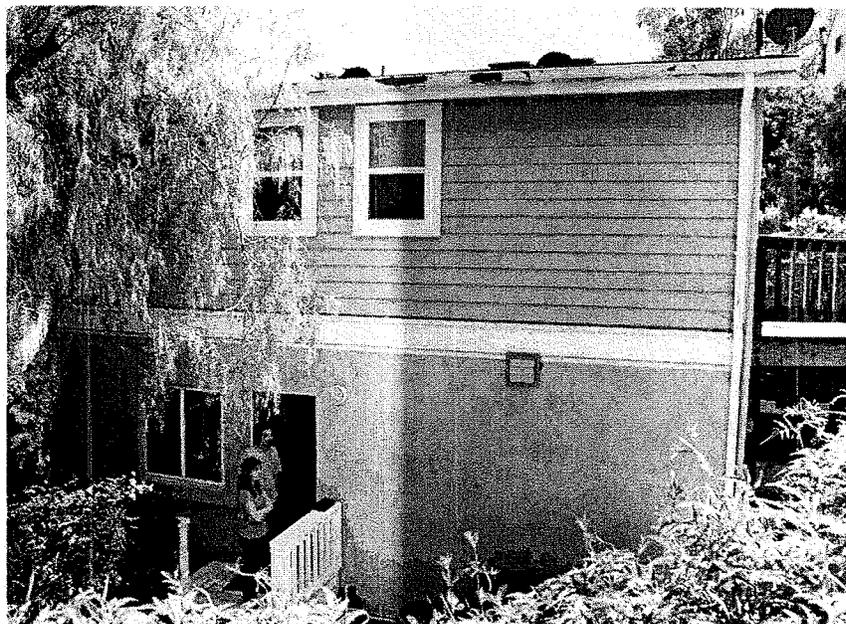
From street level looking at whole front of house



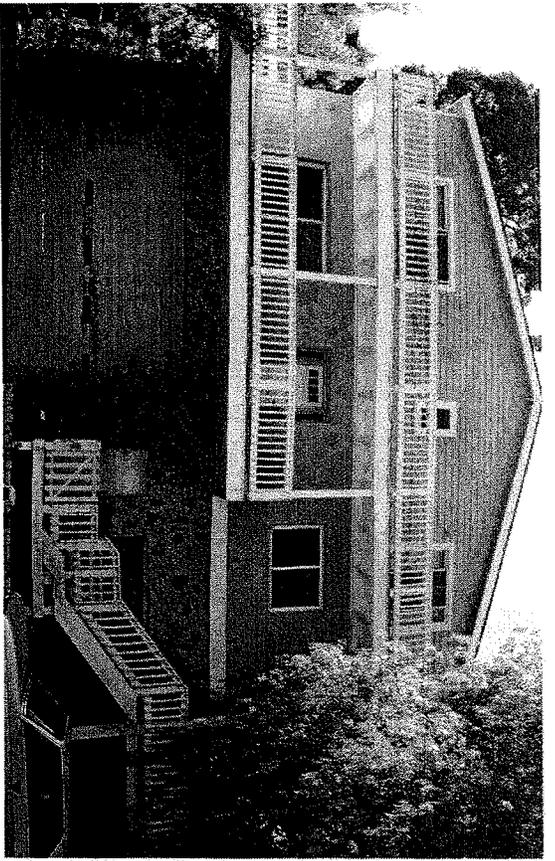
Fine - South Sideyard



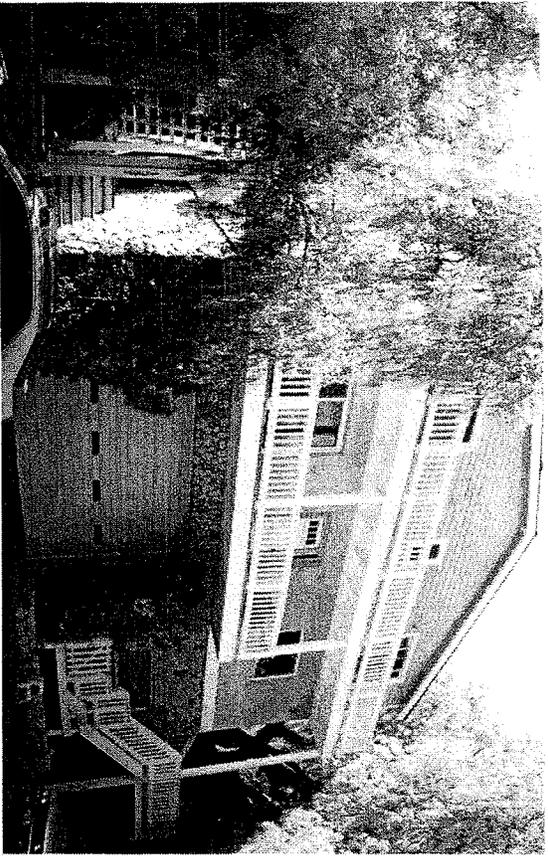
North Sideyard



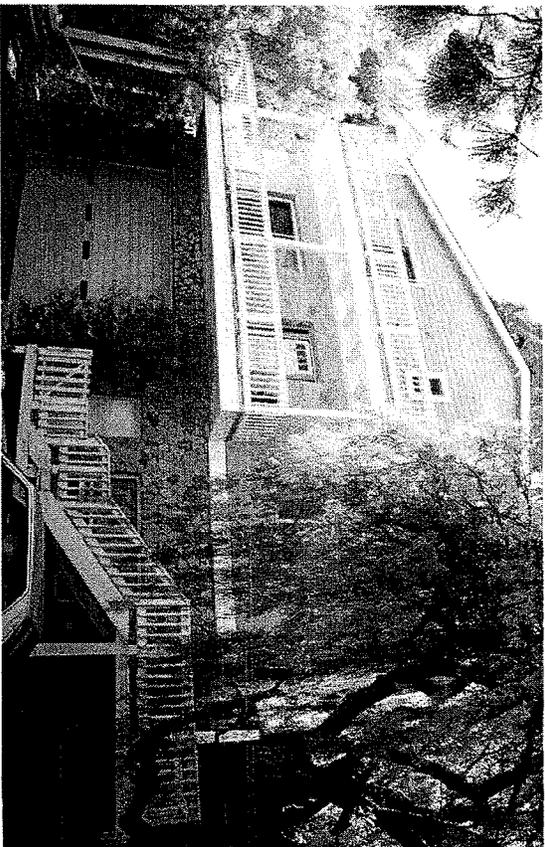
North Elevation



Fine Res. - Front View



Front View - Looking North



Front View - Looking South