



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

June 17, 2015

TO: Pat Modugno, Chair
Stephanie Pincetl, Vice Chair
Esther L. Valadez, Commissioner
David W. Louie, Commissioner
Curt Pedersen, Commissioner

FROM: Adrine Arakelian 
Zoning Permits West Section

Project No. R2012-01555- Conditional Use Permit No. 201200144- Conditional Use Permit No. 201500066 – Variance No. 201200004 - RPC Meeting: June 17, 2015 - Agenda Item: 6

Please find enclosed a letter sent by Luna & Glushon Attorneys. Their original letter dated May 18, 2015 was forwarded to the Commission on the May 20, 2015 hearing date.

Additionally, one letter in support and one in opposition were also received subsequent to the hearing package submitted to the Regional Planning Commission on June 4, 2015.

LUNA & GLUSHON

ATTORNEYS

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June 15, 2015

VIA EMAIL: aarakelian@planning.lacounty.gov

Los Angeles County Regional Planning Commission
Pat Modugno, Chair
Esther L. Valadez
David W. Louie
Stephanie Pincetl, Vice Chair
Curt Pedersen

Re: Project Number R2012-01555; Variance No. 201200004;
Conditional Use Permit Nos. 201200144 and 201500066;
Environmental Assessment No. 201200263
1820 & 1832 N. Topanga Blvd

Dear Commissioners:

As you are aware, our firm represents the Arteique/Deerhill Neighbors Coalition ("Neighbors") which include local residents and owners of properties in the neighborhood impacted by the proposed bed and breakfast facilities on two parcels of land ("Project"). This case was continued to June 17, 2015 and staff was instructed to provide separate Conditional Use Permit ("CUP") numbers for each of the two parcels.

With due respect to planning staff, the CUPs and Variance should be denied by the Commission for the reasons set forth in our prior letter dated May 18, 2015 and based on the evidence presented at the initial public hearing as supplemented at the June 17th hearing. The findings proposed by staff are not supported by substantial evidence as required by law.

The County's own zoning code does not allow a Bed and Breakfast use in the Agricultural zone. Such use is only allowed by a "discretionary" CUP in the Santa Monica Mountains North Area Community Standards District.

Here, the evidence does not support the required legal findings nor the intent of a benign, non-impactful B&B use in one single-family home. In this case, one owner is requesting you to approve two B & Bs including a Variance on one of the parcels that has not been sufficiently justified in terms of an alternative that would conform with the important ridgeline protections.

Here, the applicant acquired the subject properties with the knowledge of the ridgeline ordinance and any claimed difficulties in development. It is not the County's responsibility to provide a "Variance" so someone can build a commercial use that is more profitable than a single family residential use. At most, any "Variance" should be considered for only a single family home that is limited in size and location on the purported existing graded pad that is compatible with surrounding single family homes as to size and use.

The potential cumulative impact of two B&B's next to each other creating a mini hotel is clearly inconsistent with the residential character of the surrounding neighborhood. The surrounding neighborhood is made up of single family homes with permanent residents who are vested in their neighborhood and community.

In addition, as set forth in greater detail in our prior letter, the proposed Mitigated Negative Declaration ("MND") is inadequate as a matter of law in that it fails to identify and/or analyze, and fully mitigate all potential significant impacts.

The Neighbors ask the Commission to deny the CUP and make the following proposed alternative findings:

Conditional Use Permit - Code Section 22.56.040

- A-1. *The proposed Project will adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area.*

The proposed Project which include two Bed and Breakfast uses would create a hotel "commercial" use that is not consistent with the residential character of the neighborhood and would not enhance the health, peace and comfort of people in the community. Based on the evidence presented, the proposed Project would have an adverse and detrimental impacts on people in the community including noise, traffic and related impacts from a more intensive use than intended by the Code.

- A-3. *The proposed Project will jeopardize, endanger or otherwise constitute a menace to the public health or general welfare.*

For the reasons set forth above, this finding is not supported by substantial evidence in particular, the intensive use of two B&B's at this location.

- C. *The proposed site is not adequately served by highways or streets of sufficient widths, and improved as necessary to carry the kind and quantity such use would generate by other public or private service facilities as required.*

For the reasons set forth above, this required finding is not supported by substantial evidence. In particular, the evidence presented shows that the posting of a "No Left Turn" signage, as recommended, would result in vehicles being forced to make unsafe turnarounds on Topanga Canyon, a major highway.

Variance Findings (Non-Compliance with Ridgeline Ordinance)

- A. *The circumstances applicable to this property are not exceptionally different than the surrounding properties.*

The applicant purchased two properties that they are attempting to convert into a "quasi" commercial hotel use that includes development that does not comply with the County's ridgeline ordinance. This ordinance is applicable to all neighboring properties. There are no exceptional circumstances for the subject property. The applicant can develop the south parcel without violating the ridgeline ordinance. Even if special circumstances did exist, that might support a Variance grant for a single-family home use, not a commercial Bed and Breakfast use.

- B. *A Variance is not 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.*

A Variance is not necessary for applicant to develop the site in the manner as has been developed by other owners on property in the same zone and vicinity. The applicant can develop the site with single family homes without a Variance.

- C. *The granting of a Variance will be materially detrimental to the public welfare and will be injurious to other property or improvements in the same vicinity and zone.*

As set forth above, the evidence presented shows that having two Bed and Breakfasts on adjacent lots would likely result in materially detrimental impacts from a greater intensity of commercial hotel-like use that be injurious to other single family home properties and uses in the same vicinity and zone.

THE MND FINDINGS

The MND fails to identify and/or adequately analyze potential significant impacts of the proposed Project including noise, traffic, land use planning, aesthetics, public services and cumulative impacts. The evidence supports a "fair argument" that the proposed Project would have potential significant adverse impacts not adequately addressed in the MND.

The proposed Project is much more than just a low-impact "Bed and Breakfast facility". The size and scope of 10 guest rooms on two lots would create a use that does not conform to the residential character of the area. Approval of a CUP would create a dangerous precedent resulting in more commercial hotel-like uses in this tranquil Topanga Canyon/Santa Monica Mountains National Park Recreation Area. Approval of a Variance would result in others seeking to avoid compliance with the Ridgeline Ordinance.

For all the foregoing reasons, this Commission should deny this Project or, alternatively, require further environmental review by an environmental impact report.

Very truly yours,

LUNA & GLUSHON



ROBERT L. GLUSHON

**Stacy Sledge
19611 Valley View Drive
Topanga, CA 90290**

Re: Project # R2012-01555

Dear Commissioners,

Thank you for this opportunity. My name is Stacy Sledge. I have been a Topanga resident for 15 years, and serve on a dozen Topanga non-profit organizations and committees that address local issues. I am dedicated to the global well being of the Topanga community.

It is my hope, with the proposed CUP, the Commission is able to strike an acceptable balance between interested parties and find a way to approve this project. **My biggest concern, is that any requirement for this CUP, or its rejection thereof, will not potentially discriminate against others in our canyon in similar situations.**

For example, if this CUP is rejected because of concerns that B&B visitors will not be familiar with canyon driving and pose a potential traffic liability – would that same view be applied to the one hundred other Topanga house rentals, B&B's and AirB&B's located in our canyon? I think a traffic education outreach program regarding canyon driving is the better solution.

If this CUP is rejected because of other potential road traffic hazards, could the same argument be used against other public, commercial and private use locations in very similar situations? Especially those having limited site distance and/or difficult left turns; like the Topanga Community House and the Library, which collectively have over ten thousand visitors a year, many from outside Topanga who don't know our roads.

To address the main traffic concerns of the CUP, could you accept a right-turn-only sign from the property site, and accept potential southbound turnarounds at Pat's Grill, which is 300 feet from the proposed B&B location? Can the current extended pavement on TCB at the property's southbound entrance be acceptable for cars to go around those wanting to turn left into the B&B? Cars already do it now. It seems these line-of-site problems have workable solutions in already in place.

If this CUP is potentially rejected because of possible noise concerns, could you put into place any additional mechanisms for neighbors to report such matters and find resolution? Currently, the rest of

the canyon can file a complaint with the Sheriff's Dept. to report barking dogs, excessive noises, loud music, roosters crowing, and parties after midnight.

If this CUP is potentially rejected because of the size of the proposed homes, could you negotiate an acceptable square footage that is in alignment with already approved, non-commercial, A-1 designated homes of similar scale, and ratios of undeveloped to built? An example would be a home built in 2014 on Luse Road. The B&B CUP is actually less invasive and less visible.

If the CUP is potentially rejected because of watershed issues, can you put measures in place that will allow this B&B to conform and allow it to reach its goal to be the first Platinum Leed home in Topanga? Truthfully, this would be a great example of a water conservation effort for others to follow, especially in our current drought situation.

In summation, I believe that any additional concerns on the table have workable solutions. I believe this B&B will be an asset to the Topanga community and may even help keep impaired drivers off the road after local events. Carrie and Bill Carrier are very much rooted in the community as volunteers and are dedicated to being good neighbors. I hope in your deliberations you can find a way to approve the CUP application while maintaining the balance of protecting the interests of **ALL 8,289 TOPANGANS**.

Thank you for your time and consideration.

Respectfully submitted,



Stacy Sledge
Topanga Resident

Adrine Arakelian

From: Adeline Ramage Rooney [adelineramagerooney@gmail.com]
Sent: Wednesday, June 17, 2015 6:40 AM
To: Adrine Arakelian
Cc: Adeline Ramage Rooney
Subject: Project & Permit(s) R2012-01555, CUP # 201200144, Variance No. 201200004

TO: Adrine Arakelian BY EMAIL

FAO: LOS ANGELES REGIONAL PLANNING COMMISSION

Pat Modugno, Chair

Esther L. Valadez

David W. Louie

Stephanie Pincetl, Vice Chair

Curt Pedersen

Dear Commissioners

With regard to Project & Permit(s) R2012-01555, CUP # 201200144, Variance No. 201200004 continued from the May 20, 2015 hearing date to today, Wednesday 17th June 2015.

Code states: *The facility shall contain not more than five guest rooms available for paying guests, which rooms shall be located within the primary residence and not in any accessory structures. What legal reason does County Staff have for ignoring this code?*

Here the intent is crystal clear: A single, owner-occupied residential structure with a maximum of five guest-rooms. Applicant has requested and Staff recommended two separate structures on two lots of five guest-rooms each. Again, Code clearly states that the five rooms ***shall be located within the primary residence and not in any accessory structures***".

If these structures are to be considered one residence, then the five guest-room maximum must be maintained. If they are to be considered two structures, then only one structure can be considered a

primary residence and the other structure can only be considered an accessory structure, thereby disallowing an additional 5 paying guest-rooms. In my opinion, any other logic is either flawed or intentional circumvention of the intent *and* letter of written Code. It seems to me that the Commission Staff has recommended that this development be simultaneously considered a single residence, and two separate residences – whichever is most convenient for the Applicant..

Code further requires that “The facility shall be operated and maintained by the owner or lessee of the property, and it ***shall constitute the primary residence of the owner or lessee***”

The writers of this Code provided clear intent to avoid this very issue: Allowing multiple structures under single ownership, with each structure containing the maximum five guest rooms. If two structures are given the benefits of individual residence status, why not allow three, ten or twenty by simply leasing out other structures? **The code clearly states allowance of five guest-rooms in a single owner-occupied structure. Period.**

Further, Applicant seeks to in some way justify the additional five guest rooms in the second “accessory” structure based upon the verbal statements that a continuity of extended-family relatives will reside there. However, being *related* to the owners does not make them *owners*. An owner or lessee must reside in the structure – and only one structure is allowed whether owner or lessee – not both. Again, the code was written specifically to avoid this very issue. It states. “**owner OR lessee**”, not “owner AND lessee”.

This property was originally developed for two single-family residences. It is now clearly, and admittedly, being planned and developed as commercial property, to be treated as one residential property when convenient for Applicant’s desires.

Applicant wants to build on the existing pads, perhaps out of necessity, perhaps because it’s less expensive. From statements made at the 17th June hearing, it was not entirely clear to us if all the requirements for granting a ridgeline variance had been met, specifically, if the structure could be built elsewhere without affecting the ridgeline. Further, The fire fighting and traffic infrastructure are based on residential needs, while the planned structures – in terms of size and occupancy - will require commercial grade infrastructure to maintain code-mandated safety minimums in practical application.

Remember, at capacity, there will be a minimum of thirty people at this facility. Further impact of this reality is likely congestion and hazard on CA Hwy 27, one of the County’s most important commuter corridors between the coast and the San Fernando Valley.

Staff recommended that “right-turn only” signs at ingress to and egress from the established driveway would adequately protect the safety of occupants, the community and commuters on State Hwy 27.

We, as longtime residents, gave fair argument that this is simply untrue. The driveway is immediately around a blind corner to southbound traffic. It was and remains our collective, experienced testimony that this driveway will endanger life and property. Additionally, even for drivers who follow the “right turn only” direction, County would simply be moving dangerous U-turns to another area of the canyon. I personally have driven in and out of the property twice in recent weeks. It is a death trap. These issues are exacerbated by the facts that the majority of drivers turning into and out of the drive will be completely unfamiliar with the traffic environment - I believe according to County Code, the premises will also not be allowed any signage - and that this facility will have significantly more traffic than any “residence”.

Code requires that such a development “**retain a residential character**.” The word character implies much more than esoteric façade.

Twenty or more guests, four or more residents, staff, deliveries, sales people and events – None of this could be construed as *maintaining residential character*. Even the word *maintain* suggests that the code was written for structures pre-existing as a residence – before being converted.

Applicants provided to the Commission an illustration showing the location of a few commercial structures along Topanga Canyon Blvd/State Hwy 27 as evidence that their own commercial structures should be allowed. The fact remains that Applicant’s land, unlike that of the existing commercial structures, is zoned for residential and directly adjacent to a residential community.

The written Code allowing for the natural evolution of a family residence into a Bed and Breakfast Inn *was articulated sufficiently to prevent, at its inception, Applicant’s desire to plan and build multiple commercial structures in a residential area with the cost-saving benefits of residential status.*

Yours sincerely,

Adeline Ramage Rooney
adelineramagerooney@gmail.com