



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

July 30, 2015

Mr. and Mrs. Josh Epstein  
18449 Clifftop Way  
Malibu, CA 90265

Dear Applicant:

**RE: DIRECTOR'S REVIEW CASE NO. RCDP201500026 (PROJECT R2014-03363)  
18449 CLIFFTOP WAY, MALIBU, CA 90265 (APN 4443-004-005)**

The Director, on July 30, 2015, has approved Director's Review Case No. RCDP 201500026, to allow first and second floor room additions to an existing single-family residence with yard modification for a reduced front yard setback of 15 feet, in-lieu of the required 20 feet, for a portion of the attached garage to be modified. The proposed development is an improvement to an existing lawfully established single-family residence and is exempt from a Coastal Development Permit (CDP), pursuant to the Santa Monica Mountains Local Implementation Program (LIP) Section 22.44.820 (A.1). Please see related Letter of Exemption for project dated 7/30/2015.

Pursuant to Part 5 of Chapter 22.60 of the Los Angeles County Zoning Code (Title 22), the applicant or any other interested person may appeal the Director's decision to the Los Angeles County Regional Planning Commission (Commission) at the office of the Commission Secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission Secretary for the appeal procedures and fee at (213) 974-6409.

**The appeal period for this project will end at 5:00 p.m. on August 13, 2015 (end of 14<sup>th</sup> calendar day/next business day after weekend/holiday).** Any appeal must be delivered in person to the Commission Secretary by this time. If no appeal is filed during the specified period, the Director's action is final.

For any other questions or information regarding this approval, please contact Rudy Silvas at (213) 974-6278, or by email at [rsilvas@planning.lacounty.gov](mailto:rsilvas@planning.lacounty.gov).

Sincerely,  
DEPARTMENT OF REGIONAL PLANNING  
Richard J. Bruckner

Rudy Silvas, Principal Regional Planning Assistant  
Land Development Coordinating Center Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)

c: Building and Safety, Calabasas

**FINDINGS AND ORDER OF THE DIRECTOR  
COUNTY OF LOS ANGELES DEPARTMENT OF REGIONAL PLANNING  
PROJECT NUMBER R2014-03363-(3)  
DIRECTOR'S REVIEW CASE NUMBER RCDP 201500026**

1. **ENTITLEMENTS REQUESTED.**

Pursuant to Los Angeles County Code Sections 22.56.1660 and 22.48.180, approval of a Director's Review for a yard modification is requested to authorize a reduced front yard setback of 15 feet in lieu of the required 20 feet, for a portion of garage floor expansion into the required front yard setback at 15 feet from the front property line.

2. **PROJECT DESCRIPTION.**

The applicant is proposing to remodel and add on to an existing single-family residence. A second floor bedroom, office, play room and bathroom, first floor garage expansion and driveway approach, new living room, laundry and powder room are proposed. Total of new first floor addition is for 502 square feet, and 596 square feet for the second floor addition to existing 1,963 square foot residence. New driveway approach to remodeled garage will be directly from Clifftop Way. The subject property, identified as Lot 33 of Tract No. 26461, is 8,910 square feet in size. The maximum height of the proposed second floor addition will be 25 feet above grade. A yard modification request has been made to allow a 15 foot front yard setback from the front property line in lieu of the required 20 feet for garage expansion.

3. **LOCATION.** The subject property is located at 18449 Clifftop Way in the unincorporated area of Malibu, and within the Malibu Zone District. The property's Assessor Parcel Number (APN) is 4443-004-005.

4. **SITE PLAN DESCRIPTION.** The site plan depicts the existing residence, new additions proposed, street right-of-way, structure setbacks, and site contours. The floor plan depicts the existing residential floor area and proposed first and second floor additions. Elevation plan depicts the façade and height of the existing residence and proposed improvements.

5. **EXISTING ZONING.** The subject property is zoned R-1 (Single-Family Residence).

**Surrounding Properties:**

North: O-S-P (Open Space Parks)

East: R-1

South: R-1

West: R-1

6. **EXISTING LAND USES.** The site is currently developed with a single-family residence with attached garage.

**Surrounding Properties:**

North: Topanga State Park

East: Single-family residence

South: Single-family residence

West: Single-family residence

7. **PREVIOUS CASES/ZONING HISTORY.** A building permit was issued by County Public Works' Building and Safety Division for construction of the residence on February 25, 1965, and finalized on September 21, 1965.
8. The California Coastal Commission issued Exemption Letter 4-00-089-X on July 3, 2000, for interior remodeling and the addition of approximately 205 square feet to the existing residence to construct a new dining room. A building permit was issued by Building and Safety on July 27, 2000, and finalized on November 30, 2000, for the project.
9. Director's Review Plot Plan RPP 201401178 was filed on December 18, 2014, for the proposed project described under the project description. The plot plan application was converted into Administrative Coastal Development Permit (CDP) application RCDP 201500026 on February 17, 2015, to review the project under the new Santa Monica Mountains Local Coastal Program (LCP) requirements.
10. Ordinance No. 7076 adopted by the County Board of Supervisors on December 26, 1956, established Zone M3 over Malibu District 10.
11. Ordinance No. 8164 was adopted by the County Board of Supervisors on February 20, 1962, which established the R-1- 6,000 (Single-Family Residence-6,000 square foot min. reqd. lot area) Zone.
12. **GENERAL PLAN/COMMUNITY PLAN CONSISTENCY.** The property is located within the (U8 – Residential) land use policy of the LCP. Density permitted is 8 dwelling units per 1 acre. The proposed additions to the existing single-family residence with yard modification for garage setback does not conflict with the LCP policy classification for the property.
13. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The subject property is zoned R-1 and is not located within any designated Rural Village of the LCP.
14. The application for the additions and alterations proposed includes a request for yard modification to allow a garage expansion and alteration to come within 15 feet of the front property line. Due to the additions of the living room and second floor offices the existing driveway approach must be relocated with new curb cut, an alteration that will require the minor expansion of the attached garage to accommodate two covered parking spaces. Although a yard modification within the LCP area would require an Administrative CDP under County Code Section 22.44.1380 of the LIP, the project for improvements to the existing single-family residence is exempt from a CDP under County Code Section 22.44.820 of the LIP due to site location entirely within H3 Habitat and not within H1 or H2 Habitat areas as defined per County Code Section 22.44.1810 of the LIP. Due to the exemption from the LCP, the remainder of the project falls under general review and regulation of the County Zoning Code. The Director is authorized to grant a yard modification for a 15 foot front yard setback in-lieu of the required 20 feet, per County Code Section 22.48.180. A 20 foot front yard depth or setback is required for the R-1 Zone per County Code Section 22.20.120 of the LIP.

15. The height of the proposed second floor addition will be at a maximum of 25 feet above grade and in compliance with the 35 foot height limit for the R-1 Zone per County Code Section 22.20.110.
16. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The site is located in The Malibu Zone District. The subject property is developed with a single-family residence and surrounded by single-family residences to the south, east and west which are part of a built-up subdivision – Tract 26461. To the north of the site is Topanga State Park. A significant ridgeline located at 872 feet to the northeast of the subject parcel and within the State Park overlooks the property and surrounding residences. The proposed improvements to the existing single-family residence are compatible with the surrounding residences. No neighborhood impacts are anticipated with the improvements to the residence proposed.

The yard modification request to allow the front yard setback to be reduced from 20 feet to 15 feet from the front property line for a portion of the garage to be altered reflects similar front yard setbacks in some locations within the subdivision, and creates no impact to surrounding land uses.

**COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.**

17. The Public Works Department (Public Works) was consulted on the proposed improvements for the reduced front yard setback on the garage alteration. The applicant was directed to submit a site plan to Public Works for evaluation and clearance. Concerns for line-of-sight impacts during ingress and egress from the garage and for available parking on the driveway completely out of the right-of-way were asked to be addressed. Public Works' Land Development Division conceptually approved the site plan on May 5, 2015. No concerns were made by Public Works for impacts to the line-of-sight or for the parking of vehicles on site completely out of the right of way. A comment was made that any proposed work within the road right of way will require encroachment permits.
18. **ZONING ENFORCEMENT.** As of July 27, 2015, there are no reported zoning violations on the property from the Department's Zoning Enforcement Staff.
19. **PUBLIC OUTREACH.** Pursuant to the policies of the Department of Regional Planning, and in compliance with County Code Section 22.44.940 F. of the LIP for an Administrative CDP, a notice was mailed to surrounding property owners with information regarding the application for an Administrative CDP and the request for a yard modification. The notice was sent out to all property within 500 feet of the subject property. Two consecutive publications in the local weekly Malibu Times newspaper for May 28, 2015, and June 4, 2015, and posting of the notice on the property for the application of the Administrative CDP was also made in compliance with County Code Section 22.44.970 of the LIP. Following staff's determination that the project qualifies for exemption from a CDP, staff also determined that the noticing method used for the Administrative CDP would suffice for noticing requirements necessary for a general Director's Review yard modification request.
20. **PUBLIC COMMENTS.** Staff did not receive any public comments within the 30 day comment period from May 29, 2015, to June 27, 2015.

#### DIRECTOR'S REVIEW SPECIFIC FINDINGS

21. The proposed improvements and additions to the existing single-family residence, with a yard modification for a front yard setback of 15 feet from the front property line in lieu of the required 20 feet, qualifies for approval and grant of a yard modification by the Director per County Code Section 22.48.180, contingent upon the final approval and issuance of building permits by the Building and Safety Division of County Public Works. A yard modification approval, contingent upon final approval and issuance of building permits, is justified due to the unnecessary hardship that requiring the front setback to be maintained at 20 feet on the alteration and expansion of the garage would make the addition of rooms and remodeling impractical. The applicant has provided examples of other properties in the vicinity with similar front yard setbacks, and the proposal has been reviewed by County Public Works with no comments on concerns for safety. The yard modification burden of proof prepared by the applicant is found to be acceptable.

#### ENVIRONMENTAL DETERMINATION

22. The proposed project qualifies for a Class 1 Categorical Exemption from CEQA for Existing Facilities, per CEQA Guidelines Section 15301.
23. **TERM LIMIT USE FOR APPROVAL.** The approval of the Director's Review is for two-years. A one year time extension may be requested per County Code Section 22.56.1740.
24. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Director's decision is based in this matter is the Los Angeles County Department of Regional Planning, Room 1360, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Staff of the Land Development Coordinating Center Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE DIRECTOR CONCLUDES:

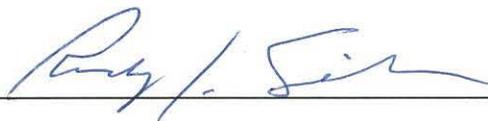
WITH RESPECT TO THE DIRECTOR'S REVIEW:

- A. That the use, development of land and/or application of development standards is in compliance with all applicable provisions of Title 22;
- B. That the use, development of land and/or application of development standards, when considered on the basis of the suitability of the site for the particular use or development intended, is so arranged as to avoid traffic congestion, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice; and
- C. That the use, development of land and/or application of development standards is suitable from the standpoint of functional developmental design.

THEREFORE, the information submitted by the applicant substantiates the required findings for a Director's Review as set forth in Section 22.56.1690 of Title 22.

DIRECTOR'S ACTION:

1. The Director finds the project qualifies for a Class 3 Categorical Exemption from CEQA for New Construction or Conversion of Small Structures, per CEQA Guidelines Section 15303.
2. In view of the findings of fact presented above, Director's Review Case No. CDP 201500026 is **APPROVED**.

BY:  DATE: 7/30/15

**Rudy Silvas**  
Principal Regional Planning Assistant  
Department of Regional Planning  
County of Los Angeles

c: Building and Safety (Calabasas Office)

RS  
07/30/2015

**CONDITIONS OF APPROVAL  
DEPARTMENT OF REGIONAL PLANNING  
PROJECT NO. R2014-03363-(3)  
DIRECTOR'S REVIEW CASE NO. CDP 201500026**

**PROJECT DESCRIPTION**

Remodel and addition to existing single-family residence with second floor bedroom, office, play room and bathroom, first floor garage expansion and driveway approach, new living room, laundry and powder room proposed. Total new first floor addition is 502 square feet, and 596 square feet for second floor addition to existing 1,963 square foot residence. New driveway approach to remodeled garage will be directly from Clifftop Way. The subject property, identified as Lot 33 of Tract No. 26461, is 8,910 square feet in size. The maximum height of the proposed second floor addition will be 25 feet above grade. A yard modification has been granted to allow a 15 foot front yard setback from the front property line in lieu of the required 20 feet for garage expansion.

**GENERAL CONDITIONS**

1. This grant authorizes improvements and additions to an existing single-family residence with Director's Review and approval for a yard modification, pursuant to County Code Sections 22.56.1660 and 22.48.180, for a front yard setback of 15 feet in-lieu of the required 20 feet, contingent upon final approval and issuance of building permits by the Building and Safety Division of County Public Works.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, 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 Los Angeles County ("County") Department of Regional Planning ("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 notarized as required by Condition No. 8. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 5, 6, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
4. Unless otherwise apparent from the context, the term "**date of final approval**" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
5. 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 Director's Review approval in concept, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
6. 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 make an initial deposit with

Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses 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 \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

7. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **notarize the terms and conditions** of the grant. In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
9. This grant shall expire unless used within three (2) years from the date of "final approval" of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any compliance shall be a violation of these conditions.
11. If inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse County Regional Planning and or Public Works for any and all enforcement efforts necessary to bring the subject property into compliance. The amount charged for County Regional Planning inspections shall be \$200.00 per inspection, or the current recovery cost at the time any inspections are required, whichever is greater.
12. The permittee shall submit the Director's Review approval to County Public Works' Building and Safety Division in Calabasas, located at 26600 Agoura Road, Calabasas, California 91302, for processing, review, approval and issuance of Building Permits.
13. All development pursuant to this grant must be kept in full compliance with the County Fire Code. The applicant shall contact the Fire Department to ensure that full compliance with all requirements set forth by the Fire Department are covered, and to make payment on the fire protection facilities fee in effect in the project area.

14. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the site plan approved by the Director.
15. The permittee shall maintain the subject property in a neat and orderly fashion.
16. The subject property shall be developed and maintained in substantial compliance with the site plans approved by the Director. If changes to the site plan are required as a result of instruction given by County Public Works, **four (4) copies** of a revised site plan shall be submitted to Regional Planning for amendment prior to the expiration of the Director's Review approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

#### PERMIT SPECIFIC CONDITIONS

17. The County Regional Planning Department Director's approval of the improvements and additions to the existing residence with yard modification is contingent upon final approval, issuance, and finalization of the building permits by the Building and Safety Division of County Public Works.
18. The permittee is expected to work diligently to complete all requirements set forth by County Public Works and obtain the necessary building permits from its Building and Safety Division.
19. This project for improvements and additions, identified for the existing single-family residence by the applicant, is exempt from the requirement for a Coastal Development Permit (CDP) under County Code Section 22.44.820 A.1 of the Santa Monica Mountains Local Implementation Program (LIP) of the Local Coastal Program (LCP). Any change in the project may cause it to lose its exempt status. Please refer to the CDP exemption letter dated July 30, 2015.

RS  
07/30/2015