

July 7, 2026

Sean Nguyen
7251 North Owensmouth Avenue: Unit #2
Canoga Park, CA 91303

PROJECT NO. PRJ2022-002115-(3)
VARIANCE NO. RPPL2022006560
2266 NORTH TOPANGA CANYON BOULEVARD, TOPANGA (APN: 4434-012-037)

Dear Applicant:

Hearing Officer Gina Natoli, by her action of **July 7, 2026**, has approved the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended, and the required documents and applicable fees are submitted to LA County Planning (see enclosed Affidavit of Acceptance Instructions).

Appeals:

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **July 21, 2026**. Appeals must be submitted to appeal@planning.lacounty.gov before the end of the appeal period.

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

In addition, any applicable California Environmental Quality Act fees or for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. A Notice of Exemption, if applicable, may also be filed according to the instructions in the enclosed Affidavit of Acceptance.

For questions or for additional information, please contact Shawn Skeries of the Coastal Development Services Section at (213) 974-0051, or sseries@planning.lacounty.gov.

Sean Nguyen
July 7, 2026
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Sincerely,

AMY J. BODEK, AICP
Director of Regional Planning

Rob Glaser

Robert Glaser, Supervising Regional Planner
Coastal Development Services Section

RG: SS

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

c: Zoning Enforcement
Public Works / Building & Safety Division, Calabasas field office

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING
FINDINGS OF THE HEARING OFFICER
AND ORDER
PROJECT NO. PRJ2022-002115-(3)
VARIANCE NO. RPPL2022006560

RECITALS

1. **HEARING DATE(S).** The Los Angeles County (“County”) Hearing Officer conducted a duly noticed public hearing in the matter of Variance No. RPPL2022006560 on July 7, 2026.
2. **HEARING PROCEEDINGS.** A duly noticed public hearing was held on July 7, 2026, before the Hearing Officer. Staff provided a brief presentation. The Hearing Officer opened the public hearing for public comments. There was testimony in opposition to the project related to correspondence received prior to the hearing. The applicant for the Project, Sean Nguyen, made himself available for questions. The Hearing Officer requested that two additional conditions of approval be added. A condition stating that the proposed retaining wall be earth-tone or neutral in color, and a condition stating that the grading limits are delineated on the final Exhibit ‘A’ and for temporary protective fencing be erected on site to ensure no grading or grading spoils go beyond this restrictive area. The applicant agreed to these added conditions of approval. The Hearing Officer subsequently closed the public hearing, found the Project categorically exempt from CEQA, and approved the Project.
3. **ENTITLEMENT(S) REQUESTED.** The permittee, Sean Nguyen (“Permittee”), requests the Variance to authorize the construction of a 50-foot-by-20-foot swimming pool with a spa, decking, and a new retaining wall, and the approval of existing unpermitted structures, including a 315-square-foot addition to the eastern edge of an existing single-family residence and a 69-square-foot addition to an existing art studio that is accessory to the single-family residence (“Project”) pursuant to County Code Sections 22.336.100 (Modification of Development Standards) and 22.194.020.J (Variances Applicability – Distance Separation Requirements). The Project is located on a 2.7-acre property located at 2266 North Topanga Canyon Boulevard (Assessor’s Parcel Number 4434-012-037) in the unincorporated community of Topanga (“Project Site”) in the A-1-5 (Light Agricultural – Five Acre Minimum Required Area) Zone.

The Project will also have a total of 246 cubic yards of grading (86 cubic yards cut, 160 cubic yards fill) with 74 cubic yards to be imported.

The Variance would authorize the encroachment of the Project into the distance separation setbacks from the significant ridgeline located to the north and northeast of the existing single-family residence. The Variance is associated with Ministerial Site Plan Review No. RPPL2022006563, which requests the development described above and cannot be approved unless this variance request is also approved.

4. **ENTITLEMENT(S) REQUIRED.** The Variance is required for the construction of the pool with a spa, decking, and a retaining wall, and the approval of the existing unpermitted additions to the existing single-family residence and studio, within the 50-foot horizontal and vertical distance separation requirements from a significant ridgeline in the A-1-5 Zone pursuant to County Code Sections 22.336.100 and 22.194.020.J.
5. **LOCATION.** The Project is located at 2266 North Topanga Canyon Boulevard within The Malibu Zoned District and Santa Monica Mountains Planning Area.
6. **PREVIOUS ENTITLEMENT(S).** None.
7. **LAND USE DESIGNATION.** The Project Site is located within the RL5 (Rural Land – One Dwelling Unit Per Five Acres Maximum Density) land use category of the Santa Monica Mountains North Area Plan.
8. **ZONING.** The Project Site is located in The Malibu Zoned District and is currently zoned A-1-5. Pursuant to County Code Sections 22.336.100 and 22.194.020.J, a variance is required for development within a designated significant ridgeline buffer.
9. **SURROUNDING LAND USES AND ZONING**
The following chart provides property data within a 700-foot radius:

LOCATION	SANTA MONICA MOUNTAINS NORTH AREA PLAN	ZONING	EXISTING USES
NORTH	RL5 (Rural Land-One Dwelling Unit Per Five Acre Maximum Density)	A-1-5 (Light Agricultural – Five-Acre Minimum Lot Area)	Single-family residences and vacant land
EAST	RL5	A-1-5, C-2 (Neighborhood Business)	Single-family residence and vacant land
SOUTH	RL5	A-1-5	Single-family residence and vacant land
WEST	RL5	A-1-5	Single-family residences and vacant land

10. PROJECT AND SITE PLAN DESCRIPTION.

A. Existing Site Conditions

The Project Site is approximately 2.7 acres and has an existing 1,931-square-foot single-family residence built in 1940, per County Assessor's Records. There are also 384 square feet of unpermitted additions to the home and the accessory structure built prior to 1971, per County Assessor's Records. The Project includes

approval of the unpermitted additions of 315 square feet to the single-family residence and 69 square feet to the accessory structure, for a total size of 2,231 square feet for the home and 432 square feet for the accessory structure.

The existing home is on a graded pad within a property that slopes from north to northeast and south to southwest with a significant ridgeline to the north and northeast of the home. Another existing single-family home on an adjoining property sits atop the ridgeline. The home on the Project Site is located approximately 25 feet below the significant ridgeline, and pre-dates Ordinance Number 2004-0072, adopted on January 6, 2005, which enacted current requirements for 50-foot horizontal and vertical separation from the significant ridgeline.

The Project Site contains S2, S3 and S4 Habitat Zones outside of the residence's graded pad and fuel modification zone. There is a scenic road buffer along the south and southeast of the property outside of the Project area and along Topanga Canyon Boulevard. As a result of the designated habitat areas on the Project Site, a biological assessment was prepared and reviewed by the County Department of Regional Planning ("LA County Planning") Staff Biologist ("Staff Biologist"). The Staff Biologist agreed with the conclusions of the biological assessment that the Project is located within disturbed S4 Habitat land, within the existing fuel-modification zone, and is sited to avoid protected trees or sensitive habitat areas.

B. Site Access

The Project Site is accessible via North Topanga Canyon Boulevard to the south and southwest. Primary access to the Project Site is via the existing driveway.

C. Site Plan

The Site Plan shows the Project Site with the unpermitted residential and accessory structure additions that are being incorporated into the permit to legalize their existence. The proposed new pool, spa and retaining wall to the north/northeast, which is located approximately six feet above the home, follows the site contours. The Project would result in a total of 246 cubic yards of grading (86 cubic yards cut, 160 cubic yards fill) with 74 cubic yards to be imported. The Project Site includes native and non-native species and has S2, S3, and S4 Habitat Zones. The proposed Project work is in the disturbed S4 Habitat Zone, outside of areas that contain undisturbed native vegetation, and within the existing fuel modification zone for the existing single-family residence and existing accessory structure. No oak trees or other protected trees are proposed to be encroached upon per the Biological Report.

- 11. CEQA DETERMINATION.** Prior to the public hearing on the Project, LA County Planning staff determined that the Project qualified for Class 3 (New Construction or Conversion of Small Structures) and Class 4 (Minor Alterations to Land) categorical exemptions from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), and the County Environmental Document Reporting Procedures and Guidelines, because the Project involves the continued use of a single-family residence with small residential additions and permitted accessory uses.

Pursuant to section 15303 of the State CEQA Guidelines, the Class 3 Categorical Exemption includes a single-family residence, accessory structures and associated infrastructure. The Project qualifies for a Class 3 Categorical Exemption because the Project includes a proposal to construct a new swimming pool with a spa, associated decking and a retaining wall, which are permitted accessory uses to the existing legally established single-family residence. Additionally, the Project includes approval of an existing unpermitted approximately 315-square-foot addition to the single-family residence and an existing unpermitted 69-square-foot addition to the accessory structure.

Pursuant to section 15304(i) of the State CEQA Guidelines, the Class 4 Categorical Exemption includes alterations in the condition of land, water, and/or vegetation which do not involve the removal of healthy, mature, scenic trees except for forestry and agricultural purposes. Pursuant to the County Environmental Document Reporting Procedures and Guidelines, the Class 4 Categorical Exemption includes grading on land of less than 10 percent slope which is associated with one single-family residence and accessory uses. The Project qualifies for a Class 4 Categorical Exemption because the Project includes 245 cubic yards of total grading associated with the construction of a new swimming pool.

Section 15300.2 of the State CEQA Guidelines discusses how projects located within particularly sensitive environments may have a significant impact on the environment and are therefore not eligible for certain CEQA exemptions, including the Class 3 and Class 4 Categorical Exemptions mentioned above. Exceptions to the exemptions include project impacts to an environmental resource of hazardous or critical concern where officially designated, precisely mapped, and adopted pursuant to law by federal, state, or local agencies. Exceptions to the exemptions also apply where a project may result in damage to scenic resources or where a project includes activities that will have a significant effect on the environment due to unusual circumstances. Additionally, an exception to the exemption applies where a project may result in damage to scenic resources. However, the proposed Project is not subject to an exception to the CEQA exemptions because the prepared biological assessment of the area of Project disturbance did not indicate the presence of sensitive biological resources that would be impacted by the proposed development of the Project, as described in detail below.

The Permittee completed a biological assessment that was reviewed by the Staff Biologist. The Staff Biologist conducted a site visit and confirmed that the Project Site was appropriately mapped and agreed with the contents of the biological assessment. The biological assessment determined that the portion of the Project Site proposed for development does not contain any environmental resources of hazardous or critical concern, nor does it contain any plants or animals listed as federal, state, or locally sensitive designation, and it is not considered a particularly sensitive environment. The Project, with a maximum height of 11 feet and eight inches above grade, is not expected to impact scenic resources such as the designated scenic highway (Topanga Canyon Boulevard) or state conservation land. It is also not likely to have a cumulative or significant effect on the environment, as it consists of one single-family residence in an

area with existing development, and no hazardous waste sites or historic resources would be affected. Therefore, the Project is categorically exempt from CEQA.

12. COMMUNITY OUTREACH. No community outreach was conducted by the applicant.

13. PUBLIC COMMENTS. Staff received no public comments at the time of submittal for this report.

14. AGENCY RECOMMENDATIONS.

A. The County Department of Public Works, in a letter dated July 11, 2024, recommended that the Project proceed to public hearing.

B. The County Fire Department, in a letter dated June 24, 2024, recommended that the Project proceed to public hearing.

C. The County Department of Public Health, in letter dated November 12, 2024, recommended that the Project proceed to hearing with required conditions of approval.

15. LEGAL NOTIFICATION. Pursuant to County Code Section 22.222.120 (Public Hearing Procedure), the community was properly notified of the public hearing by mail, newspaper (*The Malibu Times*) and property posting. Additionally, the Project was noticed, and case materials were available on LA County Planning's website. On March 18, 2026, a total of 31 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 700-foot radius from the Project Site, as well as 22 notices to those on the courtesy mailing list for The Malibu Zoned District and to any additional interested parties.

GENERAL PLAN CONSISTENCY FINDINGS

16. LAND USE POLICY. The Hearing Officer finds that the Project is consistent with the goals and policies of the Santa Monica Mountains North Area Plan because the RL5 land use designation is intended for uses and accessory uses that are compatible with larger residential and agricultural parcels. The proposed use with the attached conditions will be consistent with the adopted Santa Monica Mountains North Area Plan because it is consistent with applicable goals and policies, as it continues the use of a single-family residence while adding the benefit of minor residential additions and a permitted accessory use (swimming pool).

17. GOALS AND POLICES. The Hearing Officer finds that the following goals and policies of the General Plan and the Santa Monica Mountains North Area Plan are applicable to the Project:

GENERAL PLAN:

A. Goal C/NR 13: Protected visual and scenic resources, Policy C/NR 13.1
Protect scenic resources through land use regulations that mitigate

development impacts. The Project preserves the existing significant ridgeline located north/northeast of the existing residence, as shown on the Site Plan. The undeveloped portion on the remainder of the lot will remain undisturbed. Approval of the unpermitted additions will not increase the height and bulk of the existing single-family residence because the additions are smaller than the original residence.

B. Goal C/NR 13: Protected visual and scenic resources, Policy C/NR 13.2: Protect ridgelines from incompatible development that diminishes their scenic value. The existing residence predates the requirements for 50-foot horizontal and vertical separations from a significant ridgeline. However, the existing residential pad and fuel modification zone are on level portions of the lot, and do not include sensitive habitat contained on other portions of the site per the prepared biological assessment. The additions to the home and accessory structure were constructed prior to 1971 and will be approved “after-the-fact.” While closer to the ridge, the additions keep the same bulk and scale as the existing single-family residence and still maintain separation from the top of ridge, while being below the total height, as shown on the site and grading plans. The pool will fit into the existing topography and not impact on any natural habitat or ungraded area because it will be behind the home and approximately 20-25 feet below the ridge, and it will use a retaining wall to allow it to be approximately six feet above the home. The location behind the home also minimizes the view of the unpermitted additions and pool from Topanga Canyon Boulevard, a designated scenic corridor. A variance will allow this exception to the distance-separation requirements and provide for the reasonable use and enjoyment of the lot in a least impactful location pursuant to the biological assessment that was prepared.

C. Goal LU-3: A development pattern that discourages sprawl and protects and conserves areas with natural resources and SEAs, Policy LU 3.1 Encourage the protection and conservation of areas with natural resources, and SEAs. By clustering the additions and pool behind the home, they are within, and do not expand, the existing fuel modification zone. A water source, such as a pool, facilitates fire protection for the site. According to the biological assessment, the pool area is proposed on already disturbed ground and is in the S4 Habitat Zone; therefore, its location would minimize impacts to the Project Site’s S2 and S3 Habitat Zones. A variance, therefore, would support the placement of the pool and additions in the least impactful areas of the lot.

SANTA MONICA MOUNTAINS NORTH AREA PLAN:

D. Goal CO-78: Require that new development preserve views from public parks, trails, and designated Scenic Routes. This includes preserving and enhancing views from public roadways that are oriented toward existing or proposed natural community amenities such as parks, open space, or natural features. By clustering the additions and pool behind the home, they are within, and do not expand, the existing fuel modification zone. A water source, such as a

pool, facilitates fire protection for the site. According to the biological assessment, the pool area is proposed on already disturbed ground and is in the S4 Habitat Zone; therefore, the location would minimize impacts to the Project Site's S2 and S3 Habitat Zones. A variance, therefore, would support the placement of the pool and additions in the least impactful areas of the lot.

E. Goal CO-79: Require that new development preserve views of the ocean, Significant Ridgelines, and Scenic Elements from public parkland, trails, Scenic Routes, and the principal permitted use on adjoining parcels. If there is a conflict between protecting views from public view areas and from private view areas, the protection of public views shall take precedence. By clustering the additions and pool behind the home, they are within, and do not expand, the existing fuel modification zone. A water source, such as a pool, facilitates fire protection for the site. According to the biological assessment, the pool area is proposed on already disturbed ground and is in the S4 Habitat Zone; therefore, the location would minimize impacts to the Project Site's S2 and S3 Habitat Zones. A variance, therefore, would support the placement of the pool and additions in the least impactful areas of the lot.

F. Goal CO-85: Limit structure height to minimize impacts to scenic resources. The proposed swimming pool and the unpermitted additions that will be approved are less than 18 feet in height.

ZONING CODE CONSISTENCY FINDINGS

18. PERMITTED USE IN ZONE. The Hearing Officer finds that the Project is consistent with the A-1-5 zoning classification as a single-family residence is a permitted use in such zone. Additions to the home and accessory uses, such as the pool and retaining wall, require a Site Plan Review ("SPR") pursuant to County Code Chapter 22.186. County Code Chapter 22.186 allows for a SPR for projects proposing under 500 cubic yards of grading. Since the Project proposes a total of 246 cubic yards of grading (86 cubic yards cut, 160 cubic yards fill) with 74 cubic yards to be imported, the Project meets the requirements for a SPR. However, as the additions and pool would encroach into the separation-distance requirements from a significant ridgeline, a variance is required per County Code Section 22.336.100. Therefore, a Variance is also proposed.

19. REQUIRED YARDS. The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.16.050.A, as the Project exceeds the required five-foot side yard setback and 15-foot rear yard setback, and would meet all other required setback standards, as shown on the Site Plan.

20. SIGNIFICANT RIDGELINE. The Hearing Officer finds that the Project is inconsistent with the standards for distance separation from a significant ridgeline identified in County Code Section 22.336.100, and therefore, a variance is proposed. The Project is sited to be in the least biologically and visually impactful location on the site, is within the existing graded pad areas, is within the existing fuel modification zone, and is located behind the home and accessory structure and at least 20-25 feet below the ridgeline. As the existing

home, built in 1940 with additions built prior to 1971, predates the significant ridgeline distance-separation requirements adopted in 2005, use and enjoyment of the lot in a manner similar to other parcels in the area would provide for the additions and new pool with a spa and retaining wall in the least impactful location while still below and separated from the ridge. In this location, it should also be noted there is an existing home located atop the existing flat portion of the significant ridgeline in question.

VARIANCE FINDINGS

21. **The Hearing Officer finds that, because of special circumstances or exceptional characteristics applicable to the property, the strict application of the County Code deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.** The proposed project is located behind the existing residential structures, includes a retaining wall to terrace it within the site topography, and is in the least biologically impactful portion of the site (within the existing graded pad and fuel modification zone) per the prepared biological assessment. The existing home and additions predate the current significant ridgeline distance-separation requirements. However, the selected location for the pool is the only site on the property that is previously graded, does not affect natural S2 or S3 Habitat Zones, and does not require an additional fuel modification zone to allow its construction. Other locations for the additions and pool are more impactful because they would be located closer to the significant ridgeline than the separation distances require and the habitat on the site.
22. **The Hearing Officer finds that the modification authorized will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.** Other nearby property owners already enjoy similar use of their properties because their structures are closer (or atop) the ridgeline. By allowing the Project in the proposed Project Site, the right to the accessory use and enjoyment of additions and a pool on the site, similar to adjacent properties, is retained.
23. **The Hearing Officer finds that strict application of zoning regulations as they apply to such property will result in practical difficulties or unnecessary hardships with the general purpose of such regulations and standards.** Allowing the unpermitted additions to remain helps alleviate the unnecessary cost and hardship of removing these portions of the residence and the accessory structure.
24. **The Hearing Officer finds that such adjustments will not be materially detrimental to the public health, safety, or general welfare, or to the use, enjoyment, or valuation of property of other persons located in the vicinity.** Approval of the pool and the unpermitted additions would not be detrimental to the public welfare or other properties, as the pool area and additions within the Project Site will be located behind the existing residential structures and will be shielded from view of the surrounding areas and Topanga Canyon Boulevard by structures and topography (as shown on the Site Plan). The Project Site is set back more than five feet from the side property line

and 15 feet from the rear property line and does not affect the surrounding community in any manner.

MODIFICATION OF DEVELOPMENT STANDARDS FINDINGS

25. **The Hearing Officer finds that alternatives within the property or project have been considered and eliminated from consideration, based on physical infeasibility or the potential for substantial habitat damage or destruction if any such alternative site is used.** The prepared biological assessment for the Project Site concluded that the proposed pool location is in the S4 Habitat Zone and would not expand the current fuel modification zone on the property. The proposed location is also in a relatively flat area that would significantly reduce the amount of grading associated with the Project.
26. **The Hearing Officer finds that the proposed project maintains the maximum view of the applicable significant ridgeline through the use of design features for the project such as, but not limited to, minimized grading, reduced structural height, clustered structures, shape, materials, and color that allow the structures to blend with the natural setting, and use of locally indigenous vegetation for concealment of the project, as described on the list referenced in County Code Section 22.336.070.I.3.b. The Director shall maintain a list of appropriate landscaping materials required to satisfy this provision. Avoidance of impacts to scenic resources through site selection and design alternatives is the preferred method over landscape or building material screening. Landscape or building material screening shall not substitute for project alternatives including re-siting or reducing the height or bulk of structures.** The prepared biological assessment for the Project Site concluded that the proposed pool location is in the S4 Habitat Zone and would not expand the current fuel modification zone on the property. The proposed location is also in a relatively flat area that would significantly reduce the amount of grading associated with the Project and the unpermitted additions that will be approved are less than 18 feet in height.
27. **GRANT TERM.** The Hearing Officer finds that it is not necessary to impose a grant term because the development consists of accessory uses associated with an existing legally established single-family residence.

ENVIRONMENTAL FINDINGS

28. The Hearing Officer finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15301 (Class 3 – New Construction or Conversion of Small Structures, and Class 4 – Minor Alterations to Land) and the County environmental guidelines. The Project proposes small additions to an existing residence and an existing accessory structure and grading for a new pool within a property where the zoning allows residential and accessory land uses.

ADMINISTRATIVE FINDINGS

29. LOCATION OF DOCUMENTS. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at LA County Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Coastal Development Services Section, LA County Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. Because of special circumstances or exceptional characteristics applicable to the property, the strict application of the County Code deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
- B. The modification authorized will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.
- C. Strict application of zoning regulations as they apply to such property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations and standards.
- D. Such adjustment will not be materially detrimental to the public health, safety, or general welfare, or to the use, enjoyment, or valuation of property of other persons located in the vicinity.

THEREFORE, THE HEARING OFFICER:

- 1. Finds that the that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15301 (Class 3 – New Construction or Conversion of Small Structures, and Class 4 – Minor Alterations to Land) and the County environmental guidelines. The Project proposes small additions to an existing residence and grading for a new pool within a property where the zoning allows residential and accessory land uses; and
- 2. Approves **VARIANCE NO. RPPL2022006560**, subject to the attached conditions.

ACTION DATE: July 7, 2026

MG: RG: ss

July 7, 2026

c: Zoning Enforcement, Building and Safety (Calabasas field office)

**LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING
CONDITIONS OF APPROVAL
PROJECT NO. PRJ2022-002115-(3)
VARIANCE NO. RPPL2022006560**

PROJECT DESCRIPTION

The project is the construction of a 50-foot-by-20-foot pool with a spa and an associated retaining wall and equipment, and the approval of an unpermitted 315-square-foot addition to a single-family residence and an unpermitted 69-square-foot addition to an accessory structure, on a property located at 2266 North Topanga Canyon Boulevard (Assessor's Parcel Number 4434-012-037) in unincorporated Topanga subject to the following conditions of approval:

GENERAL CONDITIONS

1. **Permittee.** 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.
2. **Affidavit of Acceptance.** 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 ("LA County 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. 7, and until all required monies have been paid pursuant to Condition No. 9. Notwithstanding the foregoing, this Condition No. 2 and Conditions No. 4, 5, and 8, shall be effective immediately upon the date of decision of this grant by the County.
3. **Date of Final Approval.** Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to County Code Section 22.222.230 (Effective Date of Decision and Appeals).
4. **Indemnification.** 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 or any other applicable limitations period. The County shall promptly notify the Permittee of any claim, action, or proceeding and the County shall reasonably 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 reasonably in the defense, the Permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. **Litigation Deposit.** In the event that any claim, action, or proceeding as described above is filed against the County, the Permittee shall within 10 days of the filing make an initial deposit with LA County 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 LA County Planning's cooperation in the

VARIANCE NO. RPPL2022006560

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 (Fees for Providing County Records).

6. **Invalidation.** 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.
7. **Recordation.** Prior to the use of this grant, the Permittee, or the owner of the subject property if other than the Permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk (i.e., Recorder's Office). 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.
8. **Expiration.** This grant shall expire unless used within two years from the date of decision for this 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. For the purposes of this provision, physical construction of the swimming pool or retaining with a valid building permit must commence before expiration of the grant and satisfaction of Condition No. 2 shall be considered use of this grant.
9. **Inspections.** 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 development or activity not in full compliance shall be a violation of these conditions. No provision of any easement of or any other encumbrance on the property shall exempt the Permittee and/or property owner from compliance with these conditions and applicable regulations. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The Permittee shall deposit with the County the sum of **\$470.00** which shall be placed in a performance fund and be used exclusively to reimburse LA County Planning for all expenses incurred while inspecting the premises to determine the Permittee's compliance with the conditions of this grant. The fund provides for **one** inspection.

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Inspections may be unannounced. Inspections may be conducted utilizing any available technologies, including, but not limited to, unmanned aircraft systems (UAS). Use of a UAS requires the consent of the Permittee pursuant to LA County Planning's UAS policy, which may be updated from time to time, and which shall be provided to the Permittee upon request.

If additional 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 LA County Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be **\$470.00** per inspection, or the current recovery cost established by LA County Planning at the time any additional inspections are required, whichever is greater.

10. **Revocation.** 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 ("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's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to County Code Chapter 22.238 (Modifications and Revocations). Failure of the Permittee to cease any development or activity not in full compliance shall be a violation of these conditions and may result in revocation.
11. **County Fire Code.** All development pursuant to this grant shall comply with the requirements of Title 32 (Fire Code) of the County Code to the satisfaction of the County Fire Department.
12. **County Public Works Requirements.** All development pursuant to this grant shall comply with the requirements of the County Department of Public Works to the satisfaction of said department.
13. **Exhibit "A."** All development pursuant to this grant shall comply with the requirements of Title 22 (Planning and Zoning) of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of LA County Planning ("Director").
14. **Maintenance.** The Permittee shall maintain the subject property in a neat and orderly fashion. The Permittee shall maintain free of litter all areas of the premises over which the Permittee has control.
15. **Revisions to the Exhibit "A."** The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **an electronic copy of a modified Exhibit "A"** shall be submitted to LA County Planning by **September 7, 2026.**

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16. **Subsequent Revisions to the Exhibit "A."** In the event that subsequent revisions to the approved Exhibit "A" are submitted, the Permittee shall submit **an electronic copy of** the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A." All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PROJECT SITE-SPECIFIC CONDITIONS

17. Approved grading is limited to a total of 246 cubic yards of grading (86 cubic yards cut, 160 cubic yards fill) with 74 cubic yards to be imported.
18. Physical grading (earth-moving activities) shall be prohibited during the rainy season, defined as October 15 of any year through April 15 of the subsequent year.
19. The proposed retaining wall shall be earth-tone or neutral in color.
20. Temporary protective soft mesh-type fencing shall be utilized to delineate the grading limits for the project.