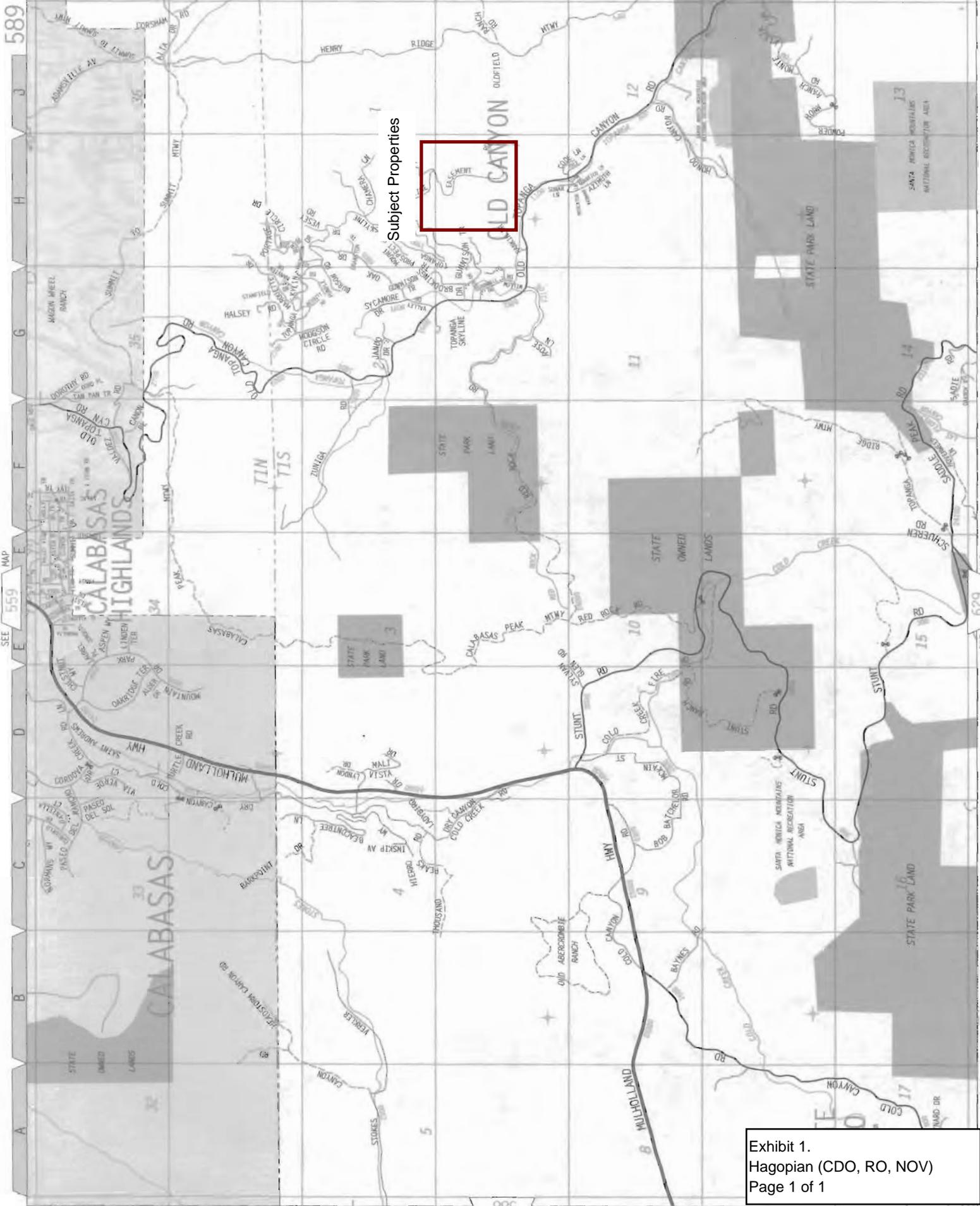


589



Subject Properties

Exhibit 1.  
 Hagopian (CDO, RO, NOV)  
 Page 1 of 1

## CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA  
245 WEST BROADWAY, SUITE 380  
LONG BEACH, CA 90802  
(213) 590-5071



February 24, 1988:LH/do

COASTAL DEVELOPMENT PERMIT NO. 5-87-488

Page 1 of 4

On August 27, 1987, the California Coastal Commission granted to Everett Rollins

this permit for the development described below, subject to the attached Standard and Special Conditions.

### DESCRIPTION AND SITE:

Construction of 3,375 square-foot, 28-foot high single family residence and septic system, and pave existing access road, on vacant lot; approve Conditional Certificate of Compliance.

Site: 1732 Topanga Skyline Drive, Topanga, Los Angeles County.

Issued on behalf of the California Coastal Commission by

PETER DOUGLAS  
Executive Director

By: *Bina Harouk*  
Coastal Program Analyst

**IMPORTANT:** THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE.

### ACKNOWLEDGEMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

Date \_\_\_\_\_ Signature of Permittee \_\_\_\_\_

Exhibit 2.  
Hagopian (CDO, RO, NOV)  
Page 1 of 4

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

1. Cumulative Impact Mitigation Program.

Prior to transmittal of the permit, the applicant shall submit evidence, subject to the review and approval of the Executive Director, that the cumulative impacts of the development with respect to build out of the Santa Monica Mountains are adequately mitigated. Evidence of mitigation shall be in one of the following forms:

Either: 1) evidence that the underlying parcels were legally created in compliance with the Subdivision Map Act and local ordinance requirements for divisions of land such as a recorded parcel map,

recorded final subdivision may or Certificate of Compliance under subdivision (a) of Government Code Section 66499.35. In such cases development of the existing legal lot needs no mitigation with respect to build out of the Santa Monica Mountains.

Or 2) the applicant shall submit a Certificate of Compliance under subdivision (b) of Government Code Section 66499.35 of the Subdivision Map Act. In such cases the cumulative impacts of development of the illegally subdivided lot(s) shall be mitigated pursuant to the three alternatives below (cumulative impact mitigation program) unless the lot was counted as an existing lot at the time of the 1978 Santa Monica Mountains Comprehensive Planning Commission study of the cumulative impacts of build out in the Santa Monica Mountains. Mitigation shall be in the following form:

Prior to issuance of this permit, the applicant shall provide evidence to the Executive Director that development rights for residential use have been extinguished on one building site in the Santa Monica Mountains Coastal Zone. The method used to extinguish the development rights shall be either:

- 1) one of the five lot retirement or lot purchase programs contained in the Malibu/Santa Monica Mountains Land Use Plan (Policy 272 2-6);
- 2) a TDC-type transaction, consistent with past Commission actions such as 5-84-789 (Miller);
- 3) or participation along with a public agency or private nonprofit corporation to retire habitat or watershed land in amounts that the Executive Director determines will retire the equivalent number of potential building sites. Retirement of a site that is unable to meet the County's Health and Safety Standards, and therefore unbuildable under the Land Use Plan, shall not satisfy this condition.

The building site on which residential uses are extinguished must either be a legal lot in a small lot subdivision or a potential building site located in a Significant Watershed. Unsubdivided land within Significant Watersheds may be used to generate building sites in numbers based on densities consistent with the proposed densities of the Land Use Plan; sites that are unable to meet the County's Health and Safety Standards shall not be counted.

2. Applicant's Assumption of Risk/Waiver of Liability.

Prior to transmittal of the permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from erosion, slope failure, and fire and the applicant assumes the liability

from such hazards; and (b) that the applicant unconditionally waives any claim of liability on the part of the Commission and its advisors relative to the Commission's approval of the project for any damage due to natural hazard. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed.

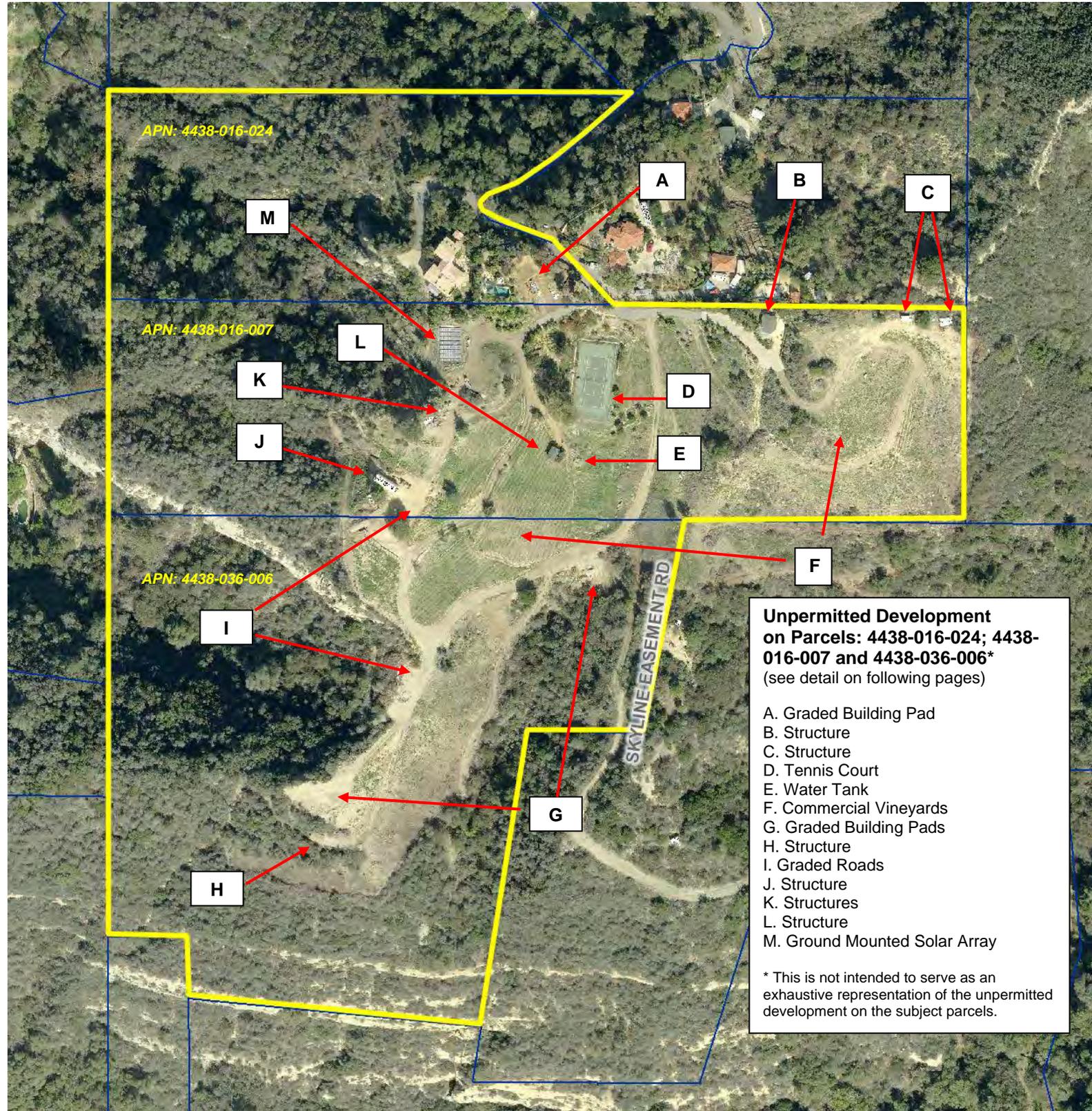
3. Geology.

All recommendations made by Geoplan, Inc., consulting engineering geologists, contained in the report submitted with the application (dated April 22, 1987) shall be adhered to by the applicant, and incorporated into project design. Prior to transmittal of the permit, the applicant shall submit a written statement or signed plans from the consulting geologist which certifies that the project conforms to their recommendations.

5054A



Subject Properties - 1986



APN: 4438-016-024

APN: 4438-016-007

APN: 4438-036-006

**Unpermitted Development on Parcels: 4438-016-024; 4438-016-007 and 4438-036-006\***  
 (see detail on following pages)

- A. Graded Building Pad
- B. Structure
- C. Structure
- D. Tennis Court
- E. Water Tank
- F. Commercial Vineyards
- G. Graded Building Pads
- H. Structure
- I. Graded Roads
- J. Structure
- K. Structures
- L. Structure
- M. Ground Mounted Solar Array

\* This is not intended to serve as an exhaustive representation of the unpermitted development on the subject parcels.



**A. Unpermitted Graded Building Pad**



**B. Unpermitted Structure**



**C. Unpermitted Structures**



**D. Unpermitted Tennis Court**



**E. Unpermitted Water Tank**



**F. Unpermitted Commercial Vineyards**



**G. Unpermitted Graded Building Pads**



**H. Unpermitted Structure**



**I. Unpermitted Graded Roads**



**J. Unpermitted Structure**



**K. Unpermitted Structures**



**L. Unpermitted Structure**



**M. Unpermitted Ground Mounted Solar Array**

## CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE (415) 904-5200  
FAX (415) 904-5400  
TDD (415) 597-5885



## M E M O R A N D U M

FROM: John Dixon, Ph.D.  
Ecologist

TO: Eli Davidian

SUBJECT: Hagopian Property

DATE: July 9, 2010

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## Materials reviewed:

Historical aerial photographs and vegetation map created by the National Park Service, U.S. Geological Survey, and California Department of Fish and Game.

---

In the context of the Malibu LCP, the Commission found that the Mediterranean Ecosystem in the Santa Mountains is rare, and especially valuable because of its relatively pristine character, physical complexity, and biological diversity and that areas of undeveloped native habitat may meet the definition of ESHA by virtue of their important roles in that ecosystem. In every case, a site-specific analysis is required to insure that the area is dominated by native communities such as coastal sage scrub or chaparral, that the habitat is not seriously degraded or fragmented, and that the site is part of a large, contiguous area of relatively pristine native vegetation.

Figure 1 shows the landscape position of the Hagopian property. It is part of a large, mostly undeveloped Mediterranean shrub ecosystem. The adjacent areas to the east and south have suffered very little loss of native habitat. The surrounding mixed chaparral and coast live oak habitats adjacent to the cleared area are apparent in Figures 2 and 3. Figure 4 is an aerial photograph of the property taken in 1986, prior to the significant unpermitted development. Most of the property still supports native vegetation. Based on the immediately adjacent vegetation, the vegetation that was removed without benefit of a permit was mixed chaparral dominated by bigpod and greenbark ceanothus, laurel sumac, black sage, and chamise (Figure 5). This native community was an integral part of the larger Santa Monica Mountains Mediterranean shrub ecosystem, provided important ecosystem functions, and was easily degraded by human activities. Therefore, prior to development, those areas that have been cleared of native vegetation met the definition of ESHA under the coastal act.

Figure 1. Hagopian property in the context of the Santa Monica Mountains landscape. This property is contiguous to an extremely large, mostly pristine block of natural habitat, especially to the east and south.

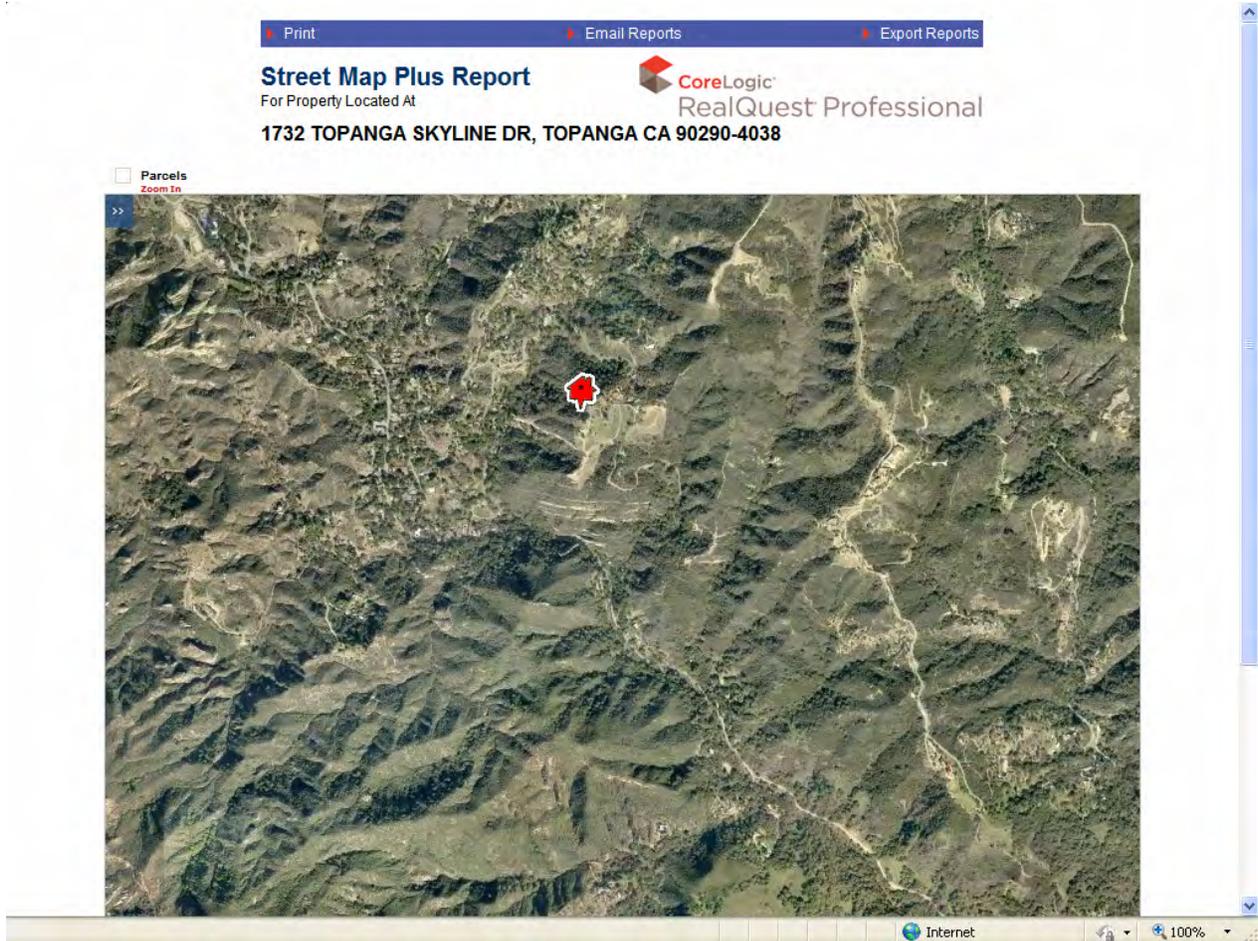


Exhibit 5.  
Hagopian (CDO, RO, NOV)  
Page 2 of 6

Figure 2. Hagopian property is surrounded by native vegetation such as coast live oaks and mixed chaparral dominated by species of mountain lilac, chamise, laurel sumac, black sage.

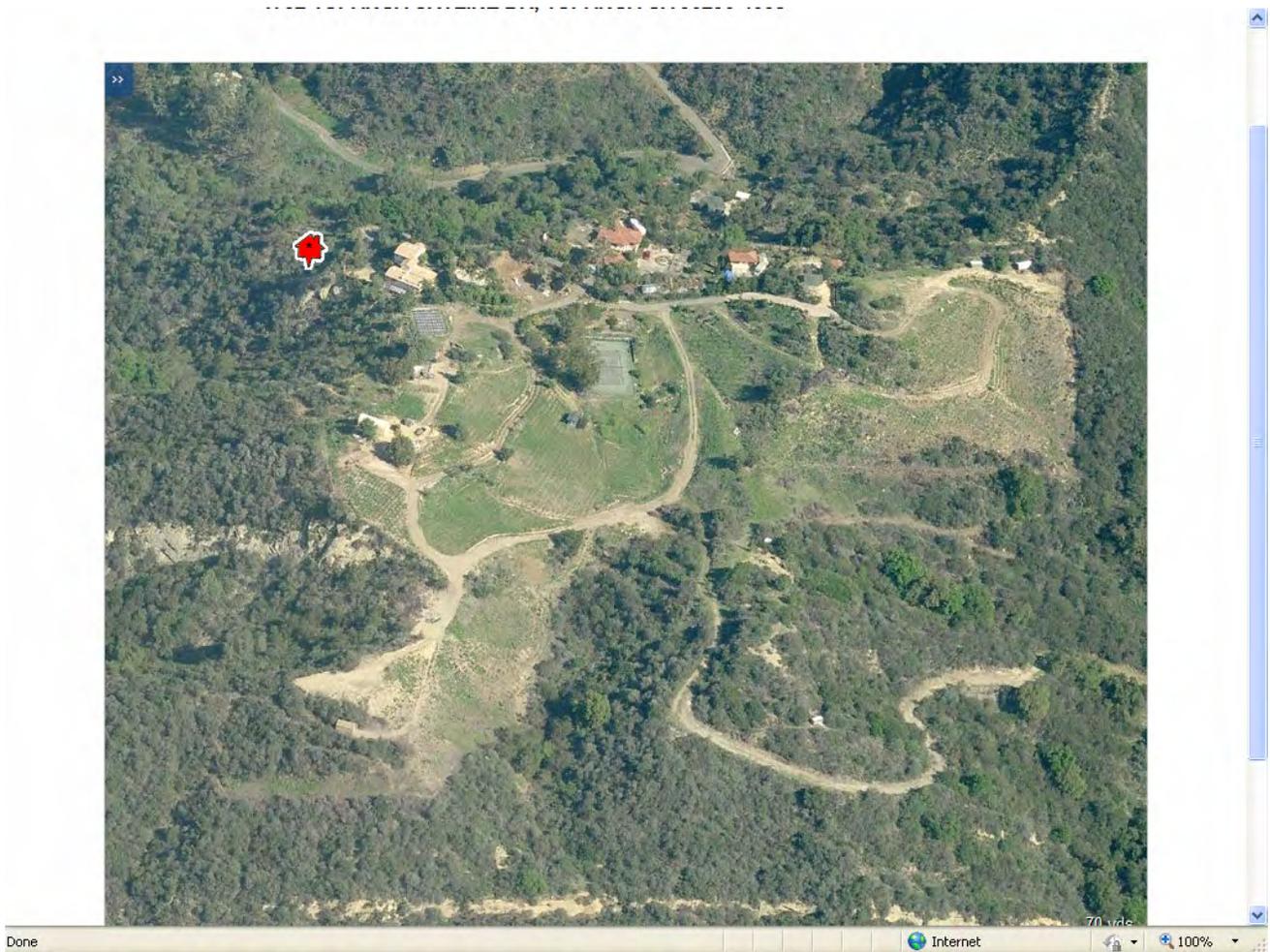


Exhibit 5.  
Hagopian (CDO, RO, NOV)  
Page 3 of 6

Figure 3. Hagopian property showing unpermitted cleared areas and adjacent native chaparral communities.



Figure 4. Hagopian property in 1986 prior to extensive removal of major native vegetation.



Figure 5. Based on the adjacent mapped vegetation communities, most of the vegetation that was removed was part of several mixed chaparral community types (e.g., Bigpod ceanothus-black sage; bigpod ceanothus-laurel sumac, and greenbark ceanothus).



Exhibit 5.  
Hagopian (CDO, RO, NOV)  
Page 6 of 6

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 585-1800



April 17, 2007

Stefan & Kathryn Hagopian  
c/o Sean Nguyen  
19812 Lassen Street  
Chatsworth, CA 91311

**Re: Exemption Determination Request 4-07-013-X (1732 Topanga Skyline Drive, Topanga)**

Dear Mr. and Mrs. Hagopian:

This letter is in response to your request for a determination as to whether the proposed construction of a second residence on a single family lot, described as a two bedroom guest house located above a detached garage for a total of 1,196 sq. ft. of habitable area, located at 1732 Topanga Skyline Drive, is exempt from the Commission's permit requirements. Please note that the proposed project meets the definition of a "development" under the Coastal Act and is *not exempt* from coastal permit requirements under Section 30610 of the Coastal Act, or as further defined by Section 13250 of the California Code of Regulations.

Section 30610(a) of the Coastal Act allows improvements to existing single-family residences, and Section 13250 of the California Code of Regulations addresses improvements to existing single-family residences as follows (in pertinent part):

- (a) *For purposes of Public Resources Code Section 30610(a) where there is an existing single-family residential building, the following shall be considered a part of that structure:*
- (1) *All fixtures and other structures directly attached to the residence;*
  - (2) *Structures on the property normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds; but not including guest houses or self-contained residential units; and*
  - (3) *Landscaping on the lot.*

In this case, the proposed development is a guest house/second unit. Therefore, this project is not exempt pursuant to Section 30610(a) as further defined by Section 13250(a)(2) of the California Code of Regulations. This project requires a coastal development permit (CDP). A CDP application is enclosed for your convenience. If you have any questions, please contact me at (805) 585-1800.

Exhibit 6.  
Hagopian (CDO, RO, NOV)  
Page 1 of 2

Sincerely,



Amber Tysor  
Coastal Program Analyst

Enclosure: CDP Application



Exhibit 7.  
Hagopian (CDO, RO, NOV)  
Page 1 of 3

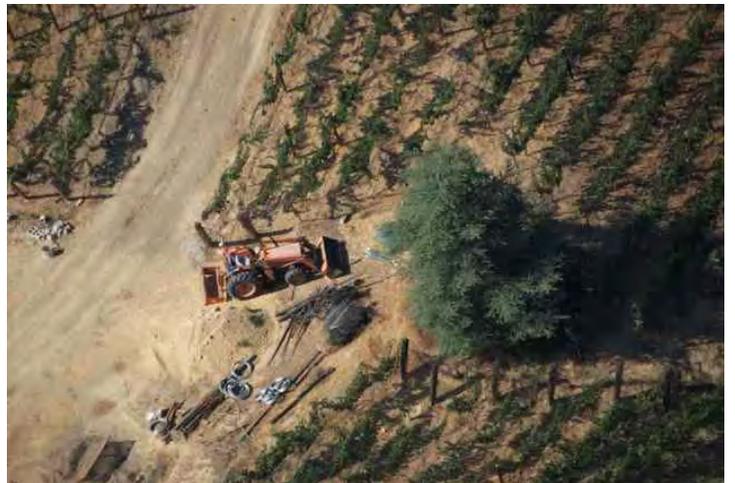




Exhibit 7.  
Hagopian (CDO, RO, NOV)  
Page 3 of 3

APN: 4438-036-006

APN: 4438-016-007

APN: 4438-016-024

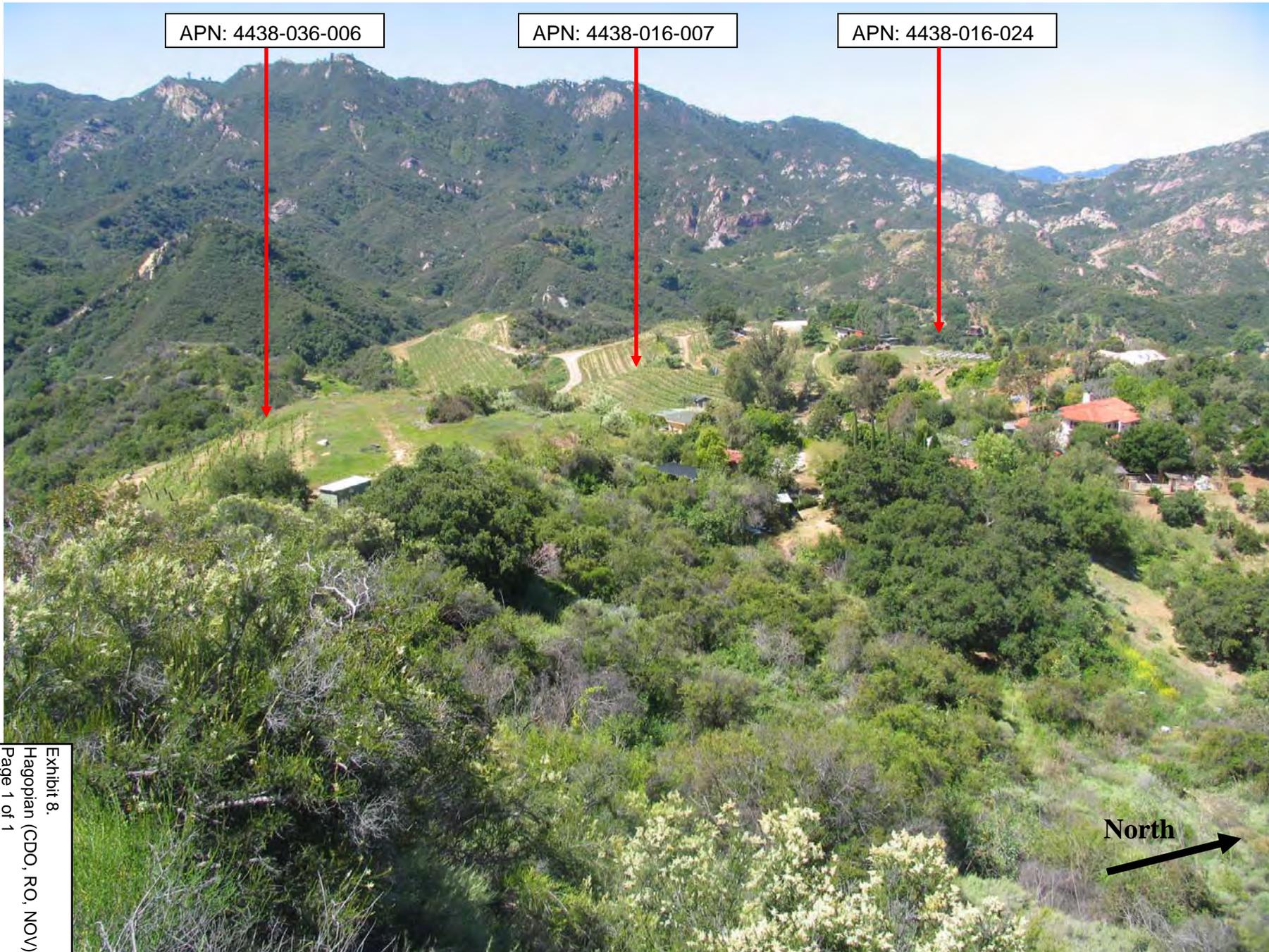


Exhibit 8,  
Hagopian (CDO, RO, NOV)  
Page 1 of 1

North

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 585-1800

**NOTICE OF VIOLATION OF THE CALIFORNIA COASTAL ACT**

March 24, 2009

Stefan and Kathryn Hagopian  
P.O. Box 1156  
Topanga, CA 90290

Violation File Number: V-4-09-014

Property location: 1732 Topanga Skyline Drive, Los Angeles County,  
APNs: 4438-016-007, 4438-016-024, and 4438-036-006

Unpermitted Development: Grading (including in ESHA), vegetation removal in ESHA, deposition of fill, placement of a vineyard, installation of a ground installed solar array, ten structures, a tennis court, and a swimming pool.

Dear Mr. and Mrs. Hagopian:

The California Coastal Act<sup>1</sup> was enacted by the State Legislature in 1976 to provide long-term protection of California's 1,100-mile coastline through implementation of a comprehensive planning and regulatory program designed to manage conservation and development of coastal resources. The California Coastal Commission ("Commission") is the state agency created by, and charged with administering, the Coastal Act of 1976. In making its permit and land use planning decisions, the Commission carries out Coastal Act policies, which, amongst other goals, seek to protect and restore sensitive habitats (such as coastal chaparral); protect natural landforms; protect scenic landscapes and views of the sea; protect against loss of life and property from coastal hazards; and provide maximum public access to the sea.

Our staff has confirmed that unpermitted development has occurred on your property including, but not limited to: grading (including in an environmentally sensitive habitat area [ESHA]), vegetation removal in an ESHA, deposition of fill, placement of a vineyard, installation of a ground installed solar array, ten structures, a tennis court, and a swimming pool. All of these activities have occurred on property owned by you

<sup>1</sup> The Coastal Act is codified in sections 30,000 to 30,900 of the California Public Resources Code. All further section references are to that code, and thus, to the Coastal Act, unless otherwise indicated.

located at 1732 Topanga Skyline Dr.; described as Los Angeles County APNs 4438-016-007, 4438-016-024, and 4438-036-006; and located within the Coastal Zone.

Pursuant to Section 30600 (a) of the Coastal Act, any person wishing to perform or undertake development in the Coastal Zone must obtain a coastal development permit, in addition to any other permit required by law. "Development" is defined by Section 30106 of the Coastal Act as:

*"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of the use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvest of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations....*

The above-mentioned grading in an ESHA, vegetation removal in an EHSA, depositing fill, vineyard(s), ground installed solar array, ten structures, tennis court, and swimming pool constitutes development under the Coastal Act and, therefore, requires a coastal development permit (CDP). Any development activity conducted in the Coastal Zone without a valid coastal development permit, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act.

In most cases, violations involving unpermitted development may be resolved administratively by removal of the unpermitted development and restoration of any damaged resources or by obtaining a coastal development permit authorizing the development after-the-fact. Removal of the development and restoration of the site also requires a coastal development permit. Therefore, in order to resolve this matter administratively, you must submit a complete coastal development permit application to either retain the development, or to remove the unpermitted development and restore the site to its previous condition.

In order to resolve this matter in a timely manner and reduce the possibility of a monetary penalty or fine, we are requesting that you submit a complete coastal development permit application by **April 24** for either removal of the unpermitted development and restoration of the site or to authorize the as-built development. For your convenience, you may download a coastal development permit application at [www.coastal.ca.gov](http://www.coastal.ca.gov). If you don't have access to the internet, we will be happy to mail you a coastal development permit application upon request. Please contact me by no later than **April 3** regarding how you intend to resolve this violation.

While we are hopeful that we can resolve these violations amicably, we are required to inform you that Coastal Act Section 30809 states that if the Executive Director of the

Commission determines that any person has undertaken, or is threatening to undertake, any activity that may require a permit from the Coastal Commission without first securing a permit, the Executive Director may issue an order directing that person to cease and desist. Coastal Act section 30810 states that the Coastal Commission may also issue a cease and desist order. A cease and desist order may be subject to terms and conditions that are necessary to avoid irreparable injury to the area or to ensure compliance with the Coastal Act. A violation of a cease and desist order can result in civil fines of up to \$6,000 for each day in which the violation persists.

In addition, we remind you that Sections 30803 and 30805 of the Coastal Act authorize the Commission to initiate litigation to seek injunctive relief and an award of civil fines in response to any violation of the Coastal Act. Section 30820(a)(1) of the Coastal Act provides that any person who violates any provision of the Coastal Act may be subject to a penalty amount that shall not exceed \$30,000 and shall not be less than \$500. Coastal Act section 30820(b) states that, in addition to any other penalties, any person who "knowingly and intentionally" performs or undertakes any development in violation of the Coastal Act can be subject to a civil penalty of not less than \$1,000 nor more than \$15,000 for each day in which the violation persists.

Finally, the Executive Director is authorized, after providing notice and the opportunity for a hearing as provided for in Section 30812 of the Coastal Act, to record a Notice of Violation against your property.

Thank you for your attention to this matter. We look forward to working with you to resolve these violations. If you have any questions regarding this letter or the pending enforcement case, please feel free to contact me.

Sincerely,



Andrew D. Berner  
Enforcement Analyst

**cc: Lisa Haage, Chief of Enforcement  
N. Patrick Veasart, Enforcement Supervisor  
Tom Sinclair, District Enforcement Officer  
Steve Hudson, District Manager  
Barbara Carey, Supervisor, Planning and Regulation  
Amber Tysor, Coastal Program Analyst  
Alex Helperin, Staff Counsel**

**Plan It! Events**  
205 S. Arnaz Dr., # 2, Beverly Hills, California 90211  
(310) 659-1109 (w) ~ (310) 779-4164 (c)  
e-mail: nicole@planitevents.net

RECEIVED  
JUN 15 2009

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

**VIA: Express Mail & E-Mail**

June 12, 2009

California Coastal Commission  
South Central Coast Area  
89 South California St., Ste 200  
Ventura, California 93001

Attn: Andrew D. Berner  
Enforcement Analyst

Subject: Notice of Violation of the California Coastal Act (dtd 3/24/09)  
Coastal Commission Violation File Number: V-4-09-014.

Property location:

1732 Topanga Skyline Drive, Los Angeles County  
(APN: 4438-016-024, 4438-016-007 and 4438-036-006)

Un-permitted Development:

Grading (including in ESHA), vegetation removal in ESHA, deposition of fill, placement of a vineyard, installation of a ground installed solar array, ten structures, a tennis court, and a swimming pool.

Dear Mr. Berner:

The March 24, 2009 Notice of Violation of the California Coastal Act document identified the three separate APN Parcels 4438-016-24, 4438-016-007 and 4438-036-006 (hereinafter referred to as Parcels 24, 7 and 6) where the California Coastal Commission's Staff (hereinafter referred to as the "Staff") contests there are violations attributed to un-permitted developments. The following facts are applicable to all three noted parcels.

Los Angeles County (hereinafter referred to as the "County") in 1951 established by Urgency Ordinance 5777 the Topanga Canyon Agricultural District (See Attachment 1). The herein above identified parcels 24, 7 and 6 are located within the said Agricultural District created in 1951. Parcels 24 (5 acres), 7 (10 acres) and 6 (12 acres) are all legal lots (See Attachments 2, 3 & 4). Although all three parcels are legal lots created prior to 1980, only Parcels 7 and 6 (See Attachments 5 & 6) are today vacant lots thus do not require a Coastal Development permit in accordance with California Public Resources Code §30610.2 and AB 643(Cal. Stats. 1979, Ch. 919) for development of said parcels.

The violations alleged by the Commission have been discussed and the facts pertaining to each separate contention are as follows:

Exhibit 10.  
Hagopian (CDO, RO, NOV)  
Page 1 of 17

**APN PARCEL 4438-016-024**

- The property owners of Parcel 24 applied for and were granted a Coastal Development Permit for residential development of the parcel in 1987 by the California Coastal Commission, albeit the parcel was qualified for a single-family residential exclusion in accordance with AB 643.
- The property owners were also granted building permits by Los Angeles County for a residential dwelling and a swimming pool to be constructed on said Parcel 24 in 1987 (See Attachment 6). The single-family residential dwelling and pool were constructed with building permits issued in 1987 and 1990 respectively by the County.
- The Environmental Sensitive Habitat Area (ESHA) is located on Parcel 24 (See Attachment 5C). The ESHA is located down the virtually vertical sloping terrain north of the access driveway to the single-family residential dwelling. The ESHA extends from north of the access driveway to the northern property line of Parcel 24. The area has never been graded, undergone vegetation removal or had anything constructed on said ESHA.
- The County has approved a Conditional Use Permit (CUP) No. 01-200(3) approving the construction of a second family residential dwelling on Parcel 24 (See Attachment 7). Also, Parcel 24 was granted a Coastal Permit for residential development of the Parcel in 1987 and the County is authorized by California Government Code (GC) § 65901 the authority to approve CUP's wherein it specifies:

“The board of zoning adjustment or zoning administrator shall hear and decide applications for conditional uses or other permits when the zoning ordinances provides therefore and establishes criteria for determining those matters, applications for variances from the terms of the zoning ordinances. The . . . zoning administrator may also exercise any other powers granted by local ordinance, and may adopt all rules and procedures necessary or convenient for the conduct of the board's or administrator's business.”

GC 65852.2 authorizes local government agencies to provide by ordinance the authority for the creation of second units in single-family and multifamily residential zones. GC states as follows:

“65852.2... (a) Any local agency may, by ordinance, provide for the **creation of second units in single-family** and multifamily residential zones. The ordinance: (1) May designate areas within the jurisdiction of the local agency where second units may be permitted. The designation of areas may be based on criteria, which may include, but are not limited to, the adequacy of water and sewer services and the impact of second units on traffic flow.”

The County in the Planning & Zoning Code provides the following:

**LOS ANGELES COUNTY – TITLE 22 PLANNING & ZONING CODE**

**Part 2 R-1 SINGLE-FAMILY RESIDENCE ZONE**

**22.20.070 Permitted uses.**

“Property in Zone R-1 may be used for:

...  
Second units, subject to the provisions of Part 16 of Chapter 22.52  
...”

Exhibit 10. Hagopian (CDO, RO, NOV) Page 2 of 17
--

- Since the development of Parcel 24 with a second unit is authorized by the County CUP No. 01-200-(3) and the County is now approving a building permit for grading and construction of the second unit, the Commission is without jurisdiction to cite as violation any development activity on Parcel 24 for any illegal grading or development. The County also approved the construction of a swimming pool on Parcel 24 in 1990 in accordance with codes and ordinances and the shed on Parcel 24 is being demolished during the construction of the second family residential dwelling. Thus all construction on Parcel 24 has been approved, by either a Coastal Development Permit or County CUP and building permit. Therefore all residential development on Parcel 24 is in conformity with existing State statues and Local regulations and codes:

California Public Resources Code (PRC) § 30401. **Effect on existing state agencies; duplication of regulatory controls** states the following regarding regulatory jurisdiction and control:

“. . . neither the commission nor any regional commission shall set standards or adopt regulation that duplicate regulatory controls established by any existing state agency pursuant to specific statutory requirements or authorization.”

**APN PARCEL 4438-016-007 and APN PARCEL 4438-036-006**

- Parcel 7 and Parcel 6 are vacant legal parcels created prior to January 1, 1980 and were vacant legal lots prior to January 24, 1980. Therefore, any development on said parcels is exempt from the coastal development permit requirements of the California Coastal Act as well as the Commissions jurisdiction and regulatory control. The County has jurisdiction and permitting authority regarding any development on Parcels 7 and 6.
- The ground installed solar array/panels located on Parcel 7 were approved and installation was authorized by a County building permit.
- The tennis court located on Parcel 7 is a temporary court and does not require a permit. The County has inspected the tennis court and determined a building permit was not required for it’s installation as a temporary facility. There were neither grading nor wall permits required by the County for the on surface installation of the temporary tennis court.
- Where there has been the construction of non-permitted sheds on Parcel 7, building permit applications will be submitted to the County for approval of any shed as required by County regulation, code and ordinance.
- Since Parcel 7 and 6 are exempt from the coastal development permit requirements of the Coastal Act in accordance with PRC 30610.2 and AB 643, there does not appear to be a necessity or requirement to consider coastal development permit applications for either parcel.
- The grading on Parcel 6 is for geologic exploration for a pre-residential development building permit application. Since the County has jurisdiction there is no violation of the California Coastal Act regarding the grading on Parcel 6.
- There are vineyards planted on Parcels 7 and 6 as authorized by County as a “permitted use” in accordance with Title 22 Planning and Zoning Code Section 22.24.70. Section 22.24.70 provides the following:

**“A-1 LIGHT AGRICULTURAL ZONE**

**Sections:**

...

**22.24.070 Permitted uses.** Premises in Zone A-1 may be used for:

...

- Crops – field, tree, bush, berry and row, including nursery stock.

...

Exhibit 10. Hagopian (CDO, RO, NOV) Page 3 of 17
--

- B.** The following light agricultural uses, provided that all buildings or structures used in conjunction therewith shall be located not less than 50 feet from any street or highway or any building used for human habitation.
- The raising of horses and other equine, cattle, sheep and goats, including the breeding and training of such animals, on a lot or parcel having an area of land not less than one acre and provided that not more than eight such animals per acre of the total ground area be kept or maintained in conjunction with such use.
  - The grazing of cattle, horses, sheep or goats on a lot or parcel of land with an area of not less than five acres, including the supplemental feeding of such animals. .
  - Raising of poultry, fowl, birds, rabbits, chinchilla, nutria, mice, frogs, fish, bees, earthworms, and other similar animals of comparable nature form and size, including hatching, fattening, marketing, sale, slaughtering, dressing, processing and packing, and including eggs, honey or similar products derived therefrom, on a lot or parcel of land having as a condition of use, an area of not less than one acre."
- Parcels 7 and 6 have also been utilized for raising sheep and poultry in accordance with the long standing 1951 A-1 Zoning designation for said parcels. The several structures are utilized in conjunction with the agricultural crops farmed, raising of sheep and poultry and thus do not require permitting as they are part of the "intended use" of the A-1 Zoning in accordance with the County Zoning Ordinance § **A-1 LIGHT AGRICULTURAL ZONE, SECTION 22.24.070 A & B** noted hereinabove.

We appreciate the courtesy of allowing the extension of time to respond to the March 24, 2009 Commission's **Notice of Violation of the California Coastal Act**. This response is in accordance with conferring with you; the permitted residential and agricultural development evidence on the parcels; the Coastal Development Permits issued to date; and the County's CUP and Building Permits authorizing the construction of the existing single-family residence and swimming pool on Parcel 24. Furthermore, the solar array/panels on Parcel 7 were installed with approved County Building Permits and sheds on Parcels 7 and 6 are in accordance with applicable State statutes and County codes, ordinances, maps and regulations.

There do not appear to be any violations of the California Coastal Act or the requirement for an application for a Coastal Development Permit by property owners, Stefan & Kathryn Hagopian, as noted in the Commission's March 24, 2009 letter titled "**NOTICE OF VIOLATION OF THE CALIFORNIA COASTAL ACT**".

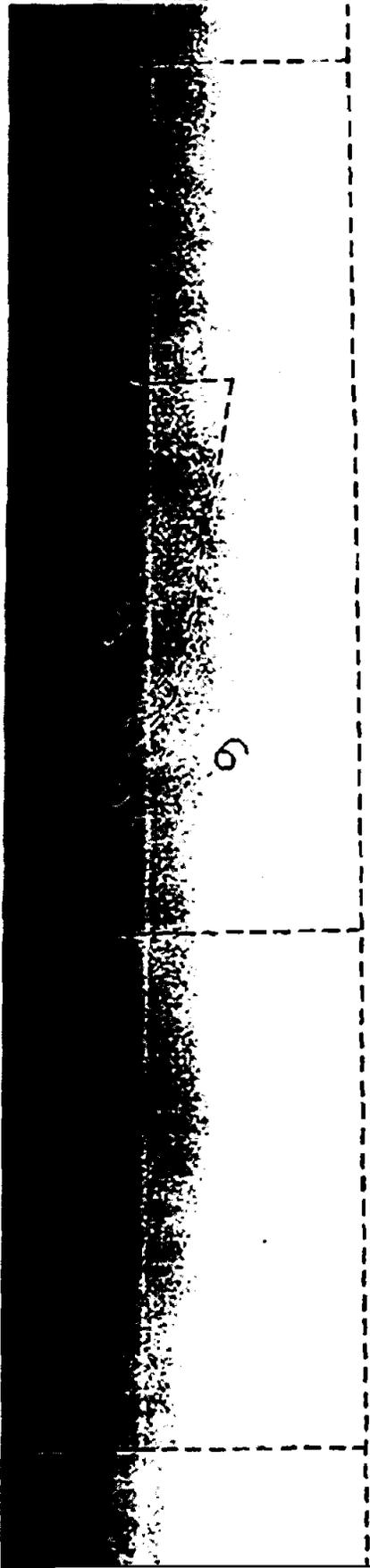
Please feel free to contact me with any follow up questions. If it is determined that Coastal Permits are required the property owner will apply for any permitting as legally required by State statutes and County ordinances, codes and regulations. Thank you and we look forward to hearing from you regarding your determination.

Sincerely,

NICOLE JOHNSON  
Consultant  
for Property Owners  
Stefan and Kathryn Hagopian

Exhibit 10. Hagopian (CDO, RO, NOV) Page 4 of 17
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Exhibit 10.  
Hagopian (CDO, RO, NOV)  
Page 5 of 17

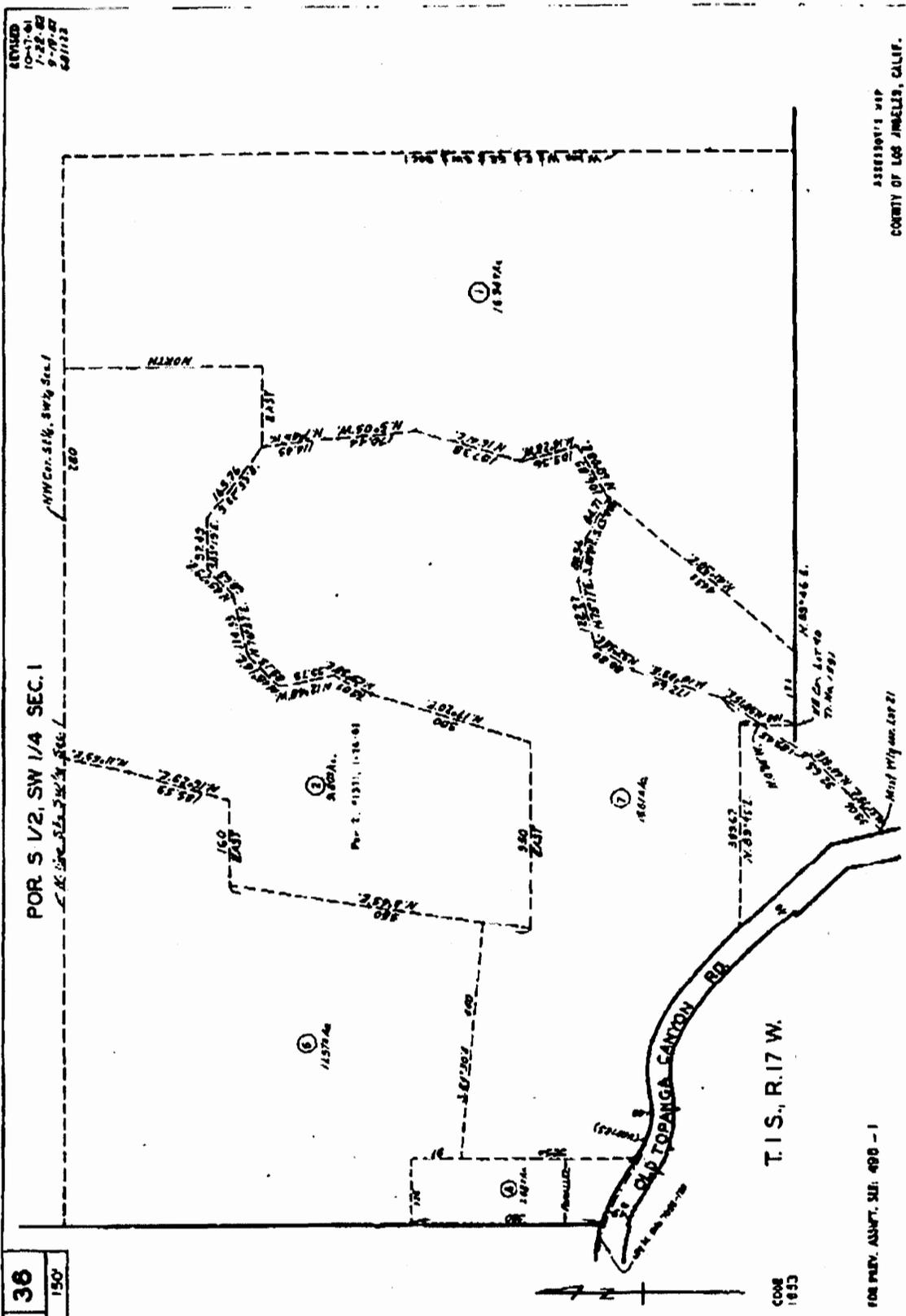


URG. ORD. 12173, EFF. 6-10-80 (MALIBU DEVELOPMENT POLICY)  
CONTACT DEPARTMENT OF REGIONAL PLANNING.

## ZONING HISTORY

- URG. ORD. 5244, EFF. 12-28-48  
IPROHIBITS BUILDINGS LESS THAN TEN FEET ABOVE STREAM BED OF TOPANGA CANYON & GARRAPATA CREE
- URG. ORD. 5777, EFF. 7-17-51 (ESTAB. TOPANGA CANYON AGRICULTURAL DIST. - URG. A-II).
- URG. ORD. 5780, EFF. 7-24-51 (AMENDS ORD. 5777 - URG. A-I TO URG. M-I).
- URG. ORD. 5900, EFF. 1-29-52 (AMENDS ORD. 5777)  
(RENAMES DIST. AS TOPANGA CANYON RESIDENTIAL DIST. URG. M-I TO URG. R-II).
- ORD. 5933, EFF. 4-18-52 (AMENDS ORD. 5777)  
(RENAMES DIST. AS TOPANGA CANYON INDUSTRIAL DIST. - R-I TO M-I).
- IPROHIBITS HOSPITALS OR INSTITUTIONS FOR THE CARE OF MENTAL OR ALCOHOLIC PATIENTS, OR SANITAR
- ORD. 6768, EFF. 1-01-56 (REPEALS ORD. 5244).
- SEC. 42 - THE MALIBU Z.D. - ORD. 7076, EFF. 1-26-57  
(BASIC-ENLARGES & RENAMES DIST.) (ZONES AREA M-3).
- URG. ORD. 7094, EFF. 2-5-57 (URG. ORD. A-2-II).
- URG. ORD. 7157, EFF. 5-21-57 (AMENDS ORD. 7094).
- SEC. 421 - ORD. 7276, EFF. 1-24-58 (RE STUDY - Z.C. 3530).
- SEC. 421 - ORD. 7310, EFF. 4-11-58  
(RE STUDY-PRECISELY ZONES MALIBU LAKE-LAS VIRGENES AREA) (ZC 3472).
- SEC. 421 - ORD. 10826, EFF. 2-08-74 (C-4 TO C-3).





4-36  
SCALE = 150'

POR 5 1/2, SW 1/4 SEC. 1

T. 1 S., R. 17 W.

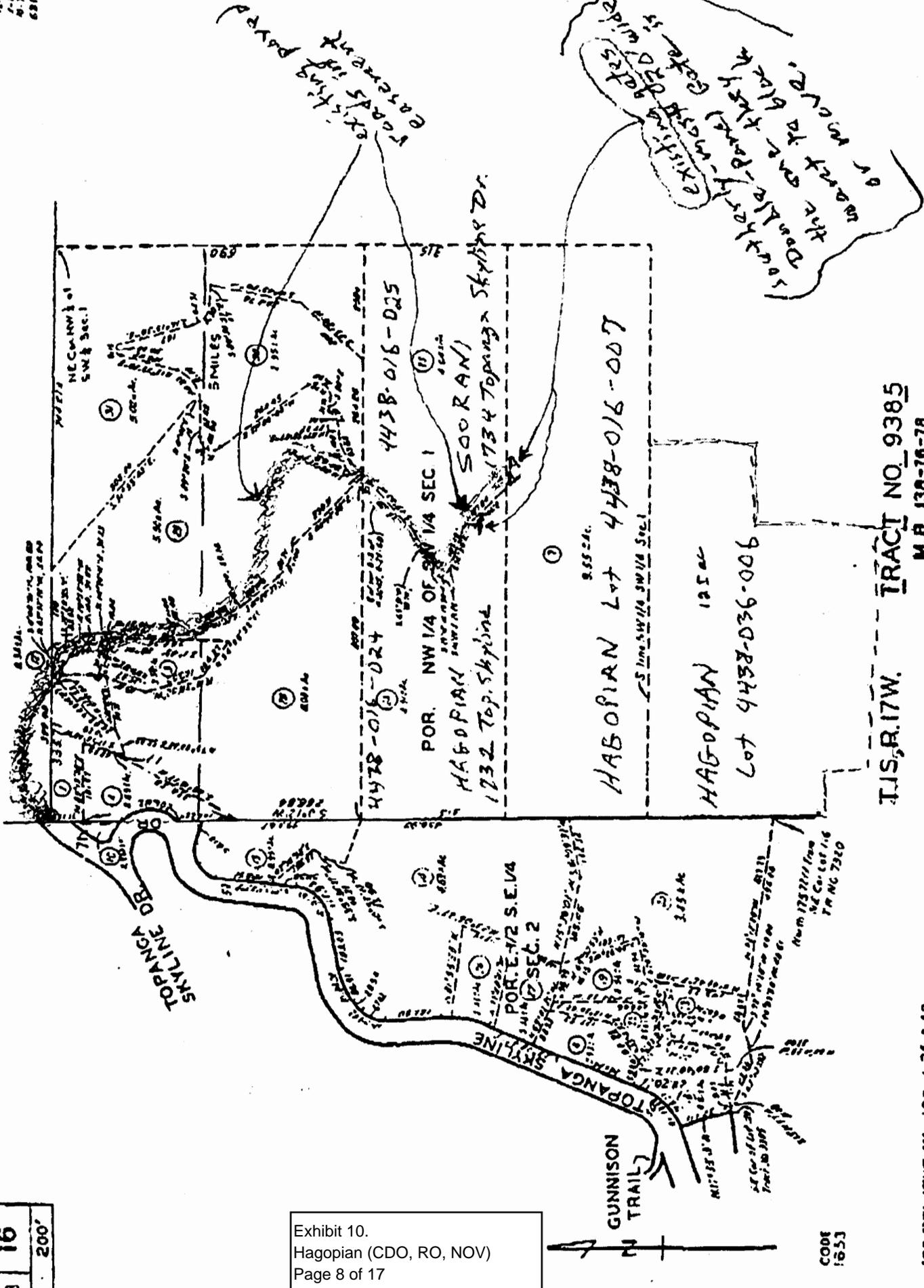
CODE 1833

ASSESSOR'S MAP  
COUNTY OF LOS ANGELES, CALIF.

FOR FILE, ASSMT. SL: 400 - 1

Exhibit 10.  
Hagopian (CDO, RO, NOV)  
Page 7 of 17

1 2 3 4 5 6



T.I.S.R.17W. TRACT NO. 9385  
M. B. 138-76-78

Exhibit 10.  
Hagopian (CDO, RO, NOV)  
Page 8 of 17

B 16  
200'

CODE  
1653

FOR PREV. ASSNT. SEC. 496-1, 25 & 42

V-4-09-014  
Hagopian

1732 Topanga Skyline Dr, Malibu, CA  
APN: 4438-016-007, 4438-016-024, 4438-036-006

Exhibit A



Exhibit 10.  
Hagopian (CDO, RO, NOV)  
Page 9 of 17

V-4-09-014  
Hagopian

1732 Topanga Skyline Dr. Malibu, CA  
APN: 4438-016-007, 4438-016-024, 4438-036-006

Exhibit B

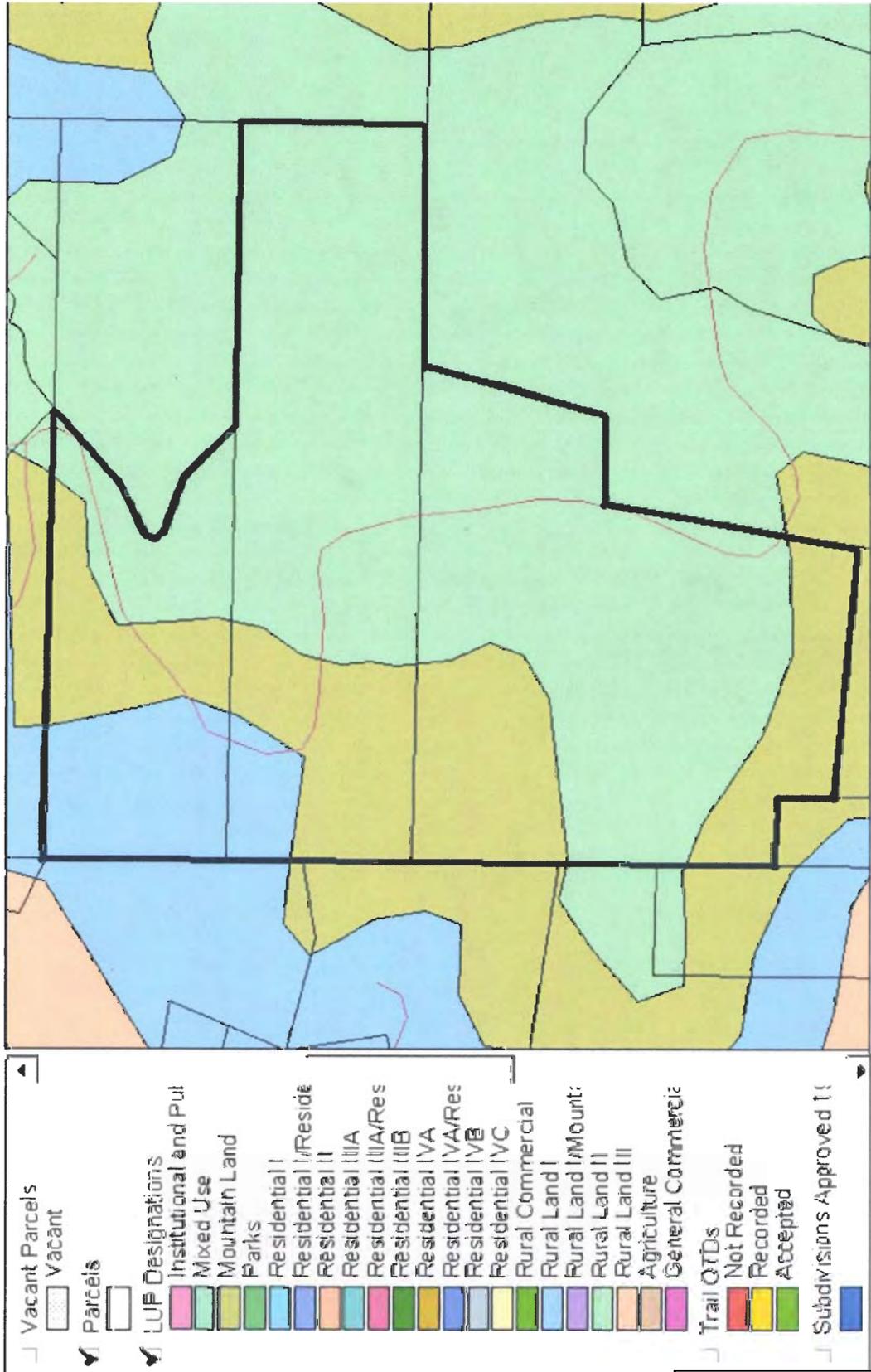


Exhibit 10.  
Hagopian (CDO, RO, NOV)  
Page 10 of 17

1732 Topanga Skyline Dr. Malibu, CA  
 APN: 4438-016-007, 4438-016-024, 4438-036-006

V-4-09-014  
 Hagopian

Exhibit C

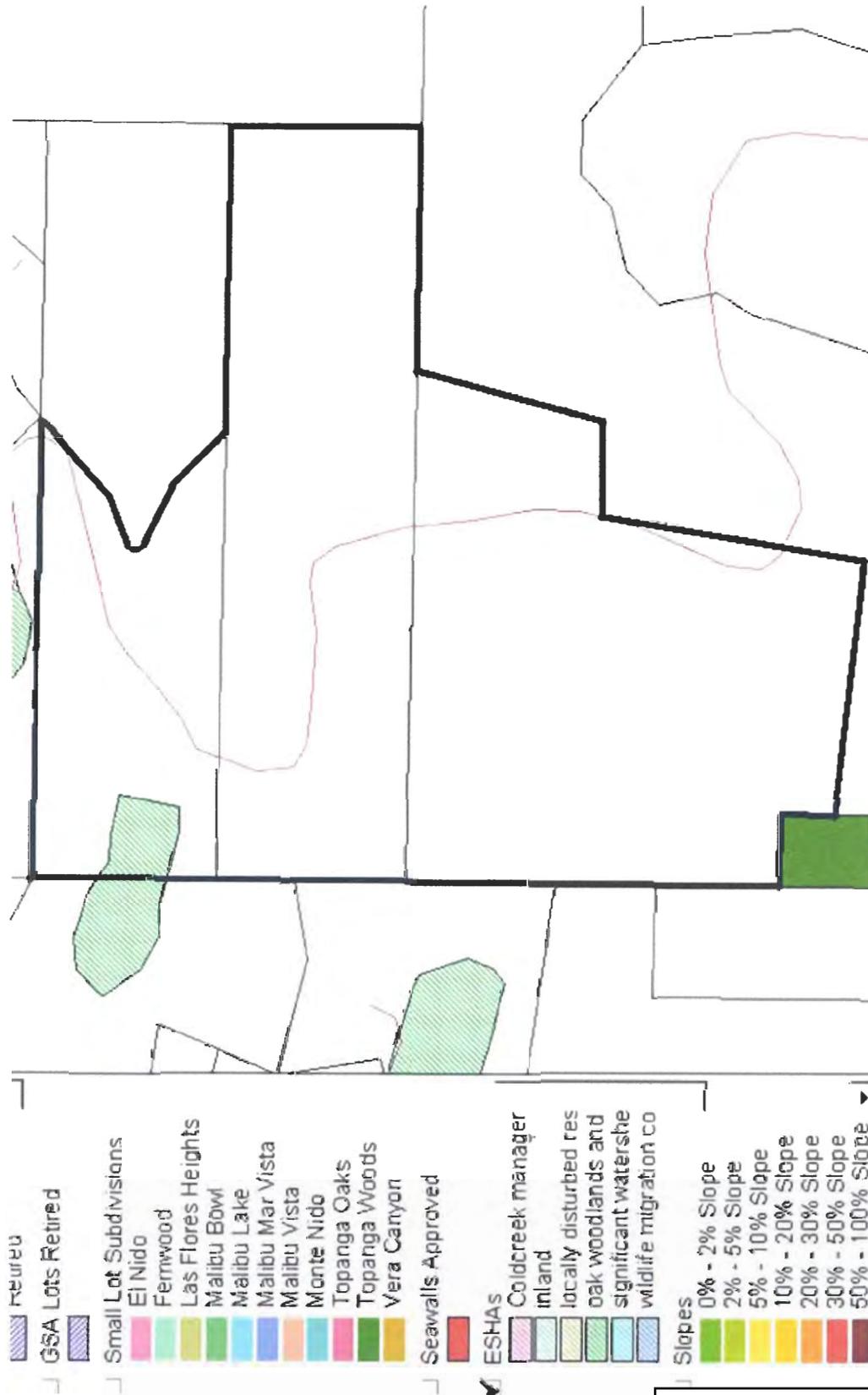


Exhibit 10.  
 Hagopian (CDO, RO, NOV)  
 Page 11 of 17

STATE OF CALIFORNIA - THE RESOURCES AGENCY

GEORGE DEUKMEJIAN, Governor

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA  
245 WEST BROADWAY, SUITE 380  
LONG BEACH, CA 90802  
(213) 590-5071



RECEIVED  
MAR 2 1988

February 24, 1988:JH/do

CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT

COASTAL DEVELOPMENT PERMIT NO. 5-87-488  
Page 1 of 4

On August 27, 1987, the California Coastal Commission granted to Everett Rollins this permit for the development described below, subject to the attached Standard and Special Conditions.

DESCRIPTION AND SITE:

Construction of 3,375 square-foot, 28 foot high single family residence and septic system, and pave existing access road, on vacant lot; approve Conditional Certificate of Compliance.

Site: 1732 Topanga Skyline Drive, Topanga, Los Angeles County.

Issued on behalf of the California Coastal Commission by

PETER DOUGLAS  
Executive Director

By: *[Signature]*  
Coastal Program Analyst

**IMPORTANT:** THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE.

ACKNOWLEDGEMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

Feb 27, 1988  
Date

*[Signature]*  
Signature of Permittee

Exhibit 10.  
Hagopian (CDO, RO, NOV)  
Page 12 of 17



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



James E. Hartl, AICP  
Director of Planning

December 31, 2002

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Burtram Johnson  
Burtram Johnson Consultants  
PO Box 1379  
Santa Monica, CA 90406

RE: **CONDITIONAL USE PERMIT CASE NO. 01-200-(3)**  
To authorize the establishment of a second residential unit on a single family lot.

Dear Applicant:

**PLEASE NOTE:** This document contains the Hearing Officer's findings and order and conditions relating to **APPROVAL** of the above referenced case. **CAREFULLY REVIEW EACH CONDITION.**

Condition 3 requires that the permittee must file an affidavit accepting the conditions before this grant becomes effective. **USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.**

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Hearing Officer's decision to the Regional Planning Commission at the office of the commission's secretary, Room 170, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Contact the commission's secretary for the necessary forms and the amount of the appeal fee at (213) 974-6409. The appeal must be postmarked or delivered in person within 15 days after this notice is received by the applicant. The Hearing Officer's decision may also be called up for review by the Regional Planning Commission during the appeal period.

For further information on appeal procedures or any other matter pertaining to this approval, please contact the Zoning Permits Section II at (213) 974-6435.

Exhibit 10.  
Hagopian (CDO, RO, NOV)  
Page 13 of 17

**HEARING OFFICER'S FINDINGS AND ORDER:**

**REQUEST:** The applicant is requesting a Conditional Use Permit to authorize the establishment of a second residential unit on a single family lot.

**PROCEEDINGS BEFORE THE HEARING OFFICER:**

December 17, 2002 Public Hearing

A duly noticed public hearing was held on December 17, 2002. The applicant's representative was sworn in and testified in favor of the project. The applicant's representative read and requested amendments to the draft conditions of approval. Item no. 1 of the environmental Negative Declaration was corrected from 2,500 sq. ft. to 1,200 sq. ft. Item no. 6 of the draft conditions was extended from 3 months to 5 months in order to postpone construction until the rainy season ends. Item nos. 9 and 10 were not eliminated because a County ordinance concerning second residential units that will take effect summer, 2003 has not been developed. The applicant's representative agreed to the amended conditions of approval.

There being no further testimony, the Hearing Officer closed the public hearing and stated her intent to approve the second residential unit subject to the conditions recommended by staff and directed staff to prepare findings and conditions for approval.

Findings

1. The applicants, Stephan and Kathryn Hagopian, are requesting a Conditional Use Permit to authorize the establishment of a second residential unit consisting of a two-bedroom, two-story building located above a two-car garage.
2. The subject property is located at 1732 Topanga Skyline Drive, Topanga, in the Malibu Zoned District.
3. The subject property is zoned A-1-1 (Light Agricultural, one acre minimum lot requirement).
4. Surrounding properties are zoned as follows:  
North: A-1-1  
South: A-1-1  
East: A-1-1  
West: A-1-1 and R-1-10,000 (Single-family residence, 10,000 sq. ft. lot minimum).
5. The subject property is currently occupied by a single-family residence with a spa, pool, and stairs leading to a septic tank.
6. Surrounding properties are used as follows:

North: Vacant and single-family residence  
South: Vacant  
East: Single-family residence  
West: Single-family residence

7. The subject property is indicated as a dotted line parcel on Los Angeles County Tax Assessors Map 4438-016-024. Conditional Certificate of Compliance Case No. CC9616 was issued to ensure that the parcel conformed to current development standards. Clearance of Conditions for CC96434 recorded on 01/22/88 stating those conditions were met after an Irrevocable Offer to Dedicate and Grant of Easement was executed and recorded on 10/23/87.
8. The proposed second unit will be located on the portion of the subject property that is designated as Rural Land II in the Malibu Local Coastal Plan. The principal permitted land use identified in Malibu Local Coastal Plan includes large lot residential use.
9. The site plan depicts the proposed second unit in the southeast corner of the 4.91-acre parcel. The proposed second unit will be constructed into a hillside, and will be tiered. The habitable area of the second unit includes the second and third stories and totals 1,196 sq. ft. A 2-car garage will be constructed as the first story. A second story will encompass 650 sq. ft. and include a bathroom, 2 bedrooms with closets, and a stairwell leading to the garage. A third story will encompass 546 sq. ft. and include an office, a powder bathroom, dining, living and kitchen areas, and a stairwell leading to the second floor. Both the second and third stories will include decks. An exterior set of concrete stairs leading to both floors will be adjacent to the southwest wall of the unit, and a retaining wall will also be constructed alongside the northwest wall.
10. A second residential unit is not a use specified in Title 22 of the Los Angeles County Code (Zoning Ordinance). Sections 65852.2 and 65952.2 of the State of California Government Code contain procedures and criteria for the establishment of second residential units when a local government has not adopted an ordinance regulating such units. Information submitted with the application indicates that the proposed unit complies with development conditions identified in Section 65852.2 of the California Government Code.
11. A Negative Declaration was prepared for this project. Based on the initial study, it was determined that the project will not have a significant effect on the environment.
12. Staff received a telephone call from a concerned neighbor on 11/18/02 who inquired about the existing 15' wide road to the subject property and whether it provided adequate fire access. The neighbor inquired if the road would be widened for the

second residence. The subject property is located in Fire Zone 4, a Very High Fire Hazard Severity Zone, and the minimum requirement for fire access to 1-2 units on a property in Zone 4 is 20'. An Irrevocable Offer to Dedicate and Grant of Easement included a 20' wide all-weather access from a public street to the subject property, and 30' road-right-of-way along the property's easterly boundary. The dedicated easement of 20' meets this requirement.

13. The proposed construction of a second residential unit on a 4.91 acre lot is consistent with surrounding land uses of low to very low intensity, single-family residential development, and conforms to large lot residential use permitted in the Malibu Local Coastal Plan.
14. If a second unit complies with Sections 65852.2 and 65952.2 of the State of California Government Code, it is considered to not exceed the allowable density for the lot, and is considered to be consistent with existing general plan and zoning designations. Section 65852.2 also states that a local agency shall grant a conditional use permit if the proposed second unit complies with this criteria. This proposed second unit meet criteria specified in Sections 65852.2 and 65952.2.

**BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:**

- A. The proposed use is consistent with the adopted general plan for the area;
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare;
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- D. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are required.

AND THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a conditional use permit as set forth in Sections 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer has considered the Negative Declaration together with any comments received during the public review process, finds on the basis on the whole record before the Hearing Officer that there is no substantial evidence the project will have a significant effect on the environment, finds that the Negative Declaration reflects the independent judgment and analysis of the Hearing Officer, and adopts the Negative Declaration.
2. In view of the findings of fact presented above, Conditional Use Permit Case No. 01-200-(3) is **APPROVED**, subject to the attached conditions.

BY: Rose Hamilton  
**ROSE HAMILTON, HEARING OFFICER**  
Department of Regional Planning  
County of Los Angeles

DATE: 1-2-03

Attachments: Conditions  
Affidavit

c: Each Commissioner, Zoning Enforcement, Building and Safety

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 585-1800

**NOTICE OF VIOLATION OF THE CALIFORNIA COASTAL ACT**

July 7, 2009

Nicole Johnson  
205 S. Arnaz Drive, #2  
Beverly Hills, CA 90211

Violation File Number: V-4-09-014

Property location: 1732 Topanga Skyline Drive, Los Angeles County,  
APNs: 4438-016-007, 4438-016-024, and 4438-036-006

Unpermitted Development: Grading (including in ESHA), vegetation removal in ESHA, deposition of fill, placement of a vineyard, installation of a ground installed solar array, seven structures, a tennis court, and a swimming pool.

Dear Ms. Johnson:

I am in receipt of your informational packet dated June 12, 2009. Thank you for your prompt response and attention to this matter. Commission staff looks forward to working with you and your clients to resolve this case as efficiently as possible.

After review of the materials you provided, it appears that you have raised several issues that require a comprehensive discussion:

First, the Hagopian's property - APN's 4438-016-024, 4438-016-007, and 4438-036-006 - are in the California Coastal Zone (CZ) and, thus, are subject to the requirements of the California Coastal Act<sup>1</sup>. For your convenience, I have enclosed a map that depicts the approximate location of the CZ in relation to your client's property. You are also welcome to view the Coastal Zone Boundary Maps here at our office or you can request a Coastal Zone boundary determination from the mapping department in our headquarters office in San Francisco.

As previously stated, because the subject parcels are within the CZ, all development, as defined in Section 30106, that is not exempt requires a coastal development permit

<sup>1</sup> The Coastal Act is codified in sections 30,000 to 30,900 of the California Public Resources Code. All further section references are to that code, and thus, to the Coastal Act, unless otherwise indicated.

(CDP). The Hagopian's are aware of this requirement (and that their parcels are within the CZ) because in 2007 they applied for an exemption (No. 4-07-013-X), from the Commission for the construction of a secondary residence which was subsequently denied.

Second, any development activity conducted in the Coastal Zone without a valid CDP constitutes a violation of the Coastal Act. Our records indicate that no CDP has been issued for any development on any of the three parcels other than the approved single family residence in 1987 on APN 4438-016-024 (CDP No. 5-87-488). Pursuant to Section 30600 (a), any person wishing to perform or undertake development in the Coastal Zone must obtain a coastal development permit, in addition to any other permit required by law. "Development" is defined by Section 30106 as:

***"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of the use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvest of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations....***

The unpermitted development on the subject parcels includes, but is not limited to the following: grading (including in an environmentally sensitive habitat area [ESHA]), vegetation removal in an EHSA, deposition of fill, placement of a vineyard, installation of a ground installed solar array, installation of seven accessory structures, a tennis court, and a swimming pool.

Pursuant to Section 30610(a) and Title 14 California Code of Regulations Section 13250, in certain limited circumstances, some of the development undertaken on your client's property may be exempt from the requirement for a CDP, but until staff reviews plans, a project description, and other pertinent information, it's not possible to make a specific determination at this time. However, please be advised that development located in ESHA is not exempt.

In your June 12 correspondence, you provide evidence that these parcels may have been once part of the greater Topanga Canyon Agricultural District pursuant to LA County Urgency Ordinance 5777. However, these parcels were vacant at the time the Coastal Act was implemented (January 1, 1977) and remained so until 1987 when, then property owner Mr. Rollins, was approved for a single family residence under CDP No. 5-87-488 on parcel 4438-016-024. Parcels 4438-016-007 and 4438-036-006 continued to remain vacant until their purchase by the Hagopians in 1994 and 2000 respectively. There is no evidence that agriculture activity had occurred on the property prior to the placement of the vineyards (presumably by the Hagopians) in recent years and there is

no consistency of agricultural use on the subject parcels. As a result, the vineyards and development associated with the vineyards requires authorization through the coastal development permitting process. The Commission has approved vineyards in the Santa Monica Mountains, but only under very limited circumstances (ie, within the irrigated fuel modification zone on slopes less than 3 to 1). It is therefore accurate to assume that some agriculture use could be permitted in the general area.

Fourth, the subject parcels appear to be in an environmentally sensitive habitat area (ESHA). While your June 12 correspondence mentions a mapped ESHA on "Parcel 24" (APN 4438-016-024), please be advised that ESHAs are not limited to those areas depicted on a map.

Section 30107.5 defines an environmentally sensitive area as:

**Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.**

Section 30240 protects ESHA by restricting development in and adjacent to ESHA. Section 30240 states:

**(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.**

**(b) Development in areas adjacent to ESHA and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.**

Pursuant to Section 30107.5, in order to determine whether an area constitutes an ESHA, and is therefore subject to the protections of Section 30240, the Commission must answer three questions:

- 1) Is there a rare species or habitat in the subject area?
- 2) Is there an especially valuable species or habitat in the area, which is determined based on:
  - a) whether any species or habitat that is present has a special nature, OR
  - b) whether any species or habitat that is present has a special role in the ecosystem;
- 3) Is any habitat or species that has met either test 1 or test 2 (i.e., that is rare or especially valuable) easily disturbed or degraded by human activities and developments?

If the answer to either question 1 or 2 is "yes", and the answer to question 3 is "yes", the area is ESHA whether it is mapped or not.

The subject parcels are located within the Mediterranean Ecosystem of the Santa Monica Mountains. The Coastal Commission has found that the Mediterranean Ecosystem in the Santa Mountains is rare, and valuable because of its relatively pristine character, physical complexity, and resultant biological diversity. Large, contiguous, relatively pristine areas of native habitats, such as coastal sage scrub, chaparral, oak woodland, and riparian woodland have many special roles in the Mediterranean Ecosystem, including the provision of critical linkages between riparian corridors, the provision of essential habitat for species that require several habitat types during the course of their life histories, the provision of essential habitat for local endemics, the support of rare species, and the reduction of erosion, thereby protecting the water quality of coastal streams. Additional discussion of the special roles of these habitats in the Santa Monica Mountains ecosystem are discussed in the March 25, 2003 memorandum prepared by the Commission's Ecologist, Dr. John Dixon<sup>2</sup> (hereinafter "Dr. Dixon Memorandum"), which is incorporated as if set forth in full herein.

Unfortunately, the native habitats of the Santa Monica Mountains, such as coastal sage scrub, chaparral, oak woodland and riparian woodlands are easily disturbed by human activities. As discussed in the Dr. Dixon Memorandum, development has many well-documented deleterious effects on natural communities of this sort. These environmental impacts may be both direct and indirect and include, but certainly are not limited to, the effects of increased fire frequency, of fuel modification, including vegetation clearance, of introduction of exotic species, and of night lighting. Increased fire frequency alters plant communities by creating conditions that select for some species over others. The removal of native vegetation for fire protection results in the direct removal or thinning of habitat area. Artificial night lighting of development affects plants, aquatic and terrestrial invertebrates, amphibians, fish, birds and mammals. Thus, large, contiguous, relatively pristine areas of native habitats, such as coastal sage scrub, chaparral, oak woodland, and riparian woodlands are especially valuable because of their special roles in the Santa Monica Mountains ecosystem and are easily disturbed by human activity. Accordingly, these habitat types meet the definition of ESHA. This is consistent with the Commission's past findings in support of its actions on many permit applications and in adopting the Malibu Local Coastal Program<sup>3</sup>.

As described above, the project site contains pristine chaparral habitat that is part of a large, contiguous block of pristine native vegetation. As discussed above and in the Dr. Dixon Memorandum, this habitat is especially valuable because of its special role in the ecosystem of the Santa Monica Mountains, it is easily disturbed by human activity, and therefore it appears to be ESHA.

Fifth, on July 1, 2009, Patrick Veesart (CCC Enforcement Supervisor) had a telephone conversation with Burt Johnson, representing the Hagopians. In that conversation Mr.

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<sup>2</sup> The March 25, 2003 Memorandum Regarding the Designation of ESHA in the Santa Monica Mountains, prepared by John Dixon, Ph. D, is available on the California Coastal Commission website at <http://www.coastal.ca.gov/ventura/smm-asha-memo.pdf>

<sup>3</sup> Revised Findings for the City of Malibu Local Coastal Program (as adopted on September 13, 2002) adopted on February 6, 2003.

Johnson mentioned Calvo exemptions. Mr. Veasart informed Mr. Johnson that the subject property was not in a Calvo exclusion area. Mr. Johnson was unfamiliar with the concept of Calvo exemptions applying only within designated areas and asked for clarification. The passage of AB 643 (Calvo) by the Legislature required the Commission to designate areas in the Coastal Zone where no coastal permit would be required for construction of single family dwellings by January 1980. Said maps were adopted by the Commission in 1980 and you, or your clients, can review said maps here at our office in Ventura. Please see Section 30610.1 for the criteria that must be met in order to qualify for a Calvo exemption. In any event, the subject unpermitted development does not appear to include a single family dwelling and, therefore, the Calvo exemption would not be applicable in this case even if the subject property were within a Calvo exclusion area.

In summary, the Hagopian's property (consisting of APNs 4438-016-024, 4438-016-007, and 4438-036-006) is in the Coastal Zone and subject to the requirements of the Coastal Act. As a result, these parcels are within the jurisdiction of the California Coastal Commission and require any person wishing to perform or undertake development to obtain a coastal development permit from the Commission *in addition to* any other approvals that may be required (such as Los Angeles County approval). All of the above-mentioned development, excluding those activities approved pursuant to CDP No. 5-87-488, were installed, constructed, and/or conducted after the implementation of the Coastal Act and, therefore, require a CDP. Staff finds no evidence that a CDP has been issued for any of the above mentioned development (other than that approved pursuant to CDP No. 5-87-488) and, therefore, the subject development is in violation of the Coastal Act.

In order to resolve this matter in a timely manner and reduce the possibility of a monetary penalty or fine, we are requesting that you submit a complete coastal development permit application by **August 30** for either removal of the unpermitted development and restoration of the site or to authorize the as-built development. For your convenience, you may download a coastal development permit application at [www.coastal.ca.gov](http://www.coastal.ca.gov). If you don't have access to the internet, we will be happy to mail you a coastal development permit application upon request. Please contact me by no later than **July 16** regarding how you intend to resolve this violation.

While we strongly prefer to resolve violation cases amicably, we are prepared to initiate further enforcement action if we cannot resolve this matter quickly. As you were previously informed, Coastal Act Section 30809 states that if the Executive Director of the Commission determines that any person has undertaken, or is threatening to undertake, any activity that may require a permit from the Coastal Commission without first securing a permit, the Executive Director may issue an order directing that person to cease and desist. Coastal Act section 30810 states that the Coastal Commission may also issue a cease and desist order. A cease and desist order may be subject to terms and conditions that are necessary to avoid irreparable injury to the area or to ensure compliance with the Coastal Act. A violation of a cease and desist order can result in civil fines of up to \$6,000 for each day in which the violation persists.

In addition, we remind you that Sections 30803 and 30805 of the Coastal Act authorize the Commission to initiate litigation to seek injunctive relief and an award of civil fines in response to any violation of the Coastal Act. Section 30820(a) of the Coastal Act provides that any person who violates any provision of the Coastal Act may be subject to a penalty not to exceed \$30,000 per violation. Further, Coastal Act section 30820(b) states that, in addition to any other penalties, any person who "knowingly and intentionally" performs any development in violation of the Coastal Act can be subject to a civil penalty of not less than \$1000 nor more than \$15,000 for each day in which each violation persists.

Finally, the Executive Director is authorized, after providing notice and the opportunity for a hearing as provided for in Section 30812 of the Coastal Act, to record a Notice of Violation against your property.

Thank you for your attention to this matter. We look forward to working with you to resolve these violations. If you have any questions regarding this letter or the pending enforcement case, please feel free to contact me.

Sincerely,



Andrew D. Berner  
South Central District Enforcement

cc: Lisa Haage, Chief of Enforcement  
N. Patrick Veesart, Enforcement Supervisor  
Tom Sinclair, District Enforcement Officer  
Steve Hudson, District Manager  
Barbara Carey, Supervisor, Planning and Regulation  
Alex Helperin, Staff Counsel

Enc: Coastal Boundary Map

Hagopian Property



Exhibit 11.  
Hagopian (CDO, RO, NOV)  
Page 7 of 7

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 585-1800



July 28, 2009

Nicole Johnson  
c/o Burt Johnson  
205 S. Arnaz Drive, #2  
Beverly Hills, CA 90211

Violation File Number: V-4-09-014

Property location: 1732 Topanga Skyline Drive, Los Angeles County,  
APNs: 4438-016-007, 4438-016-024, and 4438-036-006

Unpermitted Development: Grading (including in ESHA), vegetation removal in ESHA, deposition of fill, placement of a vineyard, installation of a ground installed solar array, seven structures, and a tennis court.

Dear Ms. Johnson:

Thank you for taking the time to speak with me on Wednesday, July 22, 2009. As we discussed, there are several matters regarding the alleged violations on the Hagopian's property that require further clarification. The following is a brief description of and potential resolution for each:

There is a dispute as to whether or not the subject parcels, which include APN's 4438-016-007 and 4438-036-006, have been consistently used as agricultural lands (in this case, vineyards) since before implementation of the Coastal Act in January, 1977. If you or your clients have evidence (photographs, receipts, declarations, etc.) of such, please submit them and staff will review your claim and make a determination. If you dispute staff's determination, you can file for a vested rights claim and staff will schedule the matter for a hearing with the Commission for a determination. Regardless of the outcome of the above, a CDP will still be required for all non-exempt development not subject to a valid vested right.

There is a dispute about the vegetation on the subject parcels, which include APN's 4438-016-024, 4438-016-007 and 4438-036-006. It is the position of the Commission that the subject parcels are part of a large contiguous area of native chaparral that meets the Coastal Act definition of an environmentally sensitive habitat area (ESHA). In order to resolve this matter as to whether there is ESHA on the subject parcels, there are two options:

- 1) The property owner(s) may submit a biological assessment report of their property. This biological report must include a biological survey and map of biological resources and physical site features of the subject property that is prepared by a qualified biologist or resource specialist. See the attachment for guidelines; or
- 2) Commission staff will conduct their own site assessment to determine what kind of vegetation exists (existed) on the subject parcels.

In the event the property owners are no longer willing to dispute the alleged violations on their properties, they may submit an after-the-fact CDP application for the unpermitted activities. These activities include, but are not limited to, the following: grading/fill deposit, vegetation removal, vineyard(s), ground-mounted solar array, seven accessory structures, and a tennis court.

If the Commission does not approve all or part of the above, Commission staff will evaluate and decide what appropriate enforcement action may be necessary to resolve the violations. This could include recordation of a notice of violation, a cease and desist and restoration order, and penalties.

Please note that even if the agricultural and ESHA disputes are resolved in your client's favor, unpermitted development still exists on the subject parcels. Grading and fill deposit, the installation of a ground mounted solar array, various structures, and a tennis court have been placed or have occurred on the property. Therefore, a coastal development permit is required regardless of the outcome of the agriculture and ESHA determinations.

Thank you for your cooperation and attention to these matters. Please contact me no later than August 20, 2009 regarding how you and your clients would like to resolve these issues.

Sincerely,



Andrew D. Berner  
South Central District Enforcement

cc: **Lisa Haage, Chief of Enforcement**  
**N. Patrick Veasart, Enforcement Supervisor**  
**Tom Sinclair, District Enforcement Officer**  
**Steve Hudson, District Manager**  
**Barbara Carey, Supervisor, Planning and Regulation**  
**Alex Helperin, Staff Counsel**

Encl: **Biological Assessment Guidelines**

**Plan It! Events**  
**205 S. Arnaz Dr., # 2, Beverly Hills, California 90211**  
**(310) 659-1109 (w) ~ (310) 779-4164 (c)**  
**e-mail: nicole@planitevents.net**

August 31, 2009

California Coastal Commission  
South Central Coast Area  
89 South California St., Ste 200  
Ventura, California 93001

Attn: Andrew D. Berner

Subject: Notice of Violation of the California Coastal Act (dtd 3/24/09)  
Coastal Commission Violation File Number: V-4-09-014.  
Enforcement Analyst

Property location:

1732 Topanga Skyline Drive, Unincorporated Los Angeles County, California  
(APNs 4438-016-024, 4438-016-007 and 4438-036-006)

Dear Mr. Berner:

The parcels identified as APN 4438-016-024, 4438-016-007 and 4438-036-006 are three separate individual parcels located respectively at 1732, 1728 and 1726 Topanga Skyline Drive, Topanga, Unincorporated Los Angeles County. The three parcels have separate fee owners and separate dates of purchase as well as size, improvements, access, zoning designations and status of land use development as follows:

Parcel 24 (APN 4438-016-024) is a 4.91 acre lot developed with an existing single-family residential dwelling located at 1732 Topanga Skyline Drive. Parcel 24 is a (R1) residentially zoned and developed property located at 1732 Topanga Skyline Drive. Parcel 24 is to be considered separately from Parcels 7 and 6 which are both vacant (A1) agriculturally zoned and utilized lots.

1. The California Coastal Commission (CCC) in 1987 approved a Coastal Development Permit (CDP) for the residential development of Parcel 24 (4.91 acres) located in a County designated R-1 Residential Zone. Since the CCC approved Parcel 24 at 1732 Topanga Skyline Drive for single family residential development and did not raise the environmentally sensitive habitat area (ESHA) issue in 1987, thus CCC is without basis to raise an environmental issue in 2009.

2. The building site for the second family residential dwelling is not located in the area designated by CCC as an environmentally sensitive habitat area (ESHA) on Parcel 24. The Coastal Commission designated the area specified as an ESHA on Parcel 24 (See Map provided by the Commission as **Exhibit C**). The area specified on **Exhibit C** is the only ESHA designation by CCC that is located on Parcel 24. There is nothing developed in the designated ESHA area.
3. Since 1988, 21 years ago, L.A. County has approved permits for the existing single-family residential dwelling, swimming pool and solar panels. Los Angeles County also approved on December 31, 2002 Conditional Use Permit (CUP) 01--200-(3) for the second family residence as a non-attached dwelling on Parcel 24 in accordance with Government Code § 65852.2. The California Appellate Court ruled

"In *Great Western Sav. & Loan Assn. V. City of Los Angeles* (1973) 31 Cal.App.3d 403, a **land developer sought a writ\*** of mandate to compel a city to approve a final subdivision tract map. **Because state law provided that the local governing body "shall" approve\*** such a map if it met certain requirements, the **court held the developer was entitled to a writ commanding the city to do what the state law said it shall do\***.

The **same rule applies here\***. In this case subdivision (b) of the granny flat **statute states the local government "shall" grant\*** a special or **conditional use permit** if the second unit complies with its enumerated requirements. **The second unit owners are therefore entitled to their writ\*.**"  
*Wilson v. City of Laguna Beach* (1992) 6 C.A. 4th 543

\* emphasis added

Los Angeles County in compliance with the Court's ruling in the above noted **Wilson v. City of Laguna Beach** case **granted** the Hagopians a **Conditional Use Permit for the 2nd family dwelling** (Granny flat) to be constructed on the property located at **1732 Topanga Skyline Drive**. There is no legal requirement for a second Coastal Development Permit as the California Coastal Commission in 1988 approved the residential development of said property at 1732 Topanga Skyline Drive, Topanga, Unincorporated Los Angeles County, California. The County has the jurisdiction and authority to approve the construction of the 2nd family dwelling (granny flat) in accordance with California Government Code §65852 subd. (b) on the property at 1732 Topanga Skyline Drive.

Sincerely,

  
NICOLE JOHNSON  
Consultant  
for Property Owners  
Stefan and Kathryn Hagopian

Enclosure: Map provided by the Commission as **Exhibit C**

**Plan It! Events**  
**205 S. Arnaz Dr., # 2, Beverly Hills, California 90211**  
(310) 659-1109 (w) ~ (310) 779-4164 (m)  
e-mail: [nicole@planitevents.net](mailto:nicole@planitevents.net)

September 16, 2009

California Coastal Commission  
South Central Coast Area  
89 South California St., Ste 200  
Ventura, California 93001

Attn: Andrew D. Berner  
Enforcement Analyst

Subject: Notice of Violation of the California Coastal Act (dtd 3/24/09)  
Coastal Commission Violation File Number: V-4-09-014.

*Property location:*

1726 and 1728 Topanga Skyline Drive, Los Angeles County, California  
(APNs 4438-016-007 and 4438-036-006)

Dear Andrew D. Berner

Parcel APN 4438-016-007 (hereinafter referred to as "Parcel 7") and Parcel APN 4438-036-006 (hereinafter referred to as "Parcel 6") are today vacant lots located in an A-1 Zone area being utilized for agricultural uses. Both parcels have been zoned as A-1 since 1951 thus do not require either a Los Angeles County (hereinafter referred to as the "County") development permit or a Coastal Development Permit (CDP) in accordance with California Public Resources Code (PRC) §30610.2 for development of said parcels. There are no existing violations on Parcels 6 and 7. All agricultural and farming uses of the two parcels are in accordance with State, Coastal Act and County Codes specified for permitted uses and accessory uses.

The two parcels have separate fee title owners and dates of purchase as follows:

APN 4438-016-007 (10 Acre Parcel) Parcel 7  
Purchased: August 9, 1993  
Recorded: May 23, 1994  
Property Owners: Stefan Hagopian & Kathryn Gill Hagopian

APN 4438-038-006 (12 Acre Parcel) Parcel 6  
Purchased: March 2, 1995  
Recorded: January 4, 2000  
Property Owners: Rahel Hagopian, Stefan Hagopian & Kathryn Gill Hagopian

Because of the fact that Parcels 6 and 7 are owned by different individuals any CCC cited alleged violation should be identified for either one or the other parcel.

Exhibit 14. Hagopian (CDO, RO, NOV) Page 1 of 4
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Parcel 6 and Parcel 7 are today separate individual vacant lots being utilized for agricultural farming as well as raising sheep and chickens. The agricultural farming and animal raising uses of the property do not require either a County building/use permit or a California CDP in accordance with L.A County Title 22 Planning & Development permit (Zoning Code §§ 22.24.070 and 22.24.080 and California PRC § 30241.

**"22.24.080 Accessory uses.** Property in Zone A-1 may be used for:

- A. The following **accessory uses**, subject to the same limitations and conditions provided in Section 22.20.080 (Zone R-1):
  - Accessory buildings and structures.
  - 
  - Building materials, storage of.
- B. Stands for the display and sale of any products, the production of which is permitted in Zone A-1 by Section 22.24.070, and which have lawfully been produced on such lot or parcel of land,
  - 1. That said stand shall be exclusively of wood-frame construction (except the floor);
  - 2. That said stand shall have a floor area of not more than 300 square feet;
  - 3. That said stand shall be located not nearer than 20 feet from any street or highway upon which such lot or parcel fronts, or adjacent residences;
  - 4. That said stand will be on a parcel of land not less than one acre in area."

Since the uses on Parcels 6 and 7 are all A-1 permitted uses in accordance with County Code Sections 22.24.070 **Permitted uses** and 22.24.080 **Accessory uses** there is no requirement for either a County director's review and approval or a use permit approval per County Code Sections 22.24.090 and 22.24.100. There is no Coastal Development/Use Permit required for the maintenance and agricultural use of A-1 zoned parcels of land in the unincorporated area of the County in accordance with California PRC Sections 30241 and 30242.

## **PURPOSE COUNTY AGRICULTURAL REGULATIONS**

"It is the intent of these district regulations to support and enhance agriculture as the predominant land use in the unincorporated areas of the county. These district regulations are also intended to protect open-space lands pursuant to Government Code Section 65910. The procedures contained in this chapter are specifically established to ensure that all land uses are compatible with agriculture and open space, including natural resources management, outdoor recreation and enjoyment of scenic beauty. (Ord. CS 106 Section 2 (part), 1984)."

**California Government Code Sections 65900-65909.5** provides the following:

"65900. The legislative body of a city or county may, by ordinance, creates and establishes either a board of zoning adjustment, or the office of zoning administrator or both.

65901. (a) The board of zoning adjustment or zoning administrator shall hear and decide applications for conditional uses or other permits when the zoning ordinance provides therefore and establishes criteria for determining those matters, and applications for variances from the terms of the zoning ordinance."

The County created the mandated office of zoning administrator and adopted the required zoning ordinance in accordance with the State mandate in §65900. Parcels 6 and 7 are vacant legal lots created prior to January 1, 1980 and were vacant legal lots prior to January 24, 1980. Therefore, any development/use as noted hereinabove on said parcels is exempt from the coastal development permit requirements of the California Coastal Act as well as the Commission's jurisdiction and regulatory control. The County has jurisdiction for any development/uses on Parcels 6 and 7.

Los Angeles County by ordinance created the A-1 zoning and the permitted uses of said property for farming and agriculture in accordance with the State Code. There are no requirements for either a County or Coastal permitting for Hagopian's existing farming and agricultural uses of Parcels 6 and 7. Please confirm said fact and remove the alleged violations cited on Parcels 6 and 7 in the March 24, 2009 Commission Notice of Violation of the California Coastal Act. Parcels 6 and 7 have been farmed and agriculturally utilized in accordance with the herein cited applicable sections of the California Government Code, California Public Resources Code and Los Angeles County Title 21 Subdivision Code and Title 22 Zoning Code. This position is supported by the California Appellate Court ruling in Great Western Sav. & Loan Assn. V. City of Los Angeles 1973 31 Cal.App.3d 403.

Since the Commission's mapping has not identified an ESHA designation on Parcels 6 and 7, and there has been no grading per se on either of said parcels, there is no violation of the County Planning and Zoning Code or California Coastal Act regarding the agricultural farming on Parcels 6 and 7. (See Exhibit C)

There are vineyards planted on Parcels 6 and 7 as authorized by the County as a "permitted use" in accordance with Title 22 Planning and Zoning Code Section 22.24.70. The entire area adjacent to and surrounding Parcels 6 and 7, as well as throughout the entire Topanga Canyon area, has lots for farming and agricultural uses including vineyards. County Zoning Code Section 22.24.70 regarding "**permitted uses**" provides the following:

**"A-1 LIGHT AGRICULTURAL ZONE**

**Sections:**

...

**22.24.070 Permitted uses.** Premises in Zone A-1 may be used for:

...

— Crops – field, tree, bush, berry and row, including nursery stock.

...

**B.** The following light agricultural uses, provided that all buildings or structures used in conjunction therewith shall be located not less than 50 feet from any street or highway or any building used for human habitation.

— The raising of horses and other equine, cattle, sheep and goats, including the breeding and training of such animals, on a lot or parcel having an area of land not less than one acre and provided that not more than eight such animals per acre of the total ground area be kept or maintained in conjunction with such use.

— The grazing of cattle, horses, sheep or goats on a lot or parcel of land with an area of not less than five acres, including the supplemental feeding of such animals.

— Raising of poultry, fowl, birds, rabbits, chinchilla, nutria, mice, frogs, fish, bees, earthworms, and other similar animals of comparable nature form and size, including hatching, fattening, marketing, sale, slaughtering, dressing, processing and packing, and including eggs, honey or similar products derived therefrom. on

a lot or parcel of land having as a condition of use, an area of not less than one acre."

Parcels 6 and 7 have also been utilized for raising sheep and chickens in accordance with the long standing 1951 A-1 Zoning designation for said parcels. There are several buildings utilized in conjunction with the sheep and chickens and do not require permitting as they are part of the "intended use" of the A-1 Zoning.

Thank you for allowing the extended time to respond to the March 24, 2009, July 7, 2009 and July 28, 2009 **Commission's Notice of Violation of the California Coastal Act** (file number V-4-09-014). This response is documenting conferring with you regarding the permitted use vineyards and sheds on Parcel 6 & 7. There have also been discussions with the County's Regional Planning Department and State Agriculture Office, plus review of state statutes, codes, ordinances, maps and regulations regarding the farming and uses of Parcels 6 & 7 which support the positions advocated herein.

There do not appear to be any major violations of the California Coastal Act or the requirement for an application for a Coastal Development Permit regarding Parcels 6 and 7 as noted in the Commission's letter "**NOTICE OF VIOLATION OF THE CALIFORNIA COASTAL ACT**" dated March 24, 2009. Therefore it is requested that you respond to the facts and information included hereinabove and dismiss all allegations of violations noted in the aforementioned CCC Notices dated 3/24/09, 7/7/09 and 8/28/09. If it is ultimately determined that Coastal Development Permits are required the property owner will apply for approval of any permitting legally required by State statutes and County ordinances, codes and regulations.

Sincerely,



NICOLE JOHNSON  
Consultant for Property Owners  
Stefan and Kathryn Hagopian

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 585-1800



October 19, 2009

Nicole Johnson  
c/o Burt Johnson  
205 S. Arnaz Drive, #2  
Beverly Hills, CA 90211

Regarding Violation File Number V-4-09-014 for unpermitted development on property owned by Stefan and Kathryn Hagopian (your clients) at 1732 Topanga Skyline Drive, Los Angeles County; APN's 4438-016-007, 4438-016-024, and 4438-036-006

Dear Mr. Johnson:

This is our final attempt to resolve this matter before scheduling it for a hearing before the California Coastal Commission. As you know, the above-mentioned violation file involves unpermitted development located on 3 parcels owned by members of the Hagopian family; APN's 4438-016-007, 4438-016-024, and 4438-036-006. The unpermitted development includes, but is not limited, to the following:

- Grading in environmentally sensitive habitat areas
- Vegetation removal in environmentally sensitive habitat areas
- The deposit of fill
- The placement of vineyards
- The installation of one ground-mounted photovoltaic solar array
- Seven accessory structures
- One tennis court
- One second family residence (identified in your letter dated August 31, 2009)

We have had several communications with you regarding this matter and we appreciate the information you have provided. However, as of the date of this letter, and despite repeated requests, we have not received a complete CDP application for the above-described development on your client's property. Please be advised that if a complete CDP application is not received by COB on **November 16, 2009**, we will begin cease and desist and restoration order proceedings and we will proceed with recording a Notice of Violation on your client's property pursuant to PRC Section 30812. Please contact me at your earliest convenience to discuss how your clients intend to resolve this matter.

Thank you for your cooperation. I look forward to hearing from you soon.

Sincerely,

Andrew D. Berner  
Assistant Coastal Program Analyst

Exhibit 15.  
Hagopian (CDO, RO, NOV)  
Page 1 of 2

**cc: Lisa Haage, Chief of Enforcement**  
**Steve Hudson, South Central District Manager**  
**Barbara Carey, Supervisor, Planning and Regulation**  
**N. Patrick Veesart, Enforcement Supervisor**  
**Alex Helperin, Staff Counsel**

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 585-1800



December 16, 2009

Stefan and Kathryn Hagopian  
1732 Topanga Skyline Drive  
Topanga, CA 90290

RE: Vested Rights Claim Application (4-09-093-VRC) for 1,196 sq. ft. second family dwelling, 1732 Topanga Skyline Drive, Topanga, Los Angeles County

Dear Mr. and Mrs. Hagopian,

On December 9, 2009, Coastal Commission ("Commission") staff received a Vested Rights Claim ("VRC") application for a second family dwelling located on your property at 1732 Topanga Skyline Drive, Topanga. The form lists you as the claimants and states that Nicole Johnson is your representative, but since you have not signed the form authorizing her to act as your agent for purposes of this application, this letter is addressed to you. Based on a review of the submittal, we find the application to be incomplete at this time. No information aside from an incomplete "Claim of Vested Rights" form was submitted. Accordingly, pursuant to section 13202 of the Commission's regulations (California Code of Regulations, Title 14, section 13202), the Commission is not filing the claim at this time.

In addition to failing to respond to some of the questions on the form, the information provided contains no basis for concluding that a vested right exists. The seminal decision regarding vested rights under the Coastal Act is *Avco Community Developers, Inc. v. South Coast Regional Commission* (1976) 17 Cal.3d 785. In *Avco*, the California Supreme Court stated the long-standing rule in California that, to acquire a vested right to perform some development, a property owner must be able to show that s/he/it has performed substantial work and incurred substantial liabilities in good faith reliance upon a permit issued by the government. Your "Claim of Vested Rights" form does not list any governmental approvals obtained for the subject development (as requested in point 5). The form also concedes, in response to point 10, that you have incurred no liabilities in connection with the subject development.

In addition, in order to be exempt from the Coastal Act permitting requirements based on a vested right, one must have "obtained a vested right in a development **prior to the effective date of this division** [1977] or . . . obtained a permit from the California Coastal Zone Conservation Commission pursuant to the California Coastal Act of 1972 . . ." Cal. Pub. Res. Code § 30608 (emphasis added). In response to questions 6 and 9, the subject VRC form indicates that you have not yet even received a Los Angeles County building permit for the subject development or begun any construction. Again, as a result, you will not be eligible for a vested right.

Exhibit 16.  
Hagopian (CDO, RO, NOV)  
Page 1 of 2

Mr. and Mrs. Hagopian  
December 16, 2009  
Page 2

Based on the information provided, it seems clear that you have not obtained a vested right in the subject development prior to 1977. As such, we suggest that you withdraw your claim and waive any claim to having a vested right in the development at issue.

However, if you have evidence supporting a vested right that, for some reason, was not submitted with the subject request, please submit it to our office immediately and in no case later than January 15, 2010. Please also be sure to complete the question regarding the project status under the California Environmental Quality Act, which was not completed on the December 9 submittal. We also ask that you send all evidence available at the same time in one package.

If you have any questions regarding your application, please contact me (805) 585-1800.

Sincerely,

Andrew D. Berner  
Assistant Coastal Program Analyst

cc: Nicole Johnson

Exhibit 16. Hagopian (CDO, RO, NOV) Page 2 of 2
---

**Plan It! Events**  
**205 S. Arnaz Dr., # 2, Beverly Hills, California 90211**  
**(310) 659-1109 (w) ~ (310) 779-4164 (c)**  
**e-mail: nicole@planitevents.net**

January 28, 2010

California Coastal Commission  
South Central Coast Area  
89 South California St. Ste 200  
Ventura, California 93001

Attention: Andrew D. Berner  
Enforcement Analyst

Subject: 1,196 sq ft. Second Family Dwelling at 1732 Topanga Skyline Drive, Topanga,  
Unincorporated Los Angeles County

Dear Mr. Berner:

Doctors Stefan and Kathryn Hagopian, the present property owners of APN Parcel 4438-016-024 (hereinafter called Parcel 24), purchased the property after the previous owner was granted a Coastal Development Permit (See Attachment 1) for residential development of said parcel in 1987 by the California Coastal Commission(CCC). Albeit the fact that the parcel was qualified for a single-family residential exclusion in accordance with AB 643 (Public Resources Code § 30610.1), thus did not require a Coastal Development Permit (CDP) for residential development of Parcel 24.

The previous property owners were also granted building permits by Los Angeles County for a residential dwelling and a swimming pool to be constructed on said Parcel 24 (See Attachment 2) in 1987. The single-family residential dwelling and pool were constructed with permits issued in 1987 and 1992 respectively by the County. The CCC identified an Environmental Sensitive Habitat Area (ESHA) located on Parcel 24 (See Attachment 5 C). The ESHA is located down vertically sloping terrain west of the access driveway to the single-family dwelling. The ESHA extends from west of the access driveway to the western property line of Parcel 24. The area has not been graded, had vegetation removed or had anything constructed within said ESHA. The second family dwelling is not proposed to be built in the ESHA but at the opposite end of Parcel 24. The County has approved a Conditional Use Permit (CUP) No. 01-200(3) (See Attachment 3) approving the construction of a second family residential dwelling on Parcel 24.

The County is granted by California Government Code (CGC) § 65901 the authority to approve a CUP for construction of a second family residential dwelling on Parcel 24. CGC § 65901 specifies the following:

“The board of zoning adjustment or zoning administrator shall hear and decide applications for conditional uses or other permits when the zoning ordinances provides therefore and establishes criteria for determining those matters, applications for variances from the terms of the zoning ordinances. The . . . zoning administrator may

also exercise any other powers granted by local ordinance, and may adopt all rules and procedures necessary or convenient for the conduct of the board's or administrator's business."

CGC § 65852.2 authorizes the local government agency (County) to provide by ordinance authority to allow for the creation of second units in single-family and multi-family residential zones. CGC § 65852.2 states as follows:

"65852.2... (a) Any local agency may, by ordinance, provide for the **creation of second units in single-family** and multifamily residential zones. The ordinance: (1) May designate areas within the jurisdiction of the local agency where second units may be permitted. The designation of areas may be based on criteria, which may include, but are not limited to, the adequacy of water and sewer services and the impact of second units on traffic flow."

Los Angeles County Planning & Zoning Code provides in **Los Angeles County – Title 22 Planning & Zoning Code in Part 2 R-1 SINGLE-FAMILY RESIDENCE ZONE** paragraph **22.20.070 Permitted uses** the following use:

**"22.20.070 Permitted uses**

Property in Zone R-1 may be used for:

.....

Second units, subject to the provisions of Part 16 of Chapter 22.52. ...."

The development of Parcel 24 with a second unit is authorized by the County CUP No. 01-200-(3). The County approved a Negative Declaration for the project which stated:

"Based on the initial study, it was determined that the project will not have a significant effect on the environment."

The County is now approving permits for construction of the second family residential unit on Parcel 24. The Commission is without authority to cite as violation any development activity on Parcel 24 which the County is/has approved permits for grading or residential development of Parcel 24. The County also approved the construction of a swimming pool on Parcel 24 in 1992 as part of the residential development of said parcel in accordance with County's codes and ordinances. There is no requirement for a separate CDP for the swimming pool as it is part of the initial coastal development permit approved by the CCC in 1987 for the residential development of Parcel 24. The shed on Parcel 24 is being demolished with a County permit during the construction of the second family residential dwelling. All construction on Parcel 24 has been approved by either a Coastal Development Permit or County approved and issued CUP and permits. Thus all residential development on Parcel 24 is in conformity with existing State statues, codes and regulations as well as local County regulations, ordinances and codes.

California Public Resources Code (PRC) § 30401. **Effect on existing state agencies; duplication of regulatory controls** states the following regarding regulatory jurisdiction and control:

“ . . . neither the commission nor any regional commission shall set standards or adopt regulation that duplicate regulatory controls established by any existing state agency pursuant to specific statutory requirements or authorization.”

PRC § 30401 prohibits the Commission from setting standards or adopting regulation that duplicate the sections of CGC § 65852.2 and CGC § 65901. Thus the Hagopians have legally applied for and are being granted approval by the County to construct a second single family dwelling on Parcel 24. The CCC has in error cited the existing approved and proposed residential development of Parcel 24 as violations.

All residential development of Parcel 24 has legally been accomplished to date. This response is in accordance with conferring with you, providing you and the Commission the approved permits and evidence regarding the existing County approved residential development on the parcel. The documents that have been submitted are the County's CUP approving the construction of a second family dwelling, building permits authorizing the construction of the existing single-family residence, swimming pool as well as the solar array/panels for single-family dwelling on Parcel 24. Everything that has been or is going to be constructed on Parcel 24 is in accordance with County or applicable State Agency approvals per applicable State statutes and codes as well as County codes, ordinances, maps and regulations.

The Commission has made allegations in error regarding the development of Parcel 24 (APN 4438-016-024). There are no existing violations by the Hagopians of the California Coastal Act or any State statute or code regarding the residential development of the property identified as Parcel 24. Nor is there a requirement for an application for a Coastal Development Permit by Stefan and Kathryn Hagopian as incorrectly demanded in the Commission's letter "**NOTICE OF VIOLATION OF THE CALIFORNIA COASTAL ACT**" dated March 24, 2009 and all of the subsequent CCC communications.

Therefore, if you disagree with the facts as specified herein, it is requested that you respond issue by issue to the facts as stated above. If the aforementioned facts are deemed correct then the Commission staff shall cease and desist from further claiming there are any violations on APN 4438-016-024 and allow the construction of the State authorized and County approved second family dwelling on said Parcel 24. It is demanded that CCC respond in writing confirming or disputing the facts noted hereinabove. If the Commission has erred and has no authority to control the development of a second family residential dwelling, swimming pool and solar array/panel on Parcel 24 it shall state that the Hagopian may construct the second family dwelling as approved by the County.

If it is ultimately determined that Coastal Permits are required the property owner will apply for any permitting legally required by State statutes and codes as well as County ordinances, codes and regulations.

Sincerely,



NICOLE JOHNSON

Consultant

for Property Owners

Stefan and Kathryn Hagopian

Exhibit 17.  
Hagopian (CDO, RO, NOV)  
Page 3 of 15

AR-12-2008 THU 14:14 10:CA / POSTAL COMM IS. CENTRAL

TEL: 8058411782

P:01

Attachment 1

STATE OF CALIFORNIA - THE RESOURCES AGENCY

GEORGE DELIRMERAN, Chairman

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA  
242 WEST BROADWAY, SUITE 300  
LONG BEACH, CA 90802  
(415) 390-3027



RECEIVED  
MARCH 2 1988

February 24, 1988: LH/do

CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT

COASTAL DEVELOPMENT PERMIT NO. 5-87-488  
Page 1 of 4

On August 27, 1987, the California Coastal Commission granted to Everett Rollins this permit for the development described below, subject to the attached Standard and Special Conditions.

DESCRIPTION AND SITE:

Construction of 3,375 square-foot, 28-foot high single family residence and septic system, and pave existing access road, on vacant lot; approve Conditional Certificate of Compliance.

Site: 1732 Topanga Skyline Drive, Topanga, Los Angeles County.

Issued on behalf of the California Coastal Commission by

PETER DOUGLAS  
Executive Director

By: [Signature]  
Coastal Program Analyst

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE.

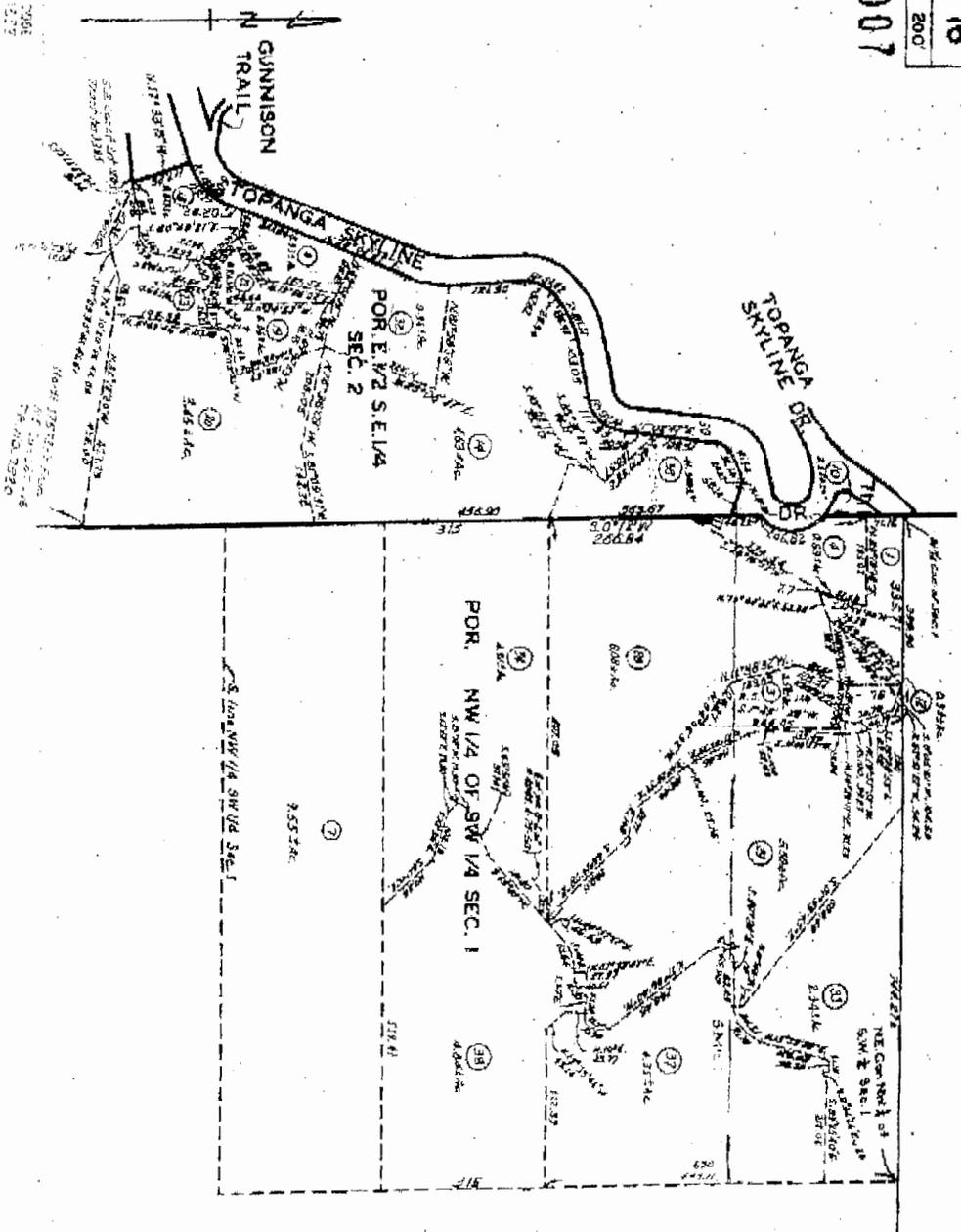
ACKNOWLEDGEMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

Feb 27, 1988 [Signature]  
Date Signature of Permittee

Exhibit 17.  
Hagopian (CDO, RO, NOV)  
Page 4 of 15

4438 16  
SCALE 1" = 200'  
2007



FOR PREL ASSUMT SEE: 496-1-25 & 42

T.S. RITW. TRACT NO. 9385  
M.S. 139-78-78

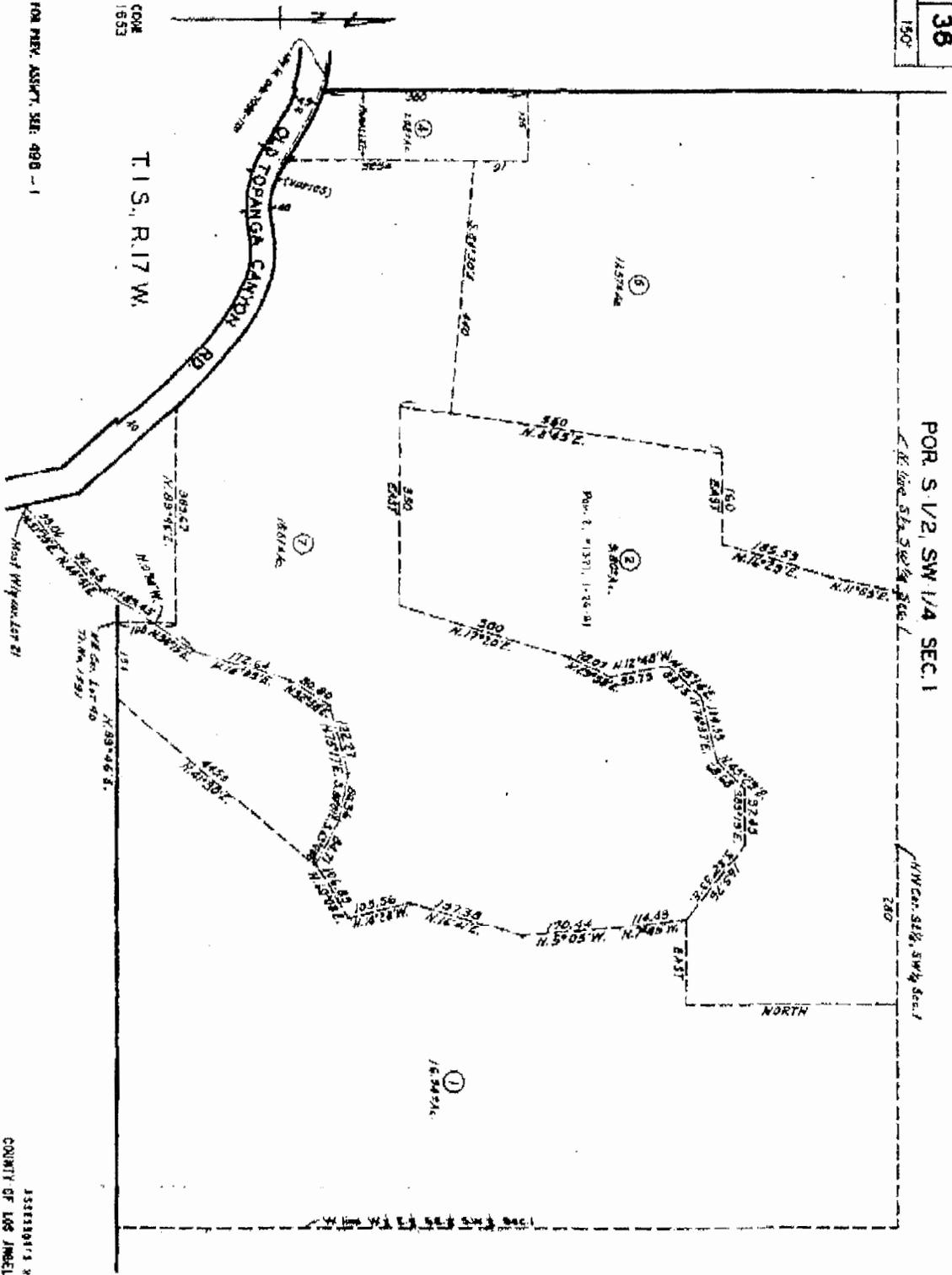
ASSESSOR'S MAP  
COUNTY OF LOS ANGELES, CALIF.

DEC 18 2006

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Exhibit 17.  
Hagopian (CDO, RO, NOV)  
Page 5 of 15

4438 36  
SCALE 1" = 150'



FOR PREV. ASSM'T. SEE 498 - 1

ASSessor's MAP  
COUNTY OF LOS ANGELES, CALIF.

Exhibit 17.  
Hagopian (CDO, RO, NOV)  
Page 6 of 15

1732 Topanga Skyline Dr. Malibu, CA  
 APN: 4438-016-007, 4438-016-024, 4438-036-006

V-4-09-014  
 Hagopian

Exhibit C



Required

GSA Lots Retired

Small Lot Subdivisions

El Nido

Fernwood

Las Flores Heights

Malibu Rowel

Malibu Lake

Malibu Mar Vista

Malibu Vista

Monte Nido

Topanga Oaks

Topanga Minors

Vera Canyon

Seawalls Approved

ESHA

Coldcreek manages

Inland

Locally disturbed net

oak woodlands and

significant watersheds

wildlife migration ca

Slopes

0% - 2% Slope

2% - 5% Slope

5% - 10% Slope

10% - 20% Slope

20% - 30% Slope

30% - 50% Slope

50% - 100% Slope

BUILDING AND SAFETY DIVISION  
 4111 ~~544~~ North Las Virgenes Road  
 Calabasas, California 91302  
 Telephone: 880-4150

# SWIMMING POOL INSPECTION RECORD

POST THIS CARD AT JOBSITE

7194 6-2-92  
 BLDG. PERMIT NO. DATE  
 1732 Japanese Skyline Dr  
 ADDRESS  
 Hagopian  
 OWNER

INSPECTION	DATE	INSPECTOR
LOCATION	9/1/92	[Signature]
STEEL & FORMS	9/1/92	[Signature]
LIGHT CONDUIT		

DO NOT GUNITE OR POUR UNTIL ABOVE SIGNED

CONDUIT UNDER DECK	9/1/92	[Signature]
GAS LINE UNDER DECK	9/1/92	[Signature]
WATER LINE UNDER DECK		
SEWER UNDER DECK		

DO NOT POUR DECK UNTIL ABOVE SIGNED

WATER SUPPLY		
ELECTRIC WIRES		
FENCE (HEIGHT)	9/1/92	[Signature]
GATES (SELF-CLOSING) (SELF-LATCHING)		

DO NOT FILL POOL UNTIL ABOVE SIGNED

ROUGH WIRING		
FINAL ELECTRIC		

DO NOT ENERGIZE UNTIL ABOVE SIGNED

HEATER (LOCATION & VENT)	10/1/92	[Signature]
GAS LINE TEST	11/92	[Signature]
POOL DRAINAGE		
FINAL APPROVAL		

20-0004 DPW 3/86

Copy of Solar Panel + Electrical

LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS  
DEVELOPMENT AND PERMITS TRACKING SYSTEM

DATE: 12/02/03  
TIME: 12:44:41  
ROUTE TO: BS0910

DPR4051

PAGE 1

REQUESTED BY: XXXXXXX

FEE RECEIPT

RECEIPT NUMBER: BS09100026505.

THIS IS A RECEIPT FOR THE AMOUNT OF FEES COLLECTED AS LISTED BELOW. THE RECEIPT NUMBER, DATE AND AMOUNT VALIDATED HEREON HAS ALSO BEEN VALIDATED ON YOUR APPLICATION OR OTHER DOCUMENT AND HAS BECOME A PART OF THE RECORD OF THE COUNTY OF LOS ANGELES, FROM WHICH THIS RECEIPT MAY BE IDENTIFIED. PLEASE RETAIN THIS RECEIPT AS PROOF OF PAYMENT. ANY REQUEST FOR REFUND MUST REFERENCE THIS RECEIPT NUMBER.

DATE PAYMENT RECEIVED: 12/02/03 12:44:34  
PROJ/APPL/IMPRV NBR: EL 0312020037  
PROPERTY ADDRESS: 1732 TOPANGA SKYLINE DR TOPA 902904038  
RELATED PROJECT:  
PAYOR NAME: PETER WEICH ELECTRICAL  
ADDRESS: 2146 LEMOYNE ST

LOS ANGELES CA 90026  
PHONE: (323) 665-3192 EXTN:

WORK DESCRIPTION: INSTALL ELECTRICAL FOR SOLAR PANELS-ON GROUND

FEE	STATISTICAL	CALCULATION	UNIT OF	EXTENDED
ITEM FEE DESCRIPTION	CODE	FACTOR	MEASURE	AMOUNT
A1 PERMIT ISSUANCE FEE	A018305			\$22.00
F1 120V, 15/20A BR CKTS	A018305	4.00	BR CKTS	\$55.20
JN TRANSFORMERS, 15 KVA	A018305	1.00	XFRMS	\$36.60
LA 100 AMP PANELS, MCC	A018305	1.00	PANELS	\$30.70

TOTAL FEES PAID: \$144.50

PAYMENT TYPE	REFERENCE	AMT TENDERED	CHANGE GIVEN	AMOUNT APPLIED
CHECK	2923	\$144.50	\$0.00	\$144.50

OFFICE: BS 0910 DRAWER: SH  
CASHIER: SH

ITEMS WITH AN ASTERISK (\*) WILL REQUIRE FURTHER DEPOSITS  
WHENEVER ACTUAL COSTS EXCEED THE DEPOSIT AMOUNT

\*\*\*\*\* END OF REPORT \*\*\*\*\*



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



James E. Hertl, AICP  
Director of Planning

December 31, 2002

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Burtram Johnson  
Burtram Johnson Consultants  
PO Box 1379  
Santa Monica, CA 90406

RE: **CONDITIONAL USE PERMIT CASE NO. 01-200-(3)**  
To authorize the establishment of a second residential unit on a single family lot.

Dear Applicant:

**PLEASE NOTE:** This document contains the Hearing Officer's findings and order and conditions relating to **APPROVAL** of the above referenced case. **CAREFULLY REVIEW EACH CONDITION.**

Condition 3 requires that the permittee must file an affidavit accepting the conditions before this grant becomes effective. **USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.**

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Hearing Officer's decision to the Regional Planning Commission at the office of the commission's secretary, Room 170, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Contact the commission's secretary for the necessary forms and the amount of the appeal fee at (213) 974-6409. The appeal must be postmarked or delivered in person within 15 days after this notice is received by the applicant. The Hearing Officer's decision may also be called up for review by the Regional Planning Commission during the appeal period.

For further information on appeal procedures or any other matter pertaining to this approval, please contact the Zoning Permits Section II at (213) 974-6435.

**HEARING OFFICER'S FINDINGS AND ORDER:**

**REQUEST:** The applicant is requesting a Conditional Use Permit to authorize the establishment of a second residential unit on a single family lot.

**PROCEEDINGS BEFORE THE HEARING OFFICER:**

December 17, 2002 Public Hearing

A duly noticed public hearing was held on December 17, 2002. The applicant's representative was sworn in and testified in favor of the project. The applicant's representative read and requested amendments to the draft conditions of approval. Item no. 1 of the environmental Negative Declaration was corrected from 2,500 sq. ft. to 1,200 sq. ft. Item no. 6 of the draft conditions was extended from 3 months to 5 months in order to postpone construction until the rainy season ends. Item nos. 9 and 10 were not eliminated because a County ordinance concerning second residential units that will take effect summer, 2003 has not been developed. The applicant's representative agreed to the amended conditions of approval.

There being no further testimony, the Hearing Officer closed the public hearing and stated her intent to approve the second residential unit subject to the conditions recommended by staff and directed staff to prepare findings and conditions for approval.

Findings

1. The applicants, Stephan and Kathryn Hagopian, are requesting a Conditional Use Permit to authorize the establishment of a second residential unit consisting of a two-bedroom, two-story building located above a two-car garage.
2. The subject property is located at 1732 Topanga Skyline Drive, Topanga, in the Malibu Zoned District.
3. The subject property is zoned A-1-1 (Light Agricultural, one acre minimum lot requirement).
4. Surrounding properties are zoned as follows:  
North: A-1-1  
South: A-1-1  
East: A-1-1  
West: A-1-1 and R-1-10,000 (Single-family residence, 10,000 sq. ft. lot minimum).
5. The subject property is currently occupied by a single-family residence with a spa, pool, and stairs leading to a septic tank.
6. Surrounding properties are used as follows:

North: Vacant and single-family residence  
South: Vacant  
East: Single-family residence  
West: Single-family residence

7. The subject property is indicated as a dotted line parcel on Los Angeles County Tax Assessors Map 4438-016-024. Conditional Certificate of Compliance Case No. CC9616 was issued to ensure that the parcel conformed to current development standards. Clearance of Conditions for CC96434 recorded on 01/22/88 stating those conditions were met after an Irrevocable Offer to Dedicate and Grant of Easement was executed and recorded on 10/23/87.
8. The proposed second unit will be located on the portion of the subject property that is designated as Rural Land II in the Malibu Local Coastal Plan. The principal permitted land use identified in Malibu Local Coastal Plan includes large lot residential use.
9. The site plan depicts the proposed second unit in the southeast corner of the 4.91-acre parcel. The proposed second unit will be constructed into a hillside, and will be tiered. The habitable area of the second unit includes the second and third stories and totals 1,196 sq. ft. A 2-car garage will be constructed as the first story. A second story will encompass 650 sq. ft. and include a bathroom, 2 bedrooms with closets, and a stairwell leading to the garage. A third story will encompass 546 sq. ft. and include an office, a powder bathroom, dining, living and kitchen areas, and a stairwell leading to the second floor. Both the second and third stories will include decks. An exterior set of concrete stairs leading to both floors will be adjacent to the southwest wall of the unit, and a retaining wall will also be constructed alongside the northwest wall.
10. A second residential unit is not a use specified in Title 22 of the Los Angeles County Code (Zoning Ordinance). Sections 65852.2 and 65952.2 of the State of California Government Code contain procedures and criteria for the establishment of second residential units when a local government has not adopted an ordinance regulating such units. Information submitted with the application indicates that the proposed unit complies with development conditions identified in Section 65852.2 of the California Government Code.
11. A Negative Declaration was prepared for this project. Based on the initial study, it was determined that the project will not have a significant effect on the environment.
12. Staff received a telephone call from a concerned neighbor on 11/18/02 who inquired about the existing 15' wide road to the subject property and whether it provided adequate fire access. The neighbor inquired if the road would be widened for the

second residence. The subject property is located in Fire Zone 4, a Very High Fire Hazard Severity Zone, and the minimum requirement for fire access to 1-2 units on a property in Zone 4 is 20'. An Irrevocable Offer to Dedicate and Grant of Easement included a 20' wide all-weather access from a public street to the subject property, and 30' road-right-of-way along the property's easterly boundary. The dedicated easement of 20' meets this requirement.

13. The proposed construction of a second residential unit on a 4.91 acre lot is consistent with surrounding land uses of low to very low intensity, single-family residential development, and conforms to large lot residential use permitted in the Malibu Local Coastal Plan.
14. If a second unit complies with Sections 65852.2 and 65952.2 of the State of California Government Code, it is considered to not exceed the allowable density for the lot, and is considered to be consistent with existing general plan and zoning designations. Section 65852.2 also states that a local agency shall grant a conditional use permit if the proposed second unit complies with this criteria. This proposed second unit meet criteria specified in Sections 65852.2 and 65952.2.

**BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:**

- A. The proposed use is consistent with the adopted general plan for the area;
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare;
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- D. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are required.

AND THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a conditional use permit as set forth in Sections 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

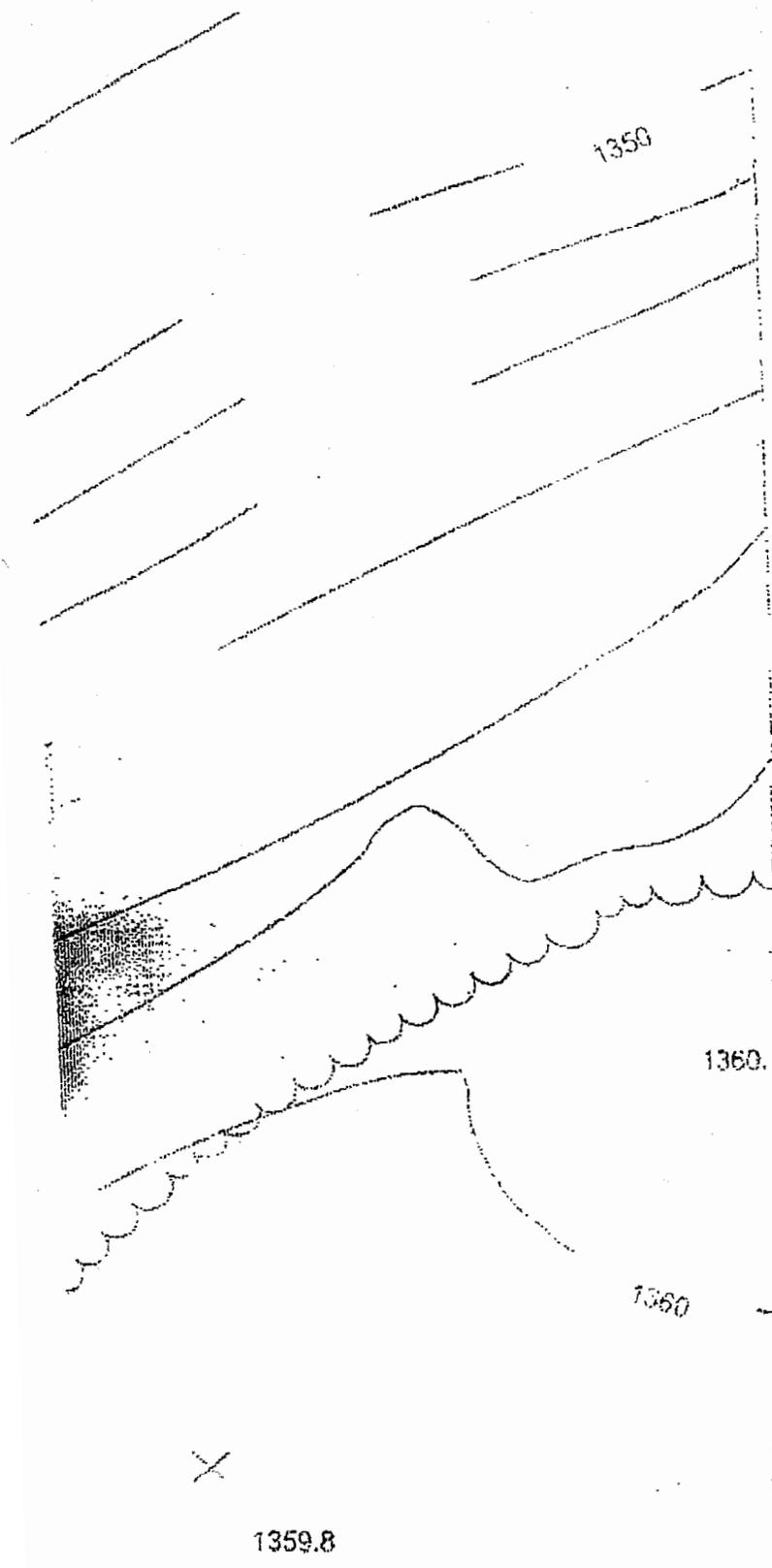
1. The Hearing Officer has considered the Negative Declaration together with any comments received during the public review process, finds on the basis on the whole record before the Hearing Officer that there is no substantial evidence the project will have a significant effect on the environment, finds that the Negative Declaration reflects the independent judgment and analysis of the Hearing Officer, and adopts the Negative Declaration.
  
2. In view of the findings of fact presented above, Conditional Use Permit Case No. 01-200-(3) is **APPROVED**, subject to the attached conditions.

BY: Rose Hamilton  
**ROSE HAMILTON, HEARING OFFICER**  
Department of Regional Planning  
County of Los Angeles

DATE: 1-2-03

Attachments: Conditions  
Affidavit

c: Each Commissioner, Zoning Enforcement, Building and Safety



# APPLICANT'S COPY

## EXHIBIT "A"

DEPARTMENT OF REGIONAL PLANNING  
APPROVED

THIS APPROVAL IS CONTINGENT UPON THE FACTS

IDENTIFIED AND THE REQUIREMENTS OF \_\_\_\_\_

Map 01-200 AND COUNTY ZONING

ORDINANCE TITLE 22 OF THE LOS ANGELES COUNTY CODE IN

EFFECT AT THE TIME. IT IS APPLICABLE ONLY AS SPECIFICALLY

INDICATED HEREIN. SUCH APPROVAL SHALL NOT BE CONSTRUED TO

VIOLATE THE PROVISIONS OF ANY PROVISION OF ANY COUNTY

ORDINANCE OR STATE LAW.

APPROVED BY ACCEPTANCE

RECEIVED 03/24/03

**From:** Nicole <nicole@planitevents.net>  
**Date:** February 2, 2010 6:10:00 PM PST  
**To:** Andrew Berner <aberner@coastal.ca.gov>  
**Bcc:** Burt Johnson <burtjohnson@charter.net>  
**Subject: Hagopian: Follow up to violation notice meeting on 1/28/10**

Dear Andrew:

Thank you for arranging the meeting on January 28, 2010 with you, your colleagues at the California Coastal Commission (“CCC”) (District Manager Steve Hudson, Enforcement Supervisor Patrick Veasart, Supervisor Planning and Regulation Barbara Carey and Enforcement Analyst Andrew Berner) and our team representing property owners Stefan and Kathryn Hagopian (“Property Owners”). We appreciate you taking the time to meet with us in person to have an open discussion about the Hagopian’s situation and your willingness to find an expeditious resolution for any violations alleged by the CCC against the Hagopians pertaining to APN 4438-016-024 at 1732 Topanga Skyline Drive, while simultaneously working to address APN 4438-016-007 at 1728 Topanga Skyline Drive and APN 4438-036-006 at 1726 Topanga Skyline Drive. We felt the meeting was very constructive and look forward to working together to resolve all outstanding issues as quickly as possible.

The purpose of this e-mail is to recap our meeting to make sure we are all on the same page and moving forward with the same understanding of next steps. It is our understanding that it was agreed by all parties that our first order of business was to separate the three properties (APN 4438-016-024, APN 4438-016-007 and APN 4438-036-006) originally lumped together in the violation notice letter dated March 24, 2009 and immediately resolve any issues pertaining to APN 4438-016-024 at 1732 Topanga Skyline Drive (“Property”).

With respect to the Property, it is our understanding that Enforcement Supervisor Patrick Veasart and the CCC Staff agreed that the swimming pool and solar array panels were not violations since both were permitted by LA County and were constructed and installed on the Property, which was an existing single-family residence and residentially developed with Coastal Development Permit No. 5-87-488 in 1987. It was further our understanding that all attending the meeting agreed that both the swimming pool and solar array panels were allowed improvements by Los Angeles County and the

CCC for the single-family residence on the Property. As discussed in our January 28, 2010 meeting, these improvements are allowed in accordance with PRC §30610 and CCR §13250. We don't believe any further action is required on behalf of the CCC in connection with the Property.

As we all discussed in our January 28, 2010 meeting and was cited in the CCC letter dated April 17, 2007 to the Property Owners, CCR §30610(a) allows improvements to existing single-family residences and CCR §13250 addresses improvements to existing single-family residences as follows:

PRC §30610

"Notwithstanding any other provisions of this division, no coastal development permit

shall be required pursuant to this chapter for the following types of development . . .

(a) Improvements to existing single-family residences; . . ." and

CCR §13250

"(a) For purposes of Public Resources Code Section 30610(a) where there is an existing

single-family residential building, the following shall be considered a part of that structure:

- (1) All fixtures and other structures directly attached to the residence;
- (2) Structures on the property normally associated with a single-family residence,

such as garages, swimming pools, fences, and storage sheds . . .

(3) Landscaping on the lot."

Accordingly, pursuant to PRC §30610 and CCR §13250(a)(2), it was agreed that the swimming pool and the solar array panels on the Property would no

longer be considered violations of the California Coastal Act by the CCC. In our January 28, 2010 meeting, we requested written confirmation which we look forward to receiving from the CCC or if we don't receive a separate written confirmation, we'll rely on this e-mail as such.

With respect to the other two properties (APN 4438-016-007 and APN 4438-036-006) addressed in the March 24, 2009 violation notice letter, we will send a separate e-mail to address proposed steps to resolve the alleged violations.

Again, thank you for your time and assistance resolving this matter. We look forward to an ongoing, constructive working relationship to resolve all outstanding issues as quickly as possible.

Best,

Nicole Johnson

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 585-1800



February 17, 2010

Nicole Johnson  
Burt Johnson  
Plan It! Events  
205 S. Arnaz Drive, #2  
Beverly Hills, CA 90211

Re: **Violation File Number V-4-09-014** - unpermitted development on property owned by Stefan and Kathryn Hagopian at 1732 (APN 4438-016-024) and 1728 (APN 4438-016-007); and on property owned by Stefan, Kathryn, and Rahel Hagopian at 1726 (APN 4438-036-006) Topanga Skyline Drive, Topanga; County of Los Angeles

Dear Mr. and Ms. Johnson:

Thank you for taking the time to meet with Coastal Commission staff on January 28, 2010 to discuss Coastal Act violations on the above mentioned properties owned by the Hagopians ("your clients"). In addition, thank you for your letter dated January 28, 2010 and your email dated February 2, 2010. I will try to briefly summarize our discussion and correct some misunderstandings in your email. At our meeting on January 28, 2010, we agreed to treat the three parcels separately and:

1. **VRC** - You advised Commission staff that you planned to withdraw the Hagopians' Vested Rights Claim.
2. **1732 Topanga Skyline Drive** – You informed staff that your clients wish to build a guest house and have obtained a conditional use permit (CUP) from the County. We advised you that your clients will need a coastal development permit (CDP) from the Commission as well. We discussed the Hagopians 2007 exemption request for the guest house which was rejected by Commission staff. In addition, you advised us that no significant vegetation clearance has occurred on this parcel. We advised you that the ground-mounted solar array is a violation and requires a CDP. You agreed to apply for a CDP within "several weeks". We also advised you that we needed more information about the swimming pool (location, biological report, resources disturbed by its installation, etc) in order to determine if the pool also requires a CDP. You agreed to provide that information.
3. **1728 Topanga Skyline Drive** – We discussed the unpermitted tennis court on this parcel. We also discussed other violations on this parcel including vegetation removal, installation of vineyards, grading, and unpermitted structures. Commission staff informed you that all of this work has taken place in what appears to be in an environmentally sensitive habitat area (ESHA) and that the unpermitted developments will need to be removed and the property restored. We also informed you that a CDP will be required. You disagreed with that assessment and indicated that it is unlikely that your clients will agree to that.

Exhibit 19.  
Hagopian (CDO, RO, NOV)  
Page 1 of 2

4. **1726 Topanga Skyline Drive** – You informed us that there are three owners of this parcel: Stefan, Kathryn, and Rahel Hagopian. We discussed the Coastal Act violations on this parcel including vegetation removal, installation of vineyards, grading, and unpermitted structures. We informed you that the unpermitted development at issue appears to have been placed in ESHA, will need to be removed, and the property will need to be restored. We also informed you that a CDP will be required. You disagreed with this assessment and indicated that the Hagopians will not agree.
  
5. **Cease and Desist/Consent Order** – Commission staff advised you that we are considering cease and desist orders pursuant to Section 30810 of the Coastal Act, and restoration orders pursuant to Section 30811 of the Coastal Act, to resolve the violations on 1726 and 1728 Topanga Skyline Drive. We also advised you that we will consider the same course of action for 1732 Topanga Skyline Drive if you do not follow through with applying for a CDP and providing the requested information as you have agreed to do. We further advised you that your clients might want to consider agreeing to a “consent order” in which the terms of the order are negotiated with your clients and agreed to by all parties.

Please note that the summary provided above does not agree with your recollection of our meeting as stated in your email dated February 2, 2010.

If your clients wish to consider a consent order, I am happy to discuss that with you and/or them. However, please be advised that we are moving forward with orders as discussed above and we will be sending your clients a Notice of Intent to issue Cease and Desist and Restoration Orders in the near future. Please contact me by **February 25, 2010** to inform me as to how your clients intend to resolve these matters.

Thank you for your time and cooperation in this matter. We look forward to working with you to resolve these matters quickly and (hopefully) amicably. If you have any questions regarding this matter, please feel free to call me.

Sincerely,



N. Patrick Veasart  
Enforcement Supervisor

cc: **Lisa Haage, Chief of Enforcement**  
**Steve Hudson, South Central District Manager**  
**Barbara Carey, Supervisor, Planning and Regulation**  
**N. Patrick Veasart, Enforcement Supervisor**  
**Alex Helperin, Staff Counsel**  
**Tom Sinclair, District Enforcement Analyst**  
**Andrew Berner, Coastal Program Analyst**

Exhibit 19. Hagopian (CDO, RO, NOV) Page 2 of 2
---

Plan It! Events  
205 S. Arnaz Dr., # 2, Beverly Hills, California 90211  
(310) 459-5929 (w) ~ (310) 779-4164 (m)  
e-mail: nicole@planitevents.net

April 16, 2010

California Coastal Commission  
South Central Coast Area  
Ventura, CA 93001  
(805) 585-1800

Attn: Andrew D. Berner  
Coastal Program Analyst

Subject: Vested Rights Claim Application (4-09-093-VCR)

Dear Andrew D. Berner,

The incomplete Vested Rights Claim (VCR) as initially submitted on December 9, 2009 to the California Coastal Commission (Commission) for review for Property Owners Stefan and Kathryn Hagopian is requested to officially be withdrawn if the incomplete VCR was filed by the Commission.

It appears in accordance with the Commission's letter of December 16, 2009 that the Commission staff recognized that the VCR was incomplete and that the "Commission is not filing the claim at this time".

Therefore, since we agree that the VCR if filed was filed in error by the Commission in December of 2009, the VCR should be considered withdrawn pursuant with our discussion on January 28, 2010 at the Commission's office in Ventura.

Sincerely,

NICOLE JOHNSON  
for Property Owners Stefan and Kathryn Hagopian

Exhibit 20. Hagopian (CDO, RO, NOV) Page 1 of 1
---

JOB ADD is 1732 Topanga St re  
OWNER Grading

### NOTICE OF VIOLATION

The work performed is in violation of the Ordinance(s) indicated below:

- Building Code
- Plumbing Code
- Mechanical Code
- Electrical Code
- Grading Code
- Zoning Code

DESCRIPTION: Please stop all work,  
no inspection until receive  
approval from coastal  
commission and regional  
planning approval has  
expired. Please contact  
office to verify receipt  
of this stop work. Speak  
with Rachelle Burke or Craig  
Phillips, 818-880-4150  
**X STOP ALL WORK**

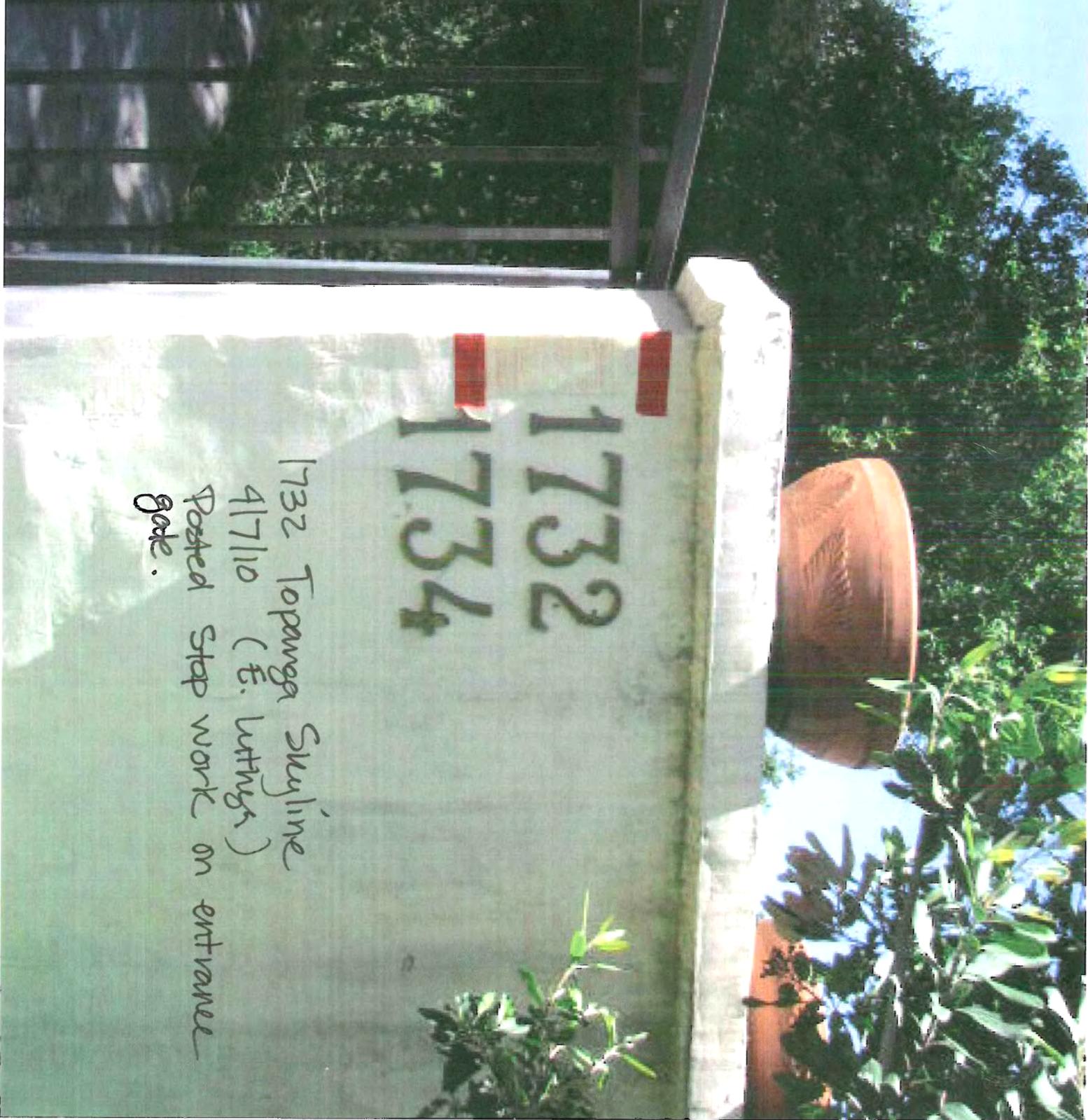
Submit plans for the cited work within 10 days to the office listed above and apply for a plan check for the required permit(s).

Obtain permit(s) within 10 days at the office listed above for the cited work.

A referral has been made to the Enforcement Section of the Department of Regional Planning.

4.7.10  
DATE

E. Luthigen  
INSPECTOR'S SIGNATURE



1732  
1734

1732 Topanga Snyline  
417110 (E. Luthys)  
Posted Stop work on entrance  
gate.

Exhibit 21.  
Hagopian (CDO, RO, NOV)  
Page 2 of 3

1732  
1732  
1734

1732 Topanga Skyline  
4/7/10 (E. W. Hinger )

## CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200  
FAX (415) 904-5400



Via Certified and Regular Mail

May 24, 2010

Mr. Stefan & Mrs. Kathryn Hagopian,  
and Mr. Rahel Hagopian  
P.O. Box 1156  
Topanga, CA 90290

**Subject:** Notice of Intent to Record Notice of Violation and Commence Cease and Desist Order and Restoration Order Proceedings

**Location:** Three adjacent parcels, described as 1732 (APN 4438-016-024), 1728 (APN 4438-016-007); and 1726 (APN 4438-036-006) Topanga Skyline Drive, Los Angeles County

**Violation Description:** Unpermitted grading, removal of ESHA, deposition of fill, placement of vineyards, debris piles, installation of a ground-mounted photovoltaic solar array, erection of seven structures, a tennis court and a swimming pool

Dear Mr. Stefan & Mrs. Kathryn Hagopian and Mr. Rahel Hagopian:

This letter follows up Commission staff's May 18, 2010 letter re: Notice of Intent to Record Notice of Violation and Commence Cease and Desist Order and Restoration Order Proceedings. In the last paragraph on page one of that letter, carried over to page two, we reference coastal development permit (CDP) number **5-88-794** (top of page two). The permit number provided is incorrect. The number of the permit corresponding to the property in question is actually **5-87-488**, as accurately described on page three of that letter. I discussed this with your representative, Burt Johnson, today and faxed him a copy of the accurate permit. For your convenience, I have also enclosed a copy of the CDP with this letter.

Regards,

A handwritten signature in black ink, appearing to read "Elijah Davidian".

Elijah Davidian  
Statewide Enforcement Officer

cc (without encl): Lisa Haage, Chief of Enforcement  
Alex Helperin, Staff Counsel  
Steve Hudson, South Central Coast District Manager  
Pat Veesart, Southern California Enforcement Supervisor  
Nicole Johnson, Plan It! Events  
Adam Thurtell, Los Angeles County Department of Regional Planning  
RaChelle Burke, Los Angeles County Department of Public Works

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5206  
FAX (415) 904-5400



Via Certified and Regular Mail

May 18, 2010

Mr. Stefan & Mrs. Kathryn Hagopian,  
and Mr. Rahel Hagopian  
P.O. Box 1156  
Topanga, CA 90290  
(Certified Mail Article No. 7010 0290 0002 8517 2789)

**Subject:** **Notice of Intent to Record Notice of Violation and Commence Cease and Desist Order and Restoration Order Proceedings**

**Location:** Three adjacent parcels, described as 1732 (APN 4438-016-024), 1728 (APN 4438-016-007); and 1726 (APN 4438-036-006) Topanga Skyline Drive, Los Angeles County

**Violation Description:** Unpermitted grading, removal of ESHA, deposition of fill, placement of vineyards, debris piles, installation of a ground-mounted photovoltaic solar array, erection of seven structures, a tennis court and a swimming pool

Dear Mr. Stefan & Mrs. Kathryn Hagopian and Mr. Rahel Hagopian:

The California Coastal Act<sup>1</sup> was enacted by the State Legislature in 1976 to provide long-term protection of California's 1,100-mile coastline through implementation of a comprehensive planning and regulatory program designed to manage conservation and development of coastal resources. The California Coastal Commission ("Commission") is the state agency created by, and charged with administering, the Coastal Act of 1976. In making its permit and land use planning decisions, the Commission carries out Coastal Act policies, which, amongst other goals, seek to protect and restore sensitive habitats; protect natural landforms; protect scenic landscapes and views of the sea; protect against loss of life and property from coastal hazards; and provide maximum public access to the sea.

The purpose of this letter is to formally notify you of my intent, as the Executive Director of the California Coastal Commission ("Commission"), to: (1) record a Notice of Violation ("NOVA") against your property to reflect the fact that development has occurred thereon in violation of the Coastal Act; and (2) commence proceedings for issuance of Cease and Desist and Restoration

<sup>1</sup> The Coastal Act is codified in sections 30,000 to 30,900 of the California Public Resources Code. All further section references are to that code, and thus, to the Coastal Act, unless otherwise indicated.

Orders to address unpermitted development and development inconsistent with CDP No. 5-88-794, on three parcels, described as #1732 (APN 4438-016-024), 1728 (APN 4438-016-007); and 1726 (APN 4438-036-006) Topanga Skyline Drive, in Los Angeles County (“subject property”).

The development at issue in this matter includes, but may not be limited to, grading, removal of major vegetation in an environmentally sensitive habitat area (ESHA), deposition of fill, placement of debris piles, placement and expansion of vineyards, installation of a ground-mounted photovoltaic solar array, erection of a tennis court, installation of a swimming pool, and the erection of at least seven structures, in violation of the Coastal Act, as described more fully below. The persons subject to these proceedings are Stefan Hagopian, Kathryn Hagopian and Rahel Hagopian, as summarized in Table 1.

<b>Table 1. Unpermitted Development by Parcel and Owner</b>		
<b>Parcel Number</b>	<b>Unpermitted Development<sup>2</sup></b>	<b>Owners</b>
4438-016-024	-Grading -Removal of ESHA -Installation of a swimming pool	Mr. Stefan Hagopian Mrs. Kathryn Hagopian
4438-016-007	-Grading -Removal of ESHA -Placement of vineyards -Installation of a ground mounted solar array -Installation of a tennis court -Erection of at least six structures -Placement of debris piles	Mr. Stefan Hagopian Mrs. Kathryn Hagopian
4438-036-006	-Grading -Removal of ESHA -Placement of vineyards -Erection of at least one structures	Mr. Stefan Hagopian Mrs. Kathryn Hagopian Mr. Rahel Hagopian

As you know, staff has spent the last year trying to work with you and your representatives to reach an amicable resolution to the violations described above. Unfortunately, your continuing unwillingness to address the violations on the subject property, as described at length below, has left us with no choice but to record a NOVA against your property and commence formal enforcement order proceedings. These proceedings will address through Cease and Desist and Restoration Orders development on the subject property that was not authorized under the Coastal Act. The proposed Orders will direct you to: 1) cease and desist from maintaining any development on the subject property not authorized pursuant to the Coastal Act; 2) cease and desist from engaging in any further development on the subject properties unless authorized pursuant to the Coastal Act; 3) compel compliance with the permit issued; 4) restore and revegetate the impacted areas of the subject properties, pursuant to an approved restoration plan; and 5) take all steps necessary to ensure compliance with the Coastal Act.

<sup>2</sup> The unpermitted development on the subject property may not be limited to the items listed herein.

### **Property and Permit History**

On August 27, 1987, the Commission approved CDP No. 5-87-488, which authorized the construction of: (1) a 3,375 square foot, 28 foot tall, single family residence; (2) 1,092 cubic yards of grading (853 cut, 239 fill); (3) a septic system; (4) pavement of an existing access road; and (5) the legalization of the parcel through approval of a conditional certificate of compliance, at 1732 Topanga Skyline Drive, Topanga (APN 4438-016-024). The permit was subject to three special conditions of approval, including: (1) a cumulative impact mitigation program to offset the cumulative impacts associated with an illegally subdivided parcel; (2) the applicant's assumption of risk/waiver of liability; and (3) submittal of plans conforming to consulting engineering geologist's recommendations. On February 24, 1988, after satisfying all prior-to-issuance conditions, then-owner and permit applicant, Mr. Everett Rollins, was issued CDP No. 5-87-488. The CDP stated, "any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval."

In 1991, Mr. Stefan and Mrs. Kathryn Hagopian purchased the property described as APN 4438-016-024 ("Parcel 24") from Mr. Rollins. Three years later, in 1994, Mr. Stefan and Mrs. Kathryn Hagopian purchased then vacant property, described as APN 4438-016-007 ("Parcel 7"), which is located immediately to the south of and adjacent to Parcel 24. Six years later, in 2000, Mr. Stefan and Mrs. Kathryn Hagopian, along with Mr. Rahel Hagopian, purchased then vacant property, described as APN 4438-036-006 ("Parcel 6"), which is located immediately to the south of and adjacent to Parcel 7. As discussed below, Commission staff's review of historic aerial photographs clearly indicates that a substantial amount of unpermitted development has occurred on the subject property since they have come under your ownership. However, a review of the Commission's records indicates that none of you has obtained any coastal development permits for any development on any of the parcels described above.

On February 16, 2007, Mr. Stefan and Mrs. Kathryn Hagopian submitted an application to the Commission's South Central Coast District Office in Ventura, requesting a permit exemption for construction of a second residence on Parcel 24. The exemption request was for an approximately 1,196 square foot, a two-bedroom guest house, to be constructed above a detached garage. After reviewing the exemption request, in a letter dated April 17, 2007, Commission staff notified Mr. Stefan and Mrs. Kathryn Hagopian that the proposed project met the definition of "development" under the Coastal Act, and therefore could not be found exempt from the permit requirements of Coastal Act Section 30106 and California Code of Regulations Title 14, Section 13250. Along with that letter, Commission staff returned to Mr. Stefan and Mrs. Kathryn Hagopian's agent at the time, Mr. Sean Nyguen of EZ Permits, their permit exemption materials and provided a blank CDP application for their convenience. Commission staff has never received a completed CDP application for the proposed development.

### Violation History

As noted previously, Commission staff has confirmed the presence of a substantial amount of unpermitted development on the property described as APNs: 4438-016-024, 4438-016-007 and 4438-036-006. As you know, staff has made numerous unsuccessful attempts to work with you to resolve these violations informally. A brief summary of these efforts is described below.

On March 11, 2009, staff received a complaint regarding unpermitted development at the subject property. The complaint contained a description of alleged activities, accompanied by photographs. The photographs documented the existence of several large vineyards, accessory structures, the presence of heavy machinery (a bulldozer, dump truck, and backhoe), a substantial amount of earthwork, debris piles, and the existence of a tennis court.

On March 23, 2009, staff independently confirmed the presence of the unpermitted development described in the original violation report. Through comparative analysis of historic aerial photographs, and subsequent investigation, staff confirmed the clearing of vegetation across an area spanning more than 200,000 square feet, a substantial amount of grading (cut and fill), the establishment and continued expansion of vineyards, the existence of least seven unpermitted structures (storage sheds, garage, and a possible guest house, etc.), a tennis court, a swimming pool, and a ground mounted photovoltaic solar array, and piles of woody debris and refuse.

On March 24, 2009, the Commission staff sent to you a Notice of Violation letter, informing you that the above mentioned activities constituted "development" as defined in Section 30106 of the Coastal Act, and therefore required a coastal development permit.<sup>3</sup> The letter stated further that because no permit had been obtained, the actions constituted unpermitted development, and for that reason the subject property was in violation of the Coastal Act. While the letter provided the option of applying for a coastal development permit to resolve the violation informally, it also noted the potential penalties associated with failure to take proactive measures to resolve the violations, including the recordation of a Notice of Violation against the property's titles. Despite having already provided Mr. Stefan and Mrs. Kathryn Hagopian's then-representative with a CDP application form in 2007, staff included in the letter a link to the Commission's website, where a CDP application could be accessed, and included a deadline of April 24, 2009 for submittal of a complete CDP application.

On April 24, 2009, your agent, Mr. Burt Johnson, contacted enforcement staff requesting an extension of the April deadline, indicating that you planned to submit two separate CDP applications. Staff granted the request and extended the deadline to May 30, 2009. Commission staff received no application from you or your representatives by the May deadline. Instead, another of your agents, Ms. Nicole Johnson, sent to Commission staff a letter, dated June 12, 2009, explaining why she believed that none of the activities in the Notice of Violation letter constituted Coastal Act violations. Among the arguments raised in the letter were: (1) the development is exempt from Coastal Act permitting requirements pursuant to Section 30610.2 of

<sup>3</sup> The Notice of Violation was initially sent to the Post Office Box on file with the Los Angeles County Assessor's office for all three parcels. Subsequent correspondence was addressed to your representatives, Mr. Burt & Ms. Nicole Johnson

the Coastal Act; and (2) the Commission is without jurisdiction as the County has sole permitting authority.

Commission staff, in a letter to Ms. Johnson dated July 7, 2009, provided a detailed response to the issues raised in her June letter. Staff's letter outlined the reasons why the development activities on the subject property do require a coastal development permit; explained that the subject property and the development activities thereupon are not exempt or excluded from the Coastal Act's permitting requirements; and again reiterated staff's willingness to work with you to resolve the violations in an amicable fashion. In another attempt to achieve resolution, staff again extended the deadline to August 30, 2009 for your submittal of a complete CDP application. Staff also noted the potential for penalties associated with failure to proactively address the violations.

During a telephone call with staff on July 22, 2009, Mr. Johnson raised new arguments for why he believed the development on your property did not require a CDP, including: (1) Parcels 6 and 7 have been consistently used for agricultural purposes since a time prior to the effective date of the Coastal Act, and (2) the vegetation removed by the unpermitted activities does not constitute ESHA. Staff responded to these claims in another letter to your agents, this time to Mr. Johnson, dated July 28, 2009. In that letter, staff requested that either you or your agents submit any documentation (i.e., photographs, receipts, declarations, etc.) demonstrating historic agricultural use; staff's review of historic aerial photographs, dating back to the 1970s, revealed neither agricultural, nor any other use of the scale and intensity present today. Staff's letter explained that your claims of historic agricultural use would be reviewed in light of any documentation submitted. The letter also noted the option of filing a formal request for the Commission's hearing of a vested rights claim. Regarding the ESHA, despite a well established precedent of the Commission's treating as ESHA large areas of chaparral and coastal sage scrub in the Santa Monica Mountains, staff's letter provided two options. Under the first option, staff invited you to prepare and submit for staff review a biological survey of the subject property. Under the second option, staff offered to conduct its own assessment of the vegetative communities on and around the subject property.

Rather than submitting a completed CDP application by the August 30, 2009 deadline extension, Ms. Johnson, in a letter dated August 31, 2009, which merely restated arguments that had been raised in previous letters and thoroughly responded to by staff through written and verbal correspondence. No documentation of historic agricultural activity on Parcels 6 or 7 was ever submitted. Ms. Johnson neither responded to the proposals offered by staff to resolve the questions you had regarding ESHA, nor did she indicate which of the two ESHA determination options would be acceptable. Ms. Johnson submitted to staff another letter, dated September 16, 2009, in which she again claimed that the agricultural activities on the subject property are in conformance with all applicable regulations.

In a letter to Ms. Johnson, dated October 19, 2009, staff reiterated again its willingness to work with you and your representatives to resolve the violations in an amicable fashion. The letter provided a third deadline extension of November 16, 2009 for submittal of a complete CDP application. However, staff also noted that failure to meet that deadline would result in formal enforcement action. During an October 27, 2009 telephone call, Mr. Johnson indicated that he

wished to submit a vested rights claim (VRC). Staff subsequently provided Mr. Johnson with the VRC form and gave him until November 16, 2009 to return the form completed.

On November 16, 2009, Mr. Johnson contacted staff requesting yet another deadline extension, this time for submittal of the VRC form, and requested a meeting with staff to review the violations. Despite your representatives' repeated failure to meet any deadline imposed, staff granted a deadline extension of December 7, 2009, the same date of the meeting Mr. Johnson had requested. However, Mr. Johnson failed to appear for the meeting and also failed to submit a completed VRC application by the December 7, 2009 deadline. On December 9, 2010, Mr. Johnson contacted staff, requesting yet another extension and meeting date. Staff explained that it could grant no further extensions. However, it noted that a completed VRC application would be accepted.

On December 10, 2010, Mr. Johnson submitted an incomplete VRC application for a second single family residence on Parcel 24. On December 16, 2009, staff mailed to Mr. Stefan and Mrs. Kathryn Hagopian a letter indicating that VRC Application No. 4-09-093-VRC was incomplete. In that letter, staff explained that, based on the information submitted, there is no basis for your claim. More specifically, the letter stated that in order to qualify for a claim, one must have obtained a vested right in development prior to the effective date of the Coastal Act or have obtained a permit from the California Coastal Zone Conservation Commission. Staff concluded the letter by recommending that you withdraw your application and relinquish any future vested rights claims, and seek to otherwise resolve the violations.

On January 28, 2010, Commission staff met with Mr. & Ms. Johnson to discuss the outstanding violations. The Johnsons also submitted a letter to staff, with the same date, restating many of the same arguments from previous letters, each of which staff had addressed in prior correspondence with your representatives. Nonetheless, for the benefit of you and representatives, staff again addressed these issues during the January 2010 meeting. A summary of that meeting is outlined in a letter from staff to your representatives, dated February 17, 2010. During the meeting, staff again explained why a CDP from the Commission was required for the unpermitted development on the subject property, regardless of and in addition to any permits required by the County. By the end of the meeting, your representatives indicated that they would 1) withdraw the vested rights claim; 2) apply for an after-the-fact CDP to authorize the unpermitted solar array within "several weeks"; and 3) submit information about the swimming pool's construction and resource impacts. Staff concluded the meeting by informing your representatives of potential cease and desist and restoration order proceedings to resolve violations on Parcels 6 and 7, and that the same might be required for Parcel 24 if a CDP application was not submitted.

By April 2010, more than two months after the January 2010 meeting, staff had received none of the submittals promised by your representatives and the vested rights claim had not been withdrawn. Instead, you apparently decided to move forward with additional unpermitted development on Parcel 24. On April 13, 2010, Commission staff received an inquiry from the LA County Department of Building and Safety staff regarding the permit status of the proposed second single family residence. Commission staff indicated then, as it had numerous times to your representatives over the past year, that the proposed development and associated grading required a CDP and that no such permit had been issued. It was at that time the Commission staff

learned that you had proceeded with grading for the second single family residence (despite having been notified by the Commission staff of the CDP requirement and explicitly denied a CDP exemption request, based on Coastal Act provisions) and that you continued grading for at least three days after the County posted a Stop Work Notice at the entrance to your property ordering you to stop work until you received Coastal Commission approval.

For more than a year now, Commission staff has made several attempts to work with you and your representatives towards an amicable resolution to the violations described herein. Despite the numerous letters, emails, telephone conversations, and a face-to-face meeting with your representatives explaining why said development is subject to the Coastal Commission's jurisdiction, constitutes development, and therefore requires Commission approval; you have continued to maintain and undertake development that not only requires a CDP and is inconsistent with the Coastal Act, but is also causing continuing resource damage. Staff has utilized all available administrative methods for resolving this violation and, as a result, is now forced to record a notice of violation against your property and commence Cease and Desist and Restoration Order proceedings.

### Notice of Violation

The Commission's authority to record a Notice of Violation is set forth in Section 30812 of the Coastal Act, which states the following:

*(a) Whenever the executive director of the commission has determined, based on substantial evidence, that real property has been developed in violation of this division, the executive director may cause a notification of intention to record a notice of violation to be mailed by regular and certified mail to the owner of the real property at issue, describing the real property, identifying the nature of the violation, naming the owners thereof, and stating that if the owner objects to the filing of a notice of violation, an opportunity will be given to the owner to present evidence on the issue of whether a violation has occurred.*

I am issuing this notice of intent to record a Notice of Violation because the unpermitted development described above has occurred in violation of the Coastal Act at the subject property. This determination is based on information provided by your representatives and the public, a comparative analysis of historic aerial photographs, and a review of the existing permits for the property.

In our letters, dated March 24, 2009, July 7, 2009, and October 19, 2009, in accordance with Coastal Act Section 30812(g), we notified you of the potential for the recordation of a Notice of Violation against your property. If you object to the recordation of a Notice of Violation in this matter and wish to present evidence to the Coastal Commission at a public hearing on the issue of whether a violation has occurred, **you must specifically object, in writing, within 20 days of the postmarked mailing of this notification.** The objection should be sent to Elijah Davidian at the Commission's headquarters office (the address is provided in the letterhead), no later than June 7, 2010. Please include the evidence you wish to present to the Coastal Commission in your written response and identify any issues you would like us to consider.

If, you fail to object within 20 days of mailing of this notification, I shall record the Notice of Violation in the Los Angeles County recorder's office as provided for under Section 30812(b) of the Coastal Act. The Notice of Violation will become part of the chain of title of the subject property, and will be subject to review by potential buyers.

### **Cease and Desist Order**

The Commission's authority to issue Cease and Desist Orders is set forth in Section 30810(a) of the Coastal Act, which states the following:

*If the commission, after public hearing, determines that any person or governmental agency has undertaken, or is threatening to undertake, any activity that (1) requires a permit from the commission without securing the permit or (2) is inconsistent with any permit previously issued by the commission, the commission may issue an order directing that person or governmental agency to cease and desist.*

Section 30810(b) of the Coastal Act states that the Cease and Desist Order may be subject to such terms and conditions as the Commission may determine are necessary to ensure compliance with the Coastal Act – including removal of any unpermitted development or material.

Section 30600(a) of the Coastal Act states that, in addition to obtaining any other permit required by law, any person wishing to perform or undertake any development in the coastal zone must obtain a CDP. "Development" is defined by Section 30106 of the Coastal Act as follows:

*"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land...change in the intensity of use of water, or of access thereto...and the removal or harvesting of major vegetation other than for agricultural purposes...*

The unpermitted development described herein clearly constitutes "development" within the meaning of the above-quoted definition and therefore is subject to the permit requirement of section 30600(a). A CDP was not issued to authorize the subject unpermitted development. For these reasons, the criteria of Section 30810(a) of the Coastal Act have been met. For these reasons, I am issuing this Notice of Intent to commence Cease and Desist Order proceedings. The procedures for the issuance of Cease and Desist Orders are described in Sections 13180 through 13188 of the Commission's regulations, which are codified in Title 14 of the California Code of Regulations.

The unpermitted development at issue in this matter is summarized in Table 1, above. The proposed Cease and Desist Order will direct you to 1) cease and desist from maintaining any development on the subject property not authorized pursuant to the Coastal Act; 2) cease and desist from engaging in any further development on the subject properties unless authorized pursuant to the Coastal Act; and 3) take all steps necessary to comply with the Coastal Act.

### **Restoration Order**

Section 30811 of the Coastal Act authorizes the Commission to order restoration of a site as follows:

*In addition to any other authority to order restoration, the commission...may, after a public hearing, order restoration of a site if it finds that the development has occurred without a coastal development permit from the commission...the development is inconsistent with this division, and the development is causing continuing resource damage.*

The specified unpermitted activities meet the criteria of Section 30811 of the Coastal Act, based on the following:

- 1) Development has occurred on the property without a permit from the Commission, in violation of Section 30600(a) of the Coastal Act;
- 2) Development is inconsistent with numerous provisions of the Coastal Act, including Section 30231 (protection of biological productivity and water quality); Section 30240 (protection of environmentally sensitive habitat); Section 30251 (protection of scenic and visual qualities); Section 30253 (minimization of adverse impacts);
- 3) The unpermitted development is causing “continuing resource damage,” as defined by Section 13190 of the Commission’s regulations. The unpermitted development has at a minimum: (1) failed to minimize runoff and protect water quality impacts associated with large-scale vegetation removal; (2) destroyed native vegetation communities in an environmentally sensitive habitat area; (3) significantly impacted the scenic and visual quality of the Santa Monica Mountains; and (4) increased erosion across the site. Such impacts meet the definition of damage provided in Section 13190(b): “any degradation or other reduction in quality, abundance, or other quantitative or qualitative characteristic of the resource as compared to the condition the resource was in before it was disturbed by unpermitted development.” In addition, the resource damage from the development is continuing, in that the impacts from the unpermitted development continue to occur at the property.

For the reasons stated above, I have decided it is necessary to commence a Restoration Order proceeding before the Commission. The procedures for the issuance of Restoration Orders are described in Sections 13190 through 13197 of the Commission’s regulations, which are codified in Title 14 of the California Code of Regulations.

### **Civil Liability**

Please be advised that Coastal Act Sections 30803 and 30805 also authorize the Coastal Commission to initiate litigation to seek injunctive relief and an award of civil penalties, respectively, in response to any violation of the Coastal Act. Coastal Act Section 30820(a) provides that any person who violates any provision of the Coastal Act may be subject to a

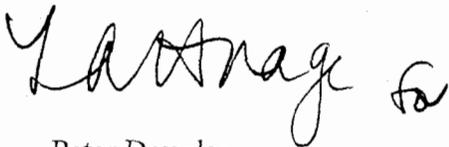
penalty not to exceed \$30,000 per violation. Further, Section 30820(b) states that, in addition to any other penalties, any person who "knowingly and intentionally" performs any development in violation of the Coastal Act can be subject to a civil penalty of up to \$15,000 per violation for each day in which each violation persists. Additional penalties of up to \$6,000 per day can be imposed if a cease and desist or restoration order is violated. Section 30822 further provides that exemplary damages may also be imposed for knowing and intentional violations of the Coastal Act or of any orders issued pursuant to the Coastal Act.

In accordance with Section 13181(a) and 13191(a) of the Commission's regulations, you have the opportunity to respond to the Commission staff's allegations as set forth in this notice of intent to commence order proceedings by completing the enclosed Statement of Defense form. The SOD form must be returned to the Commission's San Francisco office (45 Fremont Street, Suite 2000, San Francisco, CA 94105), directed to the attention of Elijah Davidian, no later than June 7, 2010.

Commission staff has tentatively scheduled the hearing for the proposed Cease and Desist and Restoration Orders (and for the proposed Notice of Violation, should you additionally request, **in writing**, a hearing on this issue) for the July, 7-9 2010 Commission meeting in San Francisco.

As always, we remain willing to discuss a timely and amicable resolution of this matter. One option that you may consider is agreeing to a "consent order". A consent order is similar to a settlement agreement. A consent order would provide you with an opportunity to work cooperatively with staff to resolve this matter, to have input into the process and timing of removal of the unpermitted development, and to negotiate a penalty amount with Commission staff. If you would like to discuss resolution of this matter via a Consent Order, please contact us at your earliest convenience, but in no event later than Friday, May 21, 2010. If you have any questions regarding this letter or the enforcement case, please call Elijah Davidian at (415) 904-5200 or send correspondence to his attention at the address provided on the letterhead.

Sincerely,



Peter Douglas  
Executive Director

Encl. Statement of Defense Form for Cease and Desist Order and Restoration Order

cc (without encl): Lisa Haage, Chief of Enforcement  
Alex Helperin, Staff Counsel  
Steve Hudson, South Central Coast District Manager  
Pat Veesart, Southern California Enforcement Supervisor  
Nicole Johnson, Plan It! Events  
Adam Thurtell, Los Angeles County Department of Regional Planning  
RaChelle Burke, Los Angeles County Department of Public Works

**Plan It! Events**  
205 S. Arnaz Dr., # 2, Beverly Hills, California 90211  
(310) 459-5929 (w) ~ (310) 779-4164 (c)  
e-mail: nicole@planitevents.net

**VIA EMAIL and U.S. MAIL**

June 7, 2010

Elijah Davidian  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Re: Notice of Violation No.: V-4-09-014  
Request for Additional Time to Submit Statement of Defense

Dear Mr. Davidian:

This letter is a follow up to your conversation with Stanley W. Lamport of Cox, Castle & Nicholson LLP on June 4, 2010 in which you and he discussed granting a two week extension for our clients, Stefan, Kathryn and Rahel Hagopian, to submit their Statement of Defense. It is our understanding that you have agreed to the extension subject to our submission of a formal request for said extension. This letter constitutes that request.

Our clients have contacted Mr. Lamport about becoming involved in this matter. Mr. Lamport requested the extension in order to be afforded time to become involved in this matter on behalf of our clients. As Mr. Lamport informed you, he needs additional time to work out the terms of the engagement with our clients and become familiar with the issues involved in this matter, which the current timing for submission of the statement of defense would not afford.

As a result of the extension, our clients' statement of defense is now due on June 21, 2010. Mr. Lamport agreed that he would inform you if it turns out that our clients do not end up engaging him before that time. He also agreed to contact you to discuss next steps once he is engaged.

Thank you for your continued assistance and cooperation in this matter. If you have any questions, please contact me.

Sincerely,



NICOLE JOHNSON  
for Property Owners Stefan and Kathryn Hagopian

cc: Stanley W. Lamport, Esq.  
The Hagopians

Exhibit 23.  
Hagopian (CDO, RO, NOV)  
Page 1 of 1

**Plan It! Events**  
**205 S. Arnaz Dr., # 2, Beverly Hills, California 90211**  
**(310) 659-1109 (w) ~ (310) 779-4164 (c)**  
**e-mail: nicole@planitevents.net**

June 18, 2010

Eli Davidian  
Headquarters Enforcement Analyst  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, California 94105  
email: edavidian fax: (415) 904-5235

**Subject: Request for an Extension of Time of Three Weeks to Respond to the California Coastal Commission's May 18, 2010 Notice of Intent to Record Notice of Violation and Commence Cease and Desist Order and Restoration Order Proceedings and Prepare a STATEMENT OF DEFENSE FORM**

Dear California Coastal Commissioners:

A written confirmation is requested pursuant with your conversation on June 3, 2010 with Attorney Stanley W. Lamport of the legal firm of Cox, Castle and Nicholson wherein Hagopians were granted a two week extension from June 7, 2010 June 21, 2010 to respond to the above cited **Notice of Intent to Record Notice of Violation and Commence Cease and Desist Order and Restoration Order Proceedings**. The two week period was to allow Attorney Lamport to evaluate the facts regarding the issues involved in the Commission's Notice of Intent to Record Notice of Violation, and Commence Cease and Desist Order plus the Statement of Defense and to determine whether he would agree to represent the Hagopian at the California Coastal Commission. The negotiations with Attorney Lamport were not successful.

It has been determined that Stanley W. Lamport will not be the attorney representing the Hagopians in this matter. A three week extension is requested to complete the negotiations for the hiring of the attorney to represent the Hagopians. It is requested that the time period for response be extended from June 21, 2010 to July 13, 2010.

Initial negotiations have been instituted and are near completion to hire the new attorney to represent the Hagopians. Thus the three week extension will allow for the finalizing the hiring and allow the attorney to timely respond to the California Coastal Commission regarding the May 18, 2010 Notice of Intent to Record Notice of Violation and Commence Cease and Desist Order and Restoration Order Proceedings and Prepare a Statement of Defense Form.

Sincerely,



**BURTRAM JOHNSON**  
for Property Owners Stefan and Kathryn Hagopian

## CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200  
FAX (415) 904-5400



Via Fax and Regular Mail

June 21, 2010

Ms. Nicole & Mr. Burt Johnson  
P.O. Box 1379  
Santa Monica, CA 90406  
Fax: (310) 454-1221

Subject: Deadline Extension Request

Violation No. V-4-09-014

Location: Three adjacent parcels, described as 1732 (APN 4438-016-024), 1728 (APN 4438-016-007); and 1726 (APN 4438-036-006) Topanga Skyline Drive, Los Angeles County

Violation Description: Unpermitted grading, removal of ESHA, deposition of fill, placement of vineyards, debris piles, installation of a ground-mounted photovoltaic solar array, erection of seven structures, a tennis court and a swimming pool

Dear Mr. & Ms. Johnson:

We are in receipt of your letters, dated June 7, 2010 and June 18, 2010, requesting extensions to the deadline set forth in our May 18, 2010 Notice of Intent letter for submittal of a statement of defense (SOD) form, pursuant to the Commission's Regulations (CCR, Title 14, Division 5.5 Section 13181). As you know, Commission staff granted your June 7, 2010 request for a two-week extension for submittal of the SOD form, to allow time for settlement discussions, in hopes that they would facilitate a timely and amicable resolution to this matter. Unfortunately, it does not appear that any progress towards that end has occurred during the extension period. We appreciate your clients' desire for more time. Should your clients desire additional time to engage staff in a productive settlement discussion, then perhaps some additional time could be granted. We note that a settlement agreement would both save your clients the expense of hiring an attorney and obviate the need to submit the SOD form. However, if the time is not going to be used for that purpose, it may be best for the respective parties to use that time preparing for the August Commission hearing.

As you know, Commission staff's granting of your latest deadline extension request is part of a larger, fifteen month process, whereby staff has made numerous attempts to work with you and

your clients to resolve this matter informally. During that time period, staff has granted five deadline extension requests. Despite those extensions, we have yet to see any effort by you or your clients to comply with the requirements of the Coastal Act, nor any offers of settlement to resolve the violations. Seeing no choice but formal action, on May 18, 2010, we mailed to you and your clients a letter explaining the Executive Director's intent to commence formal enforcement proceedings. In that letter, the Executive Director explained that this matter was tentatively scheduled for the July 2010 Commission meeting. On June 7, 2010 – the day of the deadline for the statement of defense form – we received your extension request letter. Your extension request letter explained that more time was needed for your clients to hire an attorney. The granting of the two-week extension, ending June 21, 2010, necessitated the postponement of this matter until the August 2010 Commission meeting. On Monday, June 21, 2010, we received a subsequent deadline extension request letter. Your letter again explained that more time was required for your clients to hire an attorney. Your letter is dated Friday, June 18, 2010. However, because that day was a State mandated furlough day, the letter was not received by Commission staff until June 21, 2010 – the day of the deadline extension for the statement of defense form. Your latest request would necessitate postponing this matter from the August meeting. Unfortunately, Commission staff cannot grant such a lengthy extension period at this time. Your clients have known about this matter since March of 2009 and have had more than a month to respond to the Notice of Intent letter.

As noted in our previous correspondence, we would strongly prefer to resolve this matter via settlement agreement. Should this matter be resolved in such a manner, a statement of defense form would not be necessary as it would obviate the need for a contested hearing. **In hopes that we can come to a timely and expeditious resolution of this matter, we have decided to grant your clients a one-week extension for the purposes of engaging Commissions staff in productive settlement negotiations.** Thus, the new deadline for submittal of the Statement of Defense form will be **June 28, 2010**. If at the end of that period it appears that we are on track for resolving the matter via settlement agreement, then additional time may be granted. We have tentatively rescheduled the hearing for the Cease and Desist and Restoration Orders for the August 11-13, 2010 Commission meeting and hope any such meeting would be on a Consent Order.

If you have any questions regarding this letter or the enforcement case, please call me at (415) 904-5200 or send correspondence to my attention using the address provided on the letterhead. We appreciate your cooperation in this matter and look forward to continuing to work with you to reach an amicable resolution of the violation.

Sincerely,



Elijah Davidian  
Statewide Enforcement Officer

Cc: Lisa Haage, Chief of Enforcement (CCC)  
Alex Helperin, Staff Counsel (CCC)  
Stefan Hagopian  
Kathryn Hagopian  
Rahel Hagopian

**Plan It! Events**  
**205 S. Arnaz Dr., # 2, Beverly Hills, California 90211**  
**(310) 659-1109 (w) ~ (310) 779-4164 (c)**  
**e-mail: nicole@planitevents.net**

**VIA U.S. MAIL & E-MAIL**

June 22, 2010

Eli Davidian  
Headquarters Enforcement Analyst  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, California 94105

Subject: Request for Remainder of Extension of Time for Three Weeks to Respond to the California Coastal Commission's May 18, 2010 **Notice of Intent to Record Notice of Violation and Commence Cease and Desist Order and Restoration Order Proceedings** and Prepare a **STATEMENT OF DEFENSE FORM**

Dear California Coastal Commissioners:

Thank you for your response on June 21, 2010 to our June 18, 2010 request from Stefan and Kathryn Hagopian for an extension of time of Three Weeks to the California Coastal Commission's "Notice of Intent" letter. Since the Commission and Commission Staff do not work on Friday June 25, 2010 that leaves only two days of the one week extension that the Commission granted and faxed at 5:26 pm on Monday June 21, 2010. Thus was really received and reviewed on Tuesday June 22, 2010. Therefore it is requested that realistically it would be prudent to grant the remainder of the three-week requested extension as requested to allow for completion of the client's negotiation with the attorney and any discussions with the Commission Staff in formulating an amicable solution to the alleged problems regarding the Hagopians' three individual parcels at 1732 (APN 4438-016-024), 1728 (APN 4438-016-007) and 1728 (APN 4438-036-006) Topanga Skyline Drive, Los Angeles County.

It is important to note that during the referenced fifteen month process period indicated by the Staff, the Hagopians have responded timely to all violation letters in written communications on 6/12/09, 8/31/09, 9/16/09 and 1/28/10 with every intention for resolution without as yet an on point response by the Coastal Commission to the issues raised. If this matter can be settled amicably without the Hagopians' need for engaging an attorney, that would be a significant accomplishment and welcome. Thus we believe granting the complete three week extension with that intent as originally requested would be reasonable and worth while.

Sincerely,



Burt Johnson  
For Property Owners Stefan and Kathryn Hagopian

CC: The Hagopians

Exhibit 26. Hagopian (CDO, RO, NOV) Page 1 of 1
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## CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200  
FAX (415) 904-5400



Via Fax and Regular Mail

June 24, 2010

Ms. Nicole & Mr. Burt Johnson  
P.O. Box 1379  
Santa Monica, CA 90406  
Fax: (310) 454-1221

Subject: Deadline Extension Request

Coastal Act Violation No. V-4-09-014

Location: Three adjacent parcels, described as 1732 (APN 4438-016-024), 1728 (APN 4438-016-007); and 1726 (APN 4438-036-006) Topanga Skyline Drive, Los Angeles County

Violation Description: Alleged unpermitted grading, removal of ESHA, deposition of fill, placement of vineyards, debris piles, installation of a ground-mounted photovoltaic solar array, erection of seven structures, a tennis court and a swimming pool

Dear Mr. & Ms. Johnson:

I write in furtherance of our telephone conversation today and in response to your letter, dated June 22, 2010, in which you request additional time to respond to the Executive Director's May 18, 2010 "Notice of Intent" letter. I appreciate both of you taking the time to speak with me and I think our time on the telephone helped all parties to better understand the issues at play in this matter. In preparation for our conversation, I re-reviewed the entire file to make sure that I understood all of the points you raised in your prior correspondence with staff on this case. During our conversation, which lasted approximately one and a half (1.5) hours, I walked you through the reasoning behind staff's position on each of the issues you raised.

As noted in my June 21, 2010 letter, staff has already granted you two deadline-extension requests (totaling three weeks of extensions) in hopes that the additional time would facilitate productive discussions towards resolving the violations on your clients' properties. While today's conversation was spirited, it is apparent that you and your clients are not committed to working with staff to resolve the violations at hand. As you repeatedly indicated during our conversation, you continue to refute all allegations of violations and your stated objective is to retain all of the alleged unpermitted development on the property.

Exhibit 27.  
Hagopian (CDO, RO, NOV)  
Page 1 of 2

It appears that there are some fundamental differences in perspective between how you and Commission staff interpret land use laws and regulations pertinent to the facts at issue in this case. Unfortunately, it does not seem that we can achieve agreement on those issues within the time frame available. In the interest of resolving this matter in a timely fashion, we have determined that a third deadline extension request for response to our May 18, 2010 "Notice of Intent" letter would not be appropriate. Therefore, if you wish to respond to the allegations included in our May 18, 2010 letter, you must do so by **June 28, 2010**.

Despite our inability to grant another extension, staff remains willing to continue exploring avenues for resolution of this matter with you and your clients. If you have any questions regarding this letter or the pending enforcement action, please call me at (415) 904-5200 or send correspondence to my attention using the address provided on the letterhead. We look forward to continuing to work with you in an effort to find an amicable resolution to this matter.

Sincerely,



Elijah Davidian  
Statewide Enforcement Officer

Cc: Lisa Haage, Chief of Enforcement (CCC)  
Alex Helperin, Staff Counsel (CCC)  
Stefan Hagopian  
Kathryn Hagopian  
Rahel Hagopian

**Plan It! Events**  
**205 S. Arnaz Dr., # 2, Beverly Hills, California 90211**  
**(310) 659-1109 (w) ~ (310) 779-4164 (c)**  
**e-mail: nicole@planitevents.net**

**VIA U.S. MAIL & E-MAIL**

June 28, 2010

Elijah Davidian  
Headquarters Enforcement Analyst  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, California 94105

Subject: Actions regarding the Hagopians' Request for Extension of Time for Three Weeks to Respond to the California Coastal Commission's May 18, 2010 Notice of Intent to Record Notice of Violation and Commence Cease and Desist Order and Restoration Order Proceedings and Prepare a Statement Of Defense Form.

Dear Mr. Davidian:

At your request, we had a lengthy and productive call on Thursday, June 24<sup>th</sup>, 2010 to negotiate resolution of the existing violations brought against the Hagopians. We were disappointed by the your decision sent via fax at the end of the business day (6:28 pm) on Thursday June 24, 2010 denying Doctors Stefan and Kathryn Hagopians' request for the three week extension needed to finalize negotiations with and respond to the Commission's "Notice of Intent" letter as well as to secure an attorney to represent the Hagopians.

After the most recent written correspondence and several voice messages left by you suggesting the Commission's desire to find an amicable negotiation rather than have both sides incur the cost of attorney's fees and litigation, we informed you that the Hagopians had halted their engagement with legal counsel in good faith per the recommended negotiations. Yet as the Commission was closed and staff did not work on Friday June 25, it would appear that this was not a real attempt to find an amicable resolution of the issues. Our conversation reflected the Commission's unchanged positions. The Commission appears not willing to find an amicable resolution of the issues and the denial appears not a good faith response since it does not leave the Hagopians with an ability or the time to reasonably secure their counsel and properly respond. Realistically it would have been prudent to grant the remainder of the three-week requested extension to allow for completion of the negotiation with the new attorney and any discussions with the Commission staff in attempting to formulate an amicable solution to the alleged problems regarding the Hagopian three individual parcels described 1732 (APN 4438-016-024), 1728 (APN 4438-016-007) AND 1726 (APN 4438-036-006) Topanga Skyline Drive, Los Angeles County.

After our lengthy conversation on Thursday June 24, 2010, you stated that you believed some "after the fact" permits could be approved if it was established that the structures in violation did not effect previously existing ESHA and that the Solar Array Panels may not need to be moved.

Exhibit 28. Hagopian (CDO, RO, NOV) Page 1 of 4
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The Hagopian's arguments to the lack of existing ESHA on the parcels in question has been based on the original three exhibit drawings submitted by the Commission that were sent at the onset of this process. However you have repeatedly implied that the original drawings provided by the Commission staff are not valid or complete. You also have repeatedly referred to other areal photographs showing ESHA on the properties in question and findings in a memo being drafted by the Commission's biologist, neither of which have ever be provided for our review. We have requested a copy of these findings since our first conversations over a month ago. This information has yet to be provided to us or the Hagopians and when we asked yet again during our conversation on June 24, 2010, you informed us that we should reference the maps on our own on line and that the Commission's biologist has been busy with other assignments and unable to complete the memo being referenced. We feel the material in question would be of great assistance and that this recent denial of time to disclose such information impairs any attempt at an amicable resolution of the issues or a good faith response since it does not leave the Hagopians with an ability or the time to reasonably research and respond to recent negotiations and materials outstanding from the Coastal Commission. It questions weather you or the Commission staff have any intention of amicably resolving the issues regarding the Hagopians' three individual parcels described 1732 (APN 4438-016-024), 1728 (APN 4438-016-007) and 1726 (APN 4438-036-006) Topanga Skyline Drive, Los Angeles County.

Again, we believe it would be prudent to grant the three-week requested extension to allow for completion of the negotiation with the Hagopian's new attorney and any discussions with the Commission staff in attempting to formulate an amicable solution to the alleged problems regarding the Hagopian's three individual parcels.

During the noted fifteen month process period the Hagopians have responded in written communications to the violation letters on 6/12/09, 8/31/09, 9/16/09 and 1/28/10 without as yet an on point response by the Commission Staff to the issues raised in said correspondences. The Commission has never responded as requested in a point by point determination of the cited applicable California Public Resources and Government Codes or the Coastal Commission Regulations.

With respect to the property, it was our understanding during the meeting on January 28, 2010 that Enforcement Supervisor Patrick Veesart and the Commission staff agreed that the swimming pool and solar array panels were not violations since both were permitted by Los Angeles County and were constructed and installed in accordance with Los Angeles County approved building permits. The PRC and CCR consider both the solar array panels and swimming pool as being authorized by the existing Commission approved CDP 5-87-488. Yet Enforcement Supervisor N. Patrick Veesart stated the following in a letter on February 17, 2010:

"we advised you that the ground mounted solar array is a violation and requires a CDP. You agreed to apply for a CDP within "several weeks". We also advised you that we needed more information about the swimming pool (location, biological report, resources disturbed by its installation, etc) in order to determine if the pool also requires a CDP. You agreed to provide that information."

The parcel at 1732 Topanga Skyline Drive has an existing single-family residence that was residentially developed with Coastal Development Permit no. 5-87-488 in 1987. Again, it was our understanding that all attending the January 28, 2010 meeting agreed that both the swimming pool and solar array panels were allowed improvements by Los Angeles County and the

Commission for the single-family residence on the property. As discussed in our January 28, 2010 meeting, these improvements are allowed in accordance with PRC §30610 and CCR §13250. We don't believe any further action is required on behalf of the Coastal Commission in connection with the Property except for written confirmation of said facts.

PRC § 30610 and CCR § 13250 were discussed by the Hagopians' representative and Commission Staff in the January 28, 2010 meeting at Commission Office in Ventura and were cited in the Commission letter dated April 17, 2007 to the Property Owners. These facts were again in the discussion with you on June 24, 2010. When asked, you could not confirm the existence of any cited sections or if they were applicable to the Hagopian 1732 parcel and the 1987 CDP authorized the residential development of said parcel. PRC §30610(a) allows improvements to existing single-family residences and CCR §13250 addresses what improvements are considered to be part of the CDP approved single-family residences as follows:

**PRC §30610**

"Notwithstanding any other provisions of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development . . .

(a) Improvements to existing single-family residences; . . ." and

**CCR §13250**

"(a) For purposes of Public Resources Code Section 30610(a) where there is an existing single-family residential building, the following shall be considered a part of that structure:

- (1) All fixtures and other structures directly attached to the residence;
- (2) Structures on the property normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds . . .
- (3) Landscaping on the lot."

Accordingly, on January 28, 2010 pursuant with PRC §30610 and CCR §13250(a)(2), we believed it was orally agreed that the swimming pool and the solar array panels on the property would no longer be considered violations of the California Coastal Act by the Commission. In our January 28, 2010 meeting, we requested written confirmation which we looked forward to receiving from the COMMISSION and since we haven't received a separate written confirmation, we'll have to rely on our January 28, 2010 e-mail to the Commission as confirmation of said agreements. We are asking for written confirmation that the solar panels, swimming pool and landscaping on the 1732 parcel are part of the 1987 CDP and require no further Coastal permitting. This requested confirmation is in accordance with the good faith telephone negotiations between Consultants Burt and Nicole Johnson and you on June 24, 2010.

On June 24, 2010 during the course of our amicable discussion with you, you stated that the Commission has employed a biologist to prepare a non-entry on the property habitat ESHA evaluations of the Hagopian properties. This apparently is the same biologic evaluation that Officer Davidian had indicated would be completed approximately a month ago with a copy of

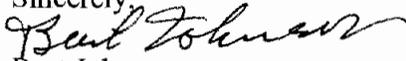
said evaluation would provided to us. you stated at roughly 4:00 pm on June 24, 2010 that you do not have a copy of the biologic evaluation since it is not finished. You said you would provide us with a copy when the biologic evaluation is finished to aid in our amicable negotiations. At 6:25 pm on June 24, 2010 you apparently reversed yourself and dismissed any further future negotiations when you stated in your June 24, 2010 letter the following:

"Therefore, if you wish to respond to the allegations included in our **May 18, 2010** letter, you must do so by **June 28, 2010.**"

The question is when and what does the biologic evaluation identify as being significant endangered plant and animal species that requires ESHA determined protection. How can Commission Staff be specifying the lots are within an ESHA area without a determination of what plant life qualifies the area for an ESHA identification. On June 24, 2010, you incorrectly stated that AB 643 Single-Family Residential Area Designation Map 102 designated the area where the Hagopian parcels are located as being an environmentally sensitive area. There is no "A2-Environmentally sensitive area" designation on AB 643 Single-Family Residential Area Designation Map 102 where the three parcels are located or anywhere on said Map 102..

If this matter can be settled amicably without attorneys that would be a significant accomplishment. Thus we believe the granting of the requested three week extension would be reasonable and worth while. It would be an indication of your interest in working things out.

Sincerely,



Burt Johnson

For Property Owners Stefan and Kathryn Hagopian

CC: The Hagopians

Exhibit 28.  
Hagopian (CDO, RO, NOV)  
Page 4 of 4

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200  
FAX (415) 904-5400



Via Fax and Regular Mail

June 30, 2010

Ms. Nicole & Mr. Burt Johnson  
P.O. Box 1379  
Santa Monica, CA 90406  
Fax: (310) 454-1221

Subject: Hagopian - Deadline Extension Request

Coastal Act Violation No. V-4-09-014

Location: Three adjacent parcels, described as 1732 (APN 4438-016-024), 1728 (APN 4438-016-007); and 1726 (APN 4438-036-006) Topanga Skyline Drive, Los Angeles County

Violation Description: Alleged unpermitted grading, removal of ESHA, deposition of fill, placement of vineyards, debris piles, installation of a ground-mounted photovoltaic solar array, erection of seven structures, a tennis court and a swimming pool

Dear Mr. & Ms. Johnson:

I write in response to your letter, dated June 28, 2010, and to provide further clarification regarding staff's inability to grant your third request for an extension to the deadline for submittal of a response to the Executive Director's May 18, 2010 Notice of Intent letter. Our decision to not grant your request should not be viewed as staff's unwillingness to continue seeking an amicable resolution to this case. Rather, the establishment of a firm deadline should be interpreted as a decision to proceed with a timely resolution of this matter. Obviously, we hope that any such resolution is agreeable to all parties. Unfortunately, a review of your correspondence with staff over the last fifteen months indicates that the serial extension requests granted have not resulted in movement towards a resolution of this matter. Since March 24, 2010, staff has written at least eight letters, granted at least six deadline extensions, and spent numerous hours with you on the telephone and in person, all for the benefit of your client and in hopes of resolving this matter without a contested hearing. We cannot continue delaying this matter.

In your June 22, 2010 letter, you allege that staff has yet to respond to the issues you have raised in prior correspondence. We were surprised and a little perplexed to see that statement, especially considering the amount of time staff has spent corresponding with you on this case

Exhibit 29.  
Hagopian (CDO, RO, NOV)  
Page 1 of 3

over the past fifteen months, and the fact that the same issues have been raised by you and responded to by staff numerous times. I requested our June 24, 2010 telephone conversation with the intent of discussing any outstanding issues that you felt staff had not adequately addressed in prior correspondence and to gauge the likelihood that we could resolve this matter once and for all without the need for contested enforcement proceedings. In preparation for our call, I reviewed the entire case file, including all of your letters and the issues you raised therein. I prepared a list of all of these issues. During our one-and-a-half hour telephone conversation, I addressed each point on that list, providing you with a detailed explanation of staff's position and reasoning on each issue. I did this not only in hopes of advancing this case towards a point of resolution, but also to ensure that you did not feel that your perspectives had been ignored or otherwise gone unanswered. However, as in prior correspondence with staff, you continued to challenge staff's position on each issue discussed. Moreover, it became evident that you, and presumably your client, were not willing to come into compliance with the requirements of the Coastal Act as part of a settlement.

You may recall that during our first conversation, I explained to you that staff would be willing to engage in settlement negotiations, but that the terms of any such settlement would need to include removal of a substantial amount of the unpermitted development and restoration of the impacted areas of the property. Having had that conversation with you, I was surprised to hear you say during our telephone conversation on June 24, 2010, that you were interested in reaching an agreement on the terms of a settlement, but that you also intended to retain all of the unpermitted development on the property. Unfortunately, as permit and enforcement staff has explained to you on numerous occasions, given the facts of this case, staff could not recommend to the Commission approval of an agreement that authorized the unpermitted activities at issue here.

Given that your position has not changed over the past fifteen months, despite the above noted staff time invested in resolution efforts, we could find little justification for authorizing yet another extension to the deadline for responding to the Notice of Intent letter. It is important to note that staff did grant two such extensions, effectively doubling the amount of time provided in the regulations for this response. Moreover, the granting of those extensions forced staff to postpone the hearing of this case from the Commission's July meeting. Our concern, which is supported by the record in this case, is that serial extensions will continue to delay resolution of this matter. Staff has already spent a substantial amount of time with you discussing issues of jurisdiction and statutory interpretation with hopes of moving this matter forward, but this has not come to fruition.

As noted above and in my previous letter, we have not given up hope that this matter can be resolved through consent orders. We firmly believe that an agreement is attainable within the time frame available. And to the extent we are able, we remain willing to provide you with information that will help you understand staff's position with regard to the allegations set forth in the Executive Director's May 18, 2010 Notice of Intent letter. I look forward to speaking with you in a continuing effort to find a resolution to this matter. If you have any questions about this letter or the process moving forward, please do not hesitate to contact me at 415-904-5292, or in writing at the address included on the letterhead.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Davidian', with a large, stylized initial 'E' and 'D'.

Elijah Davidian  
Statewide Enforcement Officer

Cc: Lisa Haage, Chief of Enforcement (CCC)  
Alex Helperin, Staff Counsel (CCC)  
Stefan Hagopian  
Kathryn Hagopian  
Rahel Hagopian



**COUNTY OF LOS ANGELES**  
**DEPARTMENT OF PUBLIC WORKS**  
**BUILDING & SAFETY DIVISION**  
*"To Enrich Lives Through Effective and Caring Service"*

GAIL FARBER, Director

CALABASAS DISTRICT OFFICE  
 26600 AGOURA ROAD, SUITE 110  
 CALABASAS, CALIFORNIA 91302-1954  
 Telephone: (818) 880-4150

July 6, 2010

Mr and Mrs Stephan Hagopian  
 1732 Topanga Skyline Drive  
 Topanga, California 90290

Dear Mr and Mrs. Hagopian,

**(1732 TOPANGA SKYLINE DRIVE)**  
**ASSESSOR'S ID#: (4438-016-024)**

On May 7, 2010, the California Coastal Commission notified Building and Safety that the grading and retaining walls for the access to the proposed guest house were in fact not exempt from the Coastal Act's CDP requirements. CCC also requested that the subject grading and building permits be rescinded

Additionally, Adam Thurtell of the Department of Regional Planning notified our office that the CUP 01-200-(3) is no longer valid

To date, you have not provided Building and Safety with any valid approvals from the California Coastal Commission or the Department of Regional Planning as requested by the Stop Work Notice posted at the property on April 7, 2010.

Pursuant to Section 106.5 5 of Los Angeles County Building Code-Title 26, Grading permit-GR0906160001 and the Retaining Wall permits- BL0905280050, and BL0905280051 has been revoked.

You are hereby notified to **STOP ALL WORK** until the permits are reinstated

Any further information may be obtained by contacting the undersigned at (818) 880-4150

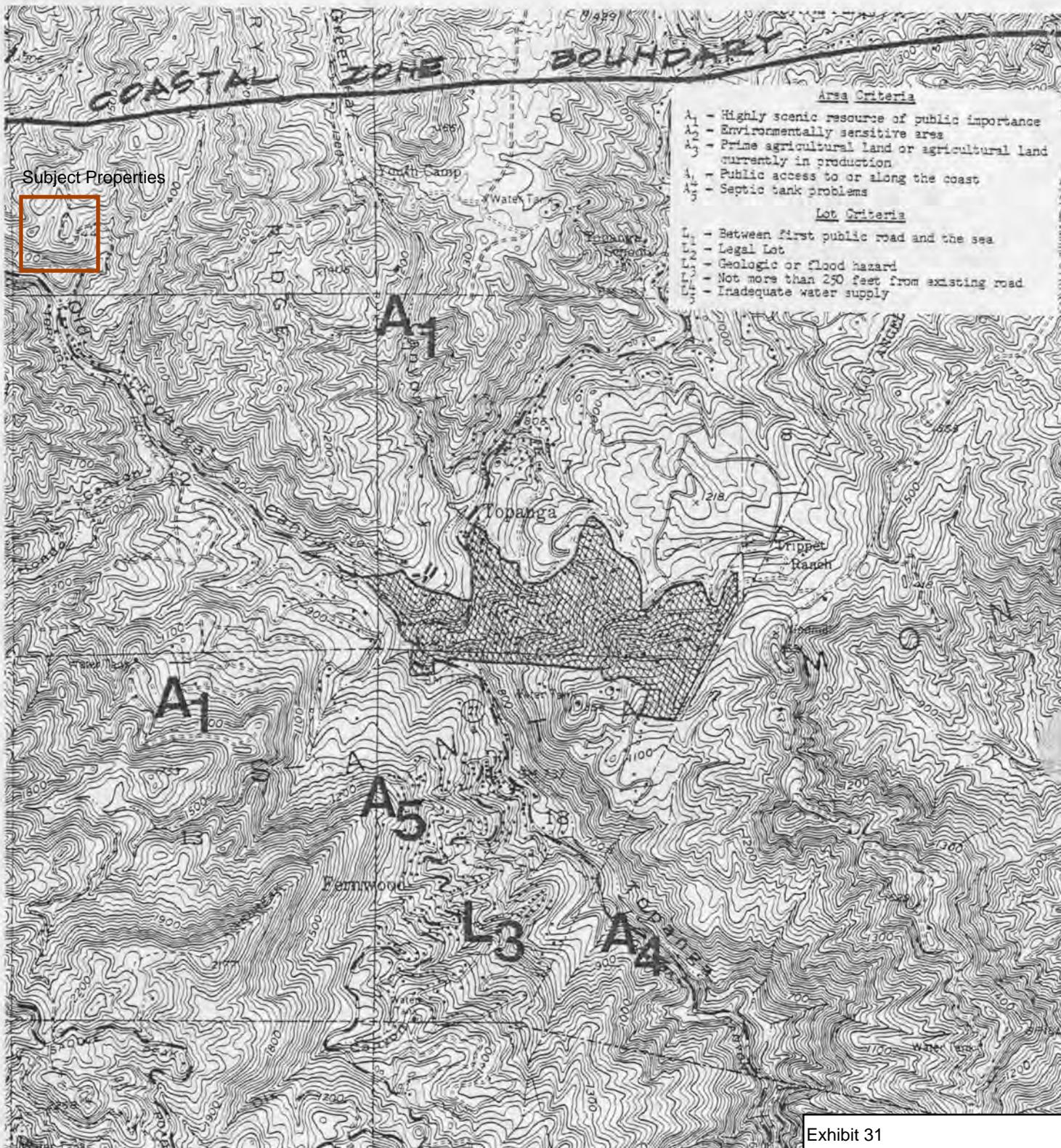
Very truly yours,

SOHEILA KALHOR  
 District Office Manager

KEVIN PETROWSKY  
 Senior Building Engineering Inspector

Date Mailed July 6 2010 By [Signature] Date Posted July 6 2010 By [Signature]

Exhibit 30.  
 Hagopian (CDO, RO, NOV)  
 Page 1 of 1



- Area Criteria**
- A<sub>1</sub> - Highly scenic resource of public importance
  - A<sub>2</sub> - Environmentally sensitive area
  - A<sub>3</sub> - Prime agricultural land or agricultural land currently in production
  - A<sub>4</sub> - Public access to or along the coast
  - A<sub>5</sub> - Septic tank problems
- Lot Criteria**
- L<sub>1</sub> - Between first public road and the sea
  - L<sub>2</sub> - Legal Lot
  - L<sub>3</sub> - Geologic or flood hazard
  - L<sub>4</sub> - Not more than 250 feet from existing road
  - L<sub>5</sub> - Inadequate water supply

Exhibit 31  
 Hagopian (CDO, RO, NOV)  
 Page 1 of 1

AB 643 - SINGLE-FAMILY RESIDENTIAL AREA DESIGNATIONS

Area 8: Old Post Office, Los Angeles Co.

 Designated Single-Family Residential Exclusion Area

 North  
 Scale 1" = 2,000'  
 Portion(s) of Coastal Zone  
 Map 136

Adopted January 24, 1980

(Revised for 100' fire buffer to state park.)

MAP 102

JOHN K. VAN DE KAMP  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



3580 WILSHIRE BOULEVARD, ROOM 800  
LOS ANGELES 90010  
(213) 736-2304

June 29, 1983

Anthony S. Alperin  
Deputy City Attorney  
1800 City Hall East  
200 North Main Street  
Los Angeles, CA 90012

James Robie, Esq.  
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& Crispo  
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P.O. Box 57936  
Los Angeles, CA 90017-2787

Gary S. Rattet, Esq.  
Law Offices of  
James Armstrong  
1900 Avenue of the Stars  
Suite 2820  
Los Angeles, CA 90067

Cheryl Keith, Esq.  
N/S Corporation  
235 W. Florence Avenue  
Inglewood, CA 90301

Re: California Coastal Commission v. City of Los Angeles  
(Gilchrist) LASC No. 430788;  
California Coastal Commission v. City of Los Angeles  
(Nugent) LASC No. 449284

Dear Counsel:

This letter will serve to confirm my recent conversations with each of you concerning the above two cases.

On June 23, 1983, the Commission met in closed session to discuss the Court's June 16, 1983 ruling denying the Commission a writ of mandate in the Gilchrist matter. The Commission determined to accept that ruling in order to resolve the Calvo issue insofar as it relates to the Vista Del Mar Bluffs. Accordingly, it voted not to appeal the ruling and, additionally, to dismiss with prejudice the pending companion case, California Coastal Commission v. City of Los Angeles (Nugent). The Nugent matter, which was set for hearing on July 8, 1983, has been taken off calendar.

Should you have any questions concerning the foregoing, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Steven H. Kaufmann".

STEVEN H. KAUFMANN  
Deputy Attorney General

Exhibit 32.  
Hagopian (CDO, RO, NOV)  
Page 1 of 1

# COUNTY OF LOS ANGELES

## OFFICE OF THE COUNTY COUNSEL

648 HALL OF ADMINISTRATION

500 WEST TEMPLE STREET

LOS ANGELES, CALIFORNIA 90012



DE WITT W. CLINTON, COUNTY COUNSEL

June 9, 1992

TELEPHONE

(213) 974-1845

TELECOPIER

(213) 617-7182

RECEIVED

JUN 10 1992

CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT

Mr. James E. Hartl  
Planning Director  
Department of Regional Planning  
1390 Hall of Records  
320 West Temple Street  
Los Angeles, California 90071

Re: Calvo Exclusion Areas Public Resources Code  
Sections 30610.1 and 30610.2

Dear Mr. Hartl:

The purpose of this letter is to express our agreement with the coastal commission's regional director, concerning the coastal permit exclusion areas for residences in this county.

We agree that the county's coastal zone was depicted in its entirety by the coastal commission, when it designated areas (exclusion areas) within which no coastal development permit would be required for the construction of a single family residence.

We agree that the commission did not fail to discharge fully its obligations under Public Resources Code Section 30610(b) when it designated the exclusion areas. The commission did not fail to consider any portion of the county's coastal zone for designation as an exclusion area.

The regional director recently sent you accurate copies of eleven maps designating the exclusion areas in the county's coastal zone. These base maps are United States Geologic Survey quadrangle maps. We agree that these designating maps are copies of the maps adopted by the commission pursuant to Public Resources Code Section 30610.1(b).

We agree that these eleven designating maps should be used instead of the smaller maps previously provided to you by the commission. Although the smaller maps accurately displayed the same designated exclusion areas, they were discontinuous in at least one area (gap area) and, thus did not depict the entire county coastal zone.

Exhibit 33.  
Hagopian (CDO, RO, NOV)  
Page 1 of 2

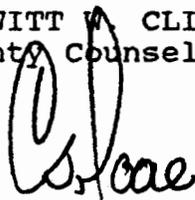
We agree that this discontinuity is not evidence that the commission failed to consider any portion of the coastal zone for designation as an exclusion area.

Based upon our belief that the commission fully discharged its duties according to Section 30610.1, the county is not authorized to make independent certifications pursuant to Section 30610.2(b) within the gap area. Any county certification previously issued pursuant to the later section, where no building permit has been issued, should be rescinded. Any such certification was issued in error. A coastal development permit will be required instead for future development in the gap area.

Very truly yours,

DE WITT W. CLINTON  
County Counsel

By

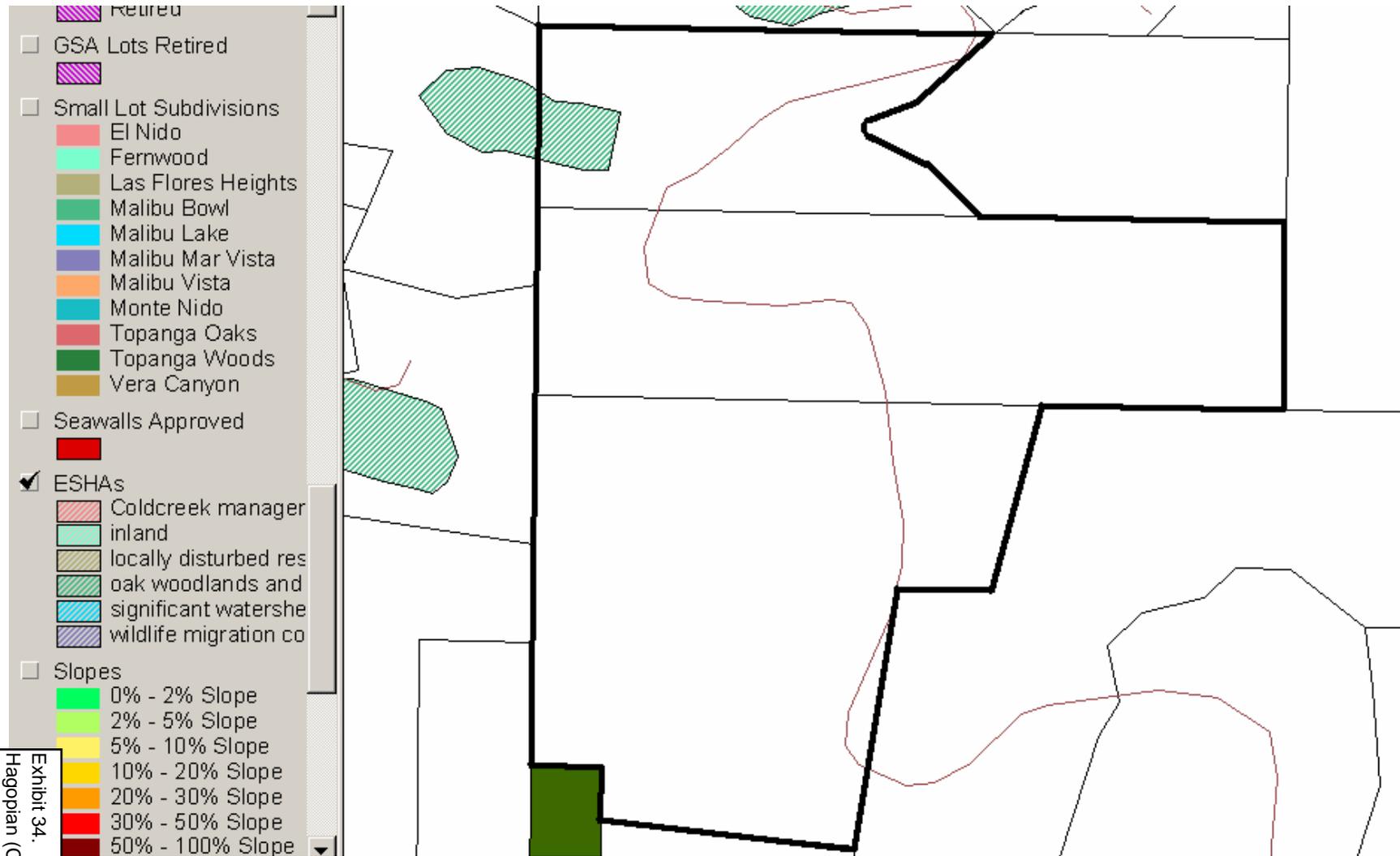
  
CHARLES J. MOORE  
Principal Deputy County Counsel  
Public Works Division

CJM:vc

c: Charles Damm ✓  
Ralph Faust

r/Hart13.Ltr

### Exhibit C



**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
 VENTURA CA 93001  
 (805) 585-1800

**CLAIM OF VESTED RIGHTS**

**NOTE:** Documentation of the information requested, such as permits, receipts, buildings department inspection reports, and photographs, must be attached.

1. Name of claimant, address, and telephone number:  
 (Please include zip code & area code):

Stefan and Kathryn Hagopian, 1732 Topanga Skyline Drive, Topanga California 90290 (310) 455-1123

2. Name, address and telephone number of claimant's representative, if any:  
 (Please include zip code & area code):

Nicole Johnson  
205 S. Arnaz Drive, #2  
Beverly Hills, CA 90211  
(310)659-1109

3. Describe the development claimed to be exempt and its location. Include all incidental improvements such as utilities, road, etc. Attach a site plan, development plan, grading plan, and construction or architectural plans.

Second Family Dwelling (1179 sq. ft.) located on a single family residentially developed 4.91 ac lot at 1732 Topanga Skyline Drive, Topanga, California 90290 (See Attached site plan, approved Los Angeles County CUP No. 01-200-3., Grading plan, and Construction Plan)

4. California Environmental Quality Act/Project Status.

Check one of the following:

- a. Categorically exempt \_\_\_\_\_. Class: \_\_\_\_\_. Item: \_\_\_\_\_.

Describe exempted status and date granted: \_\_\_\_\_

- b. Date Negative Declaration Status granted: \_\_\_\_\_

January 2, 2003. The L.A. County Department of Regional Planning in the Findings for CUP No. 200-3 stated the following:

" The Hearing Officer has considered the Negative Declaration together with any comments received during the public review process, finds on the basis on the whole record before the Hearing Officer that there is no substantial evidence the project will have a significant effect on the environment, finds that the Negative Declaration reflects the independent judgment and analysis of the Hearing Officer and adopts the Negative Declaration."

Exhibit 35.  
 Hagopian (CDO, RO, NOV)  
 Page 1 of 3

c. Date Environmental Impact Report approved: \_\_\_\_\_

Attach environmental impact report or negative declaration.

---

**FOR COASTAL COMMISSION USE:**

**Claim Number:** \_\_\_\_\_

**Date Submitted** \_\_\_\_\_

**Date Filed** \_\_\_\_\_

5. List all governmental approvals which have been obtained (including those from federal agencies) and list the date of each final approval. Attach copies of all approvals.

None

6. List any governmental approvals which have not yet been obtained and anticipated date of approval.

Final Building Permit from L.A. County

7. List any conditions to which the approvals are subject and date on which the conditions were satisfied or are expected to be satisfied.

None

8. Specify, on additional pages, nature and extent of work in progress or completed, including (a) date of each portion commenced (i.e., grading, foundation work, structural work, etc.); (b) governmental approval pursuant to which portion was commenced; (c) portions completed and date on which completed; (d) status of each portion on January 1, 1972 and/or January 1, 1977 (e) status of each portion on date of claim; (f) amounts of money expended on portions of work completed or in progress (itemize dates and amounts of expenditures; do not include expenses incurred in securing any necessary governmental approvals).

Unknown. All of the expenses incurred to date are for procurement of the required governmental permits.

9. Describe those portions of development remaining to be constructed.

The entire building site and building require construction.

10. List the amount and nature of any liabilities incurred that are not covered above and dates incurred.

List any remaining liabilities to be incurred and dates when these are anticipated to be incurred.

None

Exhibit 35. Hagopian (CDO, RO, NOV) Page 2 of 3
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11. State the expected total cost of the development, excluding expenses incurred in securing any necessary governmental approval(s)

Unknown

12. Is the development planned as a series of phases or segments? If so, explain.

No

13. When is it anticipated that the total development would be completed?

Within one year after final approval by California Coastal Commission.

14. Authorization of Agent.

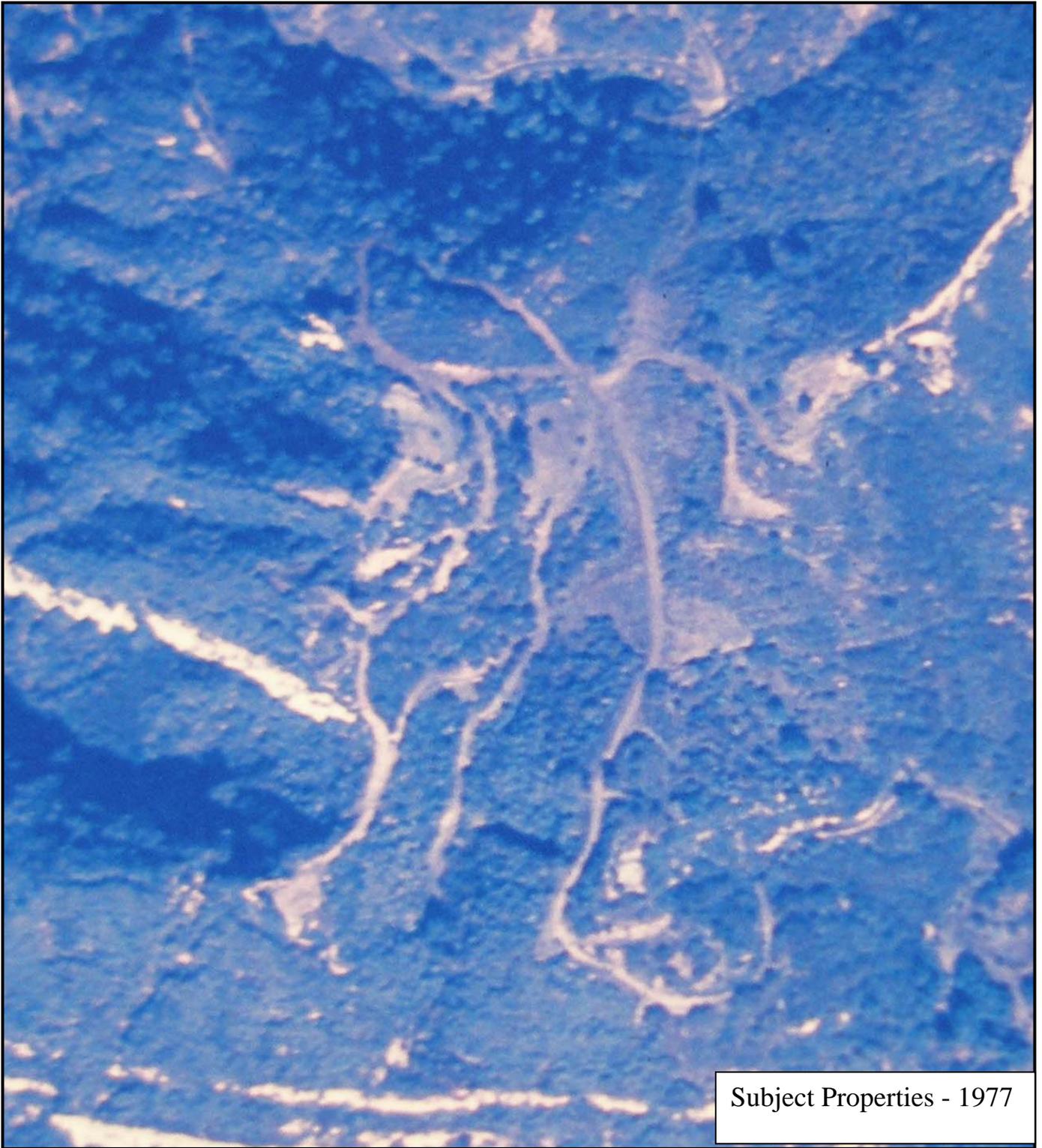
I hereby authorize Nicole Johnson to act as my representative and bind me in all matters concerning this application.

\_\_\_\_\_  
Signature of Claimant

15. I hereby certify that to the best of my knowledge the information in this application and all attached exhibits is full, complete, and correct, and I understand that any misstatement or omission, of the requested information or of any information subsequently requested, shall be grounds for denying the exemption or suspending, or revoking any exemption allowed on the basis of these or subsequent representations, or for the seeking of such other and further relief as may seem proper to the Commission.

\_\_\_\_\_  
Signature of Claimant(s) or Agent

Exhibit 35.  
Hagopian (CDO, RO, NOV)  
Page 3 of 3



Subject Properties - 1977

**Plan It! Events**  
**205 S. Arnaz Dr., # 2, Beverly Hills, California 90211**  
**(310) 459-5929 (w) ~ (310) 779-4164 (c)**  
**e-mail: nicole@planitevents.net**

**VIA U.S. MAIL & E-MAIL**

July 16, 2010

Mr. Elijah Davidian  
Statewide Enforcement Officer  
California Coastal Commission  
45 Fremont, Suite 2000  
San Francisco, CA 94105

Subject: Hagopian Defenses

Dear Mr. Davidian:

This letter is to make a record that the Hagopians have been submitting to the California Coastal Commission their defenses to the proposed recording of the Notice of Violation ever since June 12, 2009. For the record we wish to incorporate these communications by reference. In order to help you refer to these communications we have enclosed a chronological index listing the documents. We have also included copies of the documents referenced which are enclosed herewith.

We also wish to formally protest the Coastal Commission recording the Notice of Violation and seriously diminishing our client's property rights without first providing a due process hearing as required by law. Since the issue is the jurisdiction of the Coastal Commission, the Commission could not serve as an impartial body to preside over this issue. We request that the State of California, Office of Administrative Hearings, be asked to serve as the impartial hearing officer.

The attached documents are to provide a record of the written responses that the Hagopians have submitted to the California Coastal Commission. Please find a list below of all correspondence from the property owners and their representatives since June 12, 2009 to evidence their contesting the proposed recording of the Notice of Violation and Commence Cease and Desist Order as well as the Restoration Order Proceedings and request for submittal of a Statement of Defense. You should also acquaint yourselves with the solar energy law and regulations including civil code § 714, government § 65850.5 and health and safety code § 17959.1.

- CA Coastal Commission Violation Letter Response (06/12/09)
- CA Coastal Commission Violation Letter Response (08/31/09)
- CA Coastal Commission Violation Letter Response (09/16/09)
- CA Coastal Commission Violation Letter Response (01/28/10)
- CA Coastal Commission Staff Meeting Follow Up E-Mail (02/02/10)
- Request to Withdraw Incomplete VRC Submittal (04/14/10)
- Request for Extension (06/07/10)
- Request for Extension (06/18/10)
- Request for Remainder of June 18<sup>th</sup> Extension (06/22/10)
- CA Coastal Commission Violation Letter Response (06/28/10)

Sincerely,  
Burt & Nicole Johnson  
Representatives for the Property Owners

Exhibit 37. Hagopian (CDO, RO, NOV) Page 1 of 1
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CC: Stefan, Katherine & Rahel Hagopian