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June 21, 2019

Bruce Westin [Manager/Responsible Person]
Goose Trust [Member/Responsible Person]
Topanga Land LLC [Property Owner/Responsible Person]

[REDACTED]
[REDACTED]

[Copy Via Email: [REDACTED]]

Re: Notice of Violations/Calabasas Lot (APN 2072-031-011)

Dear Responsible Persons:

This office represents the city of Calabasas ("City") as code enforcement attorneys and prosecutors. We assist City officials in obtaining compliance with the Calabasas Municipal Code ("CMC").

The applicable zone for the above-referenced lot is "Rural Community" ("RC"),¹ which is one type of residential zone. The lot has not been developed with a residence, which would constitute a primary structure² thereon.

You recently erected a structure on this lot, which you advised Senior Building Inspector Ruben Flores was the floor of a shed that was not completed (as of May 21, 2019 (see Appendix for photos). That constitutes "development."³

¹ Your lot is also subject to regulations for the Old Topanga Overlay (OT) and the Scenic Corridor Overlay (SC) zones.

² CMC Section 17.90.020 defines "primary structure" as "a structure that accommodates the primary use of the site." A "primary use" is defined as "the main purpose for which a site is developed and occupied, including the activities that are conducted on the site a majority of the hours during which activities occur."

³ CMC Section 17.90.020 defines "development" in part as as "any ... construction activity or alteration of the land, its terrain contour or vegetation, including the addition to, erection, expansion, or alteration of existing structures."

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A shed constitutes an “accessory structure,” which CMC Section 17.90.020 defines as “a structure that is physically detached from, secondary and incidental to, and commonly associated with the primary structure.” That section also defines “Accessory uses and structures, residential” in part as: “any use and/or structure that is customarily a part of, and clearly incidental and secondary to, a residence ...”

Chapter 17.11 of the Calabasas Development Code (Title 17 of the CMC) sets forth allowable land uses for each zone. For your shed and any use thereof to be allowable in the RC zone, they must, pursuant to Section 17.11.010 and Table 2-2, be ancillary to another permitted use. In that regard, Chapter 17.12 [Standards for Specific Land Uses] also states in Section 17.12.165 as follows: “A.1 Relationship of Accessory Use to Principal Use. Accessory uses and structures shall be incidental to and not alter the character of the site from that created by the principal use.” Insofar as a primary structure that complies with all required development standards and City approvals does not exist on this lot, your shed and any uses that would occur therein are not allowable.

You are subject to several provisions of the CMC due to the existing structure. They include, without limitation:

Section 17.01.040:

A. New Land Uses or Structures ... It is unlawful, and a violation of this development code, for any person to establish, construct ... maintain ... any use of land or structure, except in compliance with the requirements of this Code.

Section 17.80.020:

A. Any structure or use which is established, operated, erected ... maintained, contrary to the provisions of this development code ... is hereby declared to be unlawful and a public nuisance.

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Please undertake the following actions to abate a public nuisance and bring your lot into compliance with the CMC:

1. Obtain a permit the Building and Safety Division (“Division”) **by June 28, 2019** to demolish the existing structure.
2. Complete that project, remove all lumber and other personal property, as well as all demolition debris from the lot, and obtain a Division final inspection approval **by July 12, 2019**.

You are subject to prosecution in the Los Angeles Superior Court for misdemeanor offenses of the CMC if you miss any deadline.⁴ In that regard, Section 1.16.010 of the CMC, states in part as follows:

... every person who violates any provision or who fails to comply with any of the requirements of this Code or any other ordinance of the city is **guilty of a misdemeanor** ...

Please be further informed the City would record a “Declaration of Public Nuisance” and/or a “Declaration of Substandard Property” against this lot in the Los Angeles County Recorder’s Office if you miss a deadline. In that regard, Section 1.18.010 C.2. of the CMC states in part as follows:

... a “Declaration of Substandard Property” or a “Declaration of Public Nuisance” is being recorded to give notice to persons who subsequently acquire a legal interest in the affected real property of the property’s non-compliance with the requirements of the Calabasas Municipal Code, but this declaration is not intended to, and does not, alter the requirements of this code.

Thank you in advance for your cooperation.

Sincerely,



Steven H. Rosenblit
Calabasas Code Enforcement Attorney/Prosecutor

⁴ **If convicted, you face fines/assessments exceeding \$5,000.00 for multiple counts and probation for three years, as well as jail time.**

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Cc: Bruce Westin [Manager/Responsible Person]
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City Officials

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APPENDIX

