



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

Jon Sanabria
Acting Director of Planning

July 2, 2009

TO: Alejandro Garcia
Hearing Officer

FROM: Tyler Montgomery *SM*
Regional Planning Assistant II
Zoning Permits II Section

SUBJECT: **PROJECT NO. 03-087-(5)**
OAK TREE PERMIT CASE NO. 200800049-(5)
ENVIRONMENTAL ASSESSMENT CASE NO. 03-087-(5)
July 7, 2009 Public Hearing
Agenda Item No. 2

The above item was continued from the June 2, 2009 and June 16, 2009 public hearings in order for staff to further discuss the recommended ratio of mitigation trees with the County Forester.

At the previous public hearings, the applicant objected to the second set of calculations for mitigation trees, as recommended by the Forester. The applicant stated that these removals, although unpermitted, were carried out in accordance to the requirements of the Department of Public Works, which required that the drainage and slope stabilization system be constructed. In addition, the original Oak Tree Permit 03-087 was cleared by Public Works for hearing without this requirement, and as a result these removals were not conceived of during the first public hearing process. Because of this, the applicant requested that the Hearing Officer modify staff's conditions of approval to allow for the planting of mitigation trees on a 2:1 basis for all removals instead of the inch-per-inch basis suggested for the 16 unpermitted removals.

After further discussing the project with the Forestry Division, the County Forester has issued a revised recommendation. Instead of recommending an inch-per-inch (diameter) replacement of the 16 oak trees removed without a valid oak tree permit, the Forester is now recommending the planting of mitigation trees on a 5:1 basis for these removals.

Due to this development, staff recommends that the Hearing Officer certify the revised Negative Declaration associated with Environmental Assessment Case No. 03-087 and **APPROVE** Oak Tree Permit Case No. 200800049 with the **REVISED** Findings and Conditions attached hereto, incorporating the requirements of the County Forester's letter of July 2, 2009, also attached hereto.

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HEARING OFFICER'S FINDINGS AND ORDER:

FACTUAL SUMMARY:

The applicant requests an Oak Tree Permit to retroactively authorize the removal of 16 oak trees and the encroachment into the protected zone of three (3) additional oak trees due to the construction of a drainage and slope stabilization system and septic system for a single-family residence located at 26647 Logwood Drive, Wrightwood, within the Mountain Park Zoned District of unincorporated Los Angeles County.

PROCEEDINGS BEFORE THE HEARING OFFICER:

Findings:

1. The applicant, James T. Bostic, is requesting an Oak Tree Permit to retroactively authorize the removal of 16 oak trees and the encroachment into the protected zone of three (3) additional oak trees due to the construction of a drainage and slope stabilization system and septic system for a single-family residence.
2. The project site is a partially construed single-family residence located at 26647 Logwood Drive, Wrightwood, within the Mountain Park Zoned District of the community of Antelope Valley.
3. The project site has been developed with a partially completed 2,200 square-foot single-family residence and attached garage, including a drainage and slope stabilization system to the rear of the structure. The subject property is on the western edge of a residential area in unincorporated Wrightwood, within the Angeles National Forest. The portion of the parcel that has been developed drains to the north with approximately 30 feet of elevation difference, north to south. The parcel is served by a private driveway and fire lane extending from the west end of Logwood Drive. The parcel is within a mixed Jeffrey pine and black oak woodland that originally contained approximately 40 oak trees. The project is accessed from Logwood Drive, a dead-end road to the east.
4. The project site is zoned A-1-2 (Light Agricultural, 2-acre minimum lot size).
5. Surrounding properties are zoned as follows:
 - North: R-1-7500 (Single-family Residence—7,500 square-foot minimum lot size)
 - East: R-1-7500 (Single-family Residence—7,500 square-foot minimum lot size)
 - South: A-1-1 (Light Agricultural—1-acre minimum lot size)
 - West: A-1-1 (Light Agricultural—1-acre minimum lot size)
6. Surrounding land uses are as follows:
 - North: Single-family residences
 - East: Single-family residences
 - South: Vacant land
 - West: Vacant land

7. The Department of Regional Planning has determined that a Negative Declaration is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements. The Initial Study concludes that the project design and/or suggested conditions will adequately mitigate any environmental impacts to a level of no significance. A draft version of the Initial Study was circulated to all stakeholder agencies for comments for a period of at least 30 days.
8. Public hearing notices were mailed to all persons on the courtesy mailing list for the Mountain Park Zoned District on May 4, 2009. The notice was also published in the *Inland Valley Daily Bulletin* on May 6, 2009 and sent to the Wrightwood Library and posted on the department web site. Staff has received no public comments regarding this project.
9. The site plan depicts the 2,200 square-foot single-family residence and garage, which has already been partially constructed, on a north-facing slope of the project site. A drainage and slope stabilization system has been constructed immediately to the rear of the structure, which consists of a retaining wall, a concrete channel, and extensive grading to alter the angle of a portion of the existing slope. The applicant seeks to retroactively authorize the removal of 16 oak trees and encroachment into the protected zone of three (3) additional trees, which occurred during the constructing of the rear drainage system. These removals are in addition to 13 oak tree removals that were authorized in 2004 by Oak Tree Permit Case No. 03-087. The need for the rear drainage system was not known during the previous Oak Tree Permit approval process, and therefore the additional removals were not authorized by the original permit.
10. The original Oak Tree Permit from 2004 (OTP 03-087) approved the removal of 13 oak trees, numbered 1836, 1837, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, and 1850 on the applicant's oak tree map. In addition to these removals, the applicant has since removed 16 additional oak trees, numbered 1839, 1851, 1852, 1853, 1855, 1856, 1857, 1858, 1859, 1860, 1862, 1863, 1864, 1865, 1866, and 1867. In addition to these removals, the applicant seeks authorization to encroach into the protected zone of three (3) oak trees, numbered 1790, 1835, and 1838. The encroachment upon oak tree number 1790 would be for a separate soil percolation test to check the area's suitability for a septic system.
11. The County Forester is of the opinion that the oak tree report, prepared by a certified arborist on November 17, 2008, accurately addresses the impacts to the oak resources on the site. The Forester recommends approval of the Oak Tree Permit, subject to the conditions and mitigation measures provided in the Forester's report of July 2, 2009.
12. Because of the unpermitted nature of the 16 oak tree removals, the County Forester recommends that mitigation trees be required at a 5:1 replacement basis.

13. The Department of Public Works and the Land Use Program of the Department of Public Health were consulted regarding the project proposal through the Initial Study process. Neither Public Works nor Public Health provided comments on the project proposal.
14. The development standards listed in the County Code for A-1-2 zoning indicate that single-family residences and accessory facilities are allowed uses. The use of the one-acre parcel for a single-family residence is also consistent with the Urban 2 designation of the Antelope Valley Area Plan, which allows a residential density of between 3.4 and 6.6 dwelling units per acre. The Oak Tree Permit is required to allow the removal and encroachment of oak trees on the project site.
15. According to the Department of Public Works, the constructed drainage and slope stabilization is necessary in order to ensure the structural integrity of the previously approved single-family residence.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. The proposed construction of the proposed use will be accomplished without endangering the health of the trees on the subject property; and
- B. The removal or relocation of the oak trees proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated; and
- C. Absent the encroachment permitted by the attached conditions, the placement of the subject oak tree precludes the reasonable and efficient use of the property for a purpose otherwise authorized. The work approved is not contrary to or in substantial conflict with the intent and purpose of the oak tree permit procedure.
- D. That the removal of the oak trees proposed will not be contrary to or be in substantial conflict with the intent and purpose of the oak tree permit procedure.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for conditional use permits as set forth in Sections 22.56.2100, Title 22, of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Negative Declaration associated with Environmental Assessment Case No. 03-087-(5) is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements. The Initial Study concludes that the project design and/or suggested conditions will adequately mitigate any environmental impacts to a level of no significance.

2. In view of the findings of fact presented above, Oak Tree Permit 200800049-(5) is **GRANTED** subject to the filing of the attached affidavit and compliance with the attached conditions. The permit, if not used within two years after the granting of such approval, will become null and void and of no effect; except that where an application requesting an extension is filed prior to such expiration date, the Director may extend such time for a period of not to exceed one year.

Encl.: Conditions

CC: Zoning Enforcement; County Forester

1. This grant retroactively authorizes the removal of 16 oak trees and the encroachment into the protected zone of three (3) additional oak trees due to the construction of a drainage and slope stabilization system and septic system for a single-family residence, subject to the following conditions:
 - a. **This permit SHALL NOT be effective until the permittee has filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and until all required monies have been paid pursuant to Condition No. 7.**
 - b. The applicant shall minimize impacts arising from construction activities by transferring debris through the route causing the least environmental disturbance.
 - c. The permittee shall strictly comply with all conditions and requirements contained in the County of Los Angeles Forester and Fire Warden, Forestry Division letter dated July 2, 2009 (attached hereto), to the satisfaction of said Division, except as otherwise required by said Division. In addition, should any oak tree die as a result of an approved encroachment, requiring the planting of mitigation trees, an acorn from a locally indigenous species shall also be planted at the same time as and within the watering zone of each mitigation tree.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity using this grant.
3. This grant shall not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant, and until all required fees have been paid pursuant to the attached County Forester's letter.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's

counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

- a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein. The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.
6. This grant shall expire unless used within two (2) years from the date of approval. A one-year time extension may be requested in writing and with payment of the applicable fee at least six (6) months prior to the expiration date.
 7. The Permittee shall deposit with the County of Los Angeles Fire Department a sum of \$300 to compensate the County Forester \$100 per inspection to cover expenses incurred while inspecting the project to determine the permittee's compliance with the conditions of approval. This fund provides for one initial inspection of temporary fencing and two (2) subsequent annual inspections.

If any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning and/or the County of Los Angeles Fire Department for all additional enforcement efforts to bring the subject property into compliance.

8. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
9. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.

Attachment:

07/02/09 Letter from County Forester

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07/02/09



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 890-4330

P. MICHAEL FREEMAN
FIRE CHIEF
FORESTER & FIRE WARDEN

July 2, 2009

Tyler Montgomery, Principal Regional Planning Assistant
Department of Regional Planning
Zoning Permits Section II
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Montgomery:

RETROACTIVE OAK TREE PERMIT #2008-00049, 26647 E. LOGWOOD DR., WRIGHTWOOD

We have reviewed the "Request for Oak Tree Permit #2008-00049." The project is located at 26647 E. Logwood Dr. in the unincorporated area of Wrightwood. This Oak Tree permit addresses the past encroachments of five (5) trees, the unpermitted removal of sixteen (16) trees and includes thirteen (13) permitted removals. The term "Oak Tree Report" refers to the document on file by Arborgate Consulting, Inc., the consulting arborist, dated November 17, 2008.

We recommend the following as conditions of approval:

OAK TREE PERMIT REQUIREMENTS:

1. This grant shall not be effective until the permittee and the owner of the property involved (if other than the permittee), have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all conditions of this grant. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS
ARTESIA
AZUSA
BALDWIN PARK
BELL
BELL GARDENS
BELLFLOWER

BRADBURY
CALABASAS
CARSON
CERRITOS
CLAREMONT
COMMERCE
COVINA

CUDAHY
DIAMOND BAR
DUARTE
EL MONTE
GARDENA
GLEN DORA
HAWAIIAN GARDENS

HAWTHORNE
HIDDEN HILLS
HUNTINGTON PARK
INDUSTRY
INGLEWOOD
IRVINDALE
LA CANADA FLINTRIDGE
LA HABRA

LA MIRADA
LA PUENTE
LAKEWOOD
LANCASTER
LAWDALE
LOMITA
LYNWOOD

MALIBU
MAYWOOD
NORWALK
PALMDALE
PALOS VERDES ESTATES
PARAMOUNT
PICO RIVERA

POMONA
RANCHO PALOS VERDES
ROLLING HILLS
ROLLING HILLS ESTATES
ROSEMEAD
SAN DIMAS
SANTA CLARITA

SIGNAL HILL
SOUTH EL MONTE
SOUTH GATE
TEMPLE CITY
WALNUT
WEST HOLLYWOOD
WESTLAKE VILLAGE
WHITTIER

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2. The permittee shall, prior to commencement of the use authorized by this grant, deposit with the County of Los Angeles Fire Department a sum of \$300. Such fees shall be used to compensate the County Forester \$100 per inspection to cover expenses incurred while inspecting the project to determine the permittee's compliance with the conditions of approval. The above fees provide for one (1) initial inspection required to verify the authenticity of the Oak Tree Report prior to the commencement of construction and two (2) subsequent annual inspections until the conditions of approval have been met.

The Director of Regional Planning and the County Forester shall retain the right to make regular and unannounced site inspections.

3. Before commencing work authorized or required by this grant, the consulting arborist shall submit a letter to the Director of Regional Planning and the County of Los Angeles Fire Department, Forestry Division stating that he or she has been retained by the permittee to perform or supervise the work, and that he or she agrees to report to the Director of Regional Planning and the County Forester any failure to fully comply with the conditions of the grant. The arborist shall also submit a written report on permit compliance upon completion of the work required by this grant. The report shall include a diagram showing the exact number and location of all mitigation trees planted as well as planting dates.
4. The permittee shall arrange for the consulting arborist or a similarly qualified person to maintain all remaining Oak trees on the subject property that are within the zone of impact as determined by the County Forester for the life of the Oak Tree Permit or the Conditional Use Permit.
5. The permittee shall install temporary fencing, not less than four (4) feet in height, to secure the protected zone of all remaining Oak trees on site as necessary. The fencing shall be installed prior to grading or tree removal, and shall not be removed without approval of the County Forester. The term "protected zone" refers to the area extending five (5) feet beyond the dripline of the Oak tree (before pruning), or fifteen (15) feet from the trunk, whichever is greater.
6. Copies of the Oak Tree Report, Oak tree map, mitigation planting plan and conditions of approval shall be kept on the project site and available for review.

All individuals associated with the project as it relates to the Oak resource shall be familiar with the Oak Tree Report, Oak tree map, mitigation planting plan and conditions of approval.

PERMITTED OAK REMOVAL AND ENCROACHMENT:

7. This grant addresses the unpermitted removal of sixteen (16) trees of the Oak Genus identified as numbers; 1939, 1851, 1852, 1853, 1855, 1856, 1857, 1858, 1859, 1860, 1862, 1863, 1864, 1865, 1866, 1867. In addition, this grant acknowledges the previous permitted removal of thirteen (13) trees of the Oak Genus identified as numbers; 1836, 1837, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850. This grant allows encroachment within the protected zone of three (3) remaining trees of the Oak genus (*Quercus kelloggii*) identified as Tree Numbers; 1790, 1835 and 1838 on the applicant's site plan map and Oak Tree Report.

Trenching, excavation, or clearance of vegetation within the protected zone of an Oak tree shall be accomplished by the use of hand tools or small hand-held power tools. Any major roots encountered shall be conserved to the extent possible and treated as recommended by the consulting arborist.

8. In addition to the work expressly allowed by this permit, remedial pruning intended to ensure the continued health of a protected Oak tree or to improve its appearance or structure may be performed. Such pruning shall include the removal of deadwood and stubs and medium pruning of branches two-inches in diameter or less in accordance with the guidelines published by the National Arborist Association. Copies of these guidelines are available from the County of Los Angeles Fire Department, Forestry Division. In no case shall more than 20% of the tree canopy of any one tree be removed.
9. Except as otherwise expressly authorized by this grant, the remaining Oak trees shall be maintained in accordance with the principles set forth in the publication, "Oak Trees: Care and Maintenance," prepared by the County of Los Angeles Fire Department, Forestry Division. A copy of the publication is enclosed with these conditions.

MITIGATION TREES:

10. The permittee shall provide mitigation trees of the Oak genus at a rate of two to one (2:1) for the thirteen (13) previously permitted removals for a total of 26 mitigation trees. Each mitigation tree shall be at least a 15-gallon specimen in size and measure one (1) inch or more in diameter one (1) foot above the base. Free form trees with multiple stems are permissible; the combined diameter of the two (2) largest stems of such trees shall measure a minimum of one (1) inch in diameter one (1) foot above the base.
11. The permittee shall provide mitigation trees for the unpermitted removal of sixteen (16) trees at rate of five to one (5:1) for a total of eighty (80) mitigation trees. Each mitigation tree shall be at least a 15-gallon specimen in size and measure one (1) inch or more in diameter one (1) foot above the base. Free form trees with multiple stems

are permissible; the combined diameter of the two (2) largest stems of such trees shall measure a minimum of one (1) inch in diameter one (1) foot above the base.

Alternatively, in lieu of mitigation planting the applicant may have the option to pay the ISA value of the sixteen (16) unpermitted removals.

12. Mitigation trees shall consist of indigenous varieties of *Quercus kelloggii* grown from a local seed source.
13. Mitigation trees shall be planted within one (1) year of the death of any tree, which results from its permitted encroachment. Mitigation trees shall be planted either on site or at an off-site location approved by the County Forester. Alternatively, a contribution to the County of Los Angeles Oak Forest Special Fund may be made in the amount equivalent to the Oak resource loss. The contribution shall be calculated by the consulting arborist and approved by the County Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."
14. The permittee shall properly maintain each mitigation tree and shall replace any tree failing to survive due to a lack of proper care and maintenance with a tree meeting the specifications set forth above. The two-year maintenance period will begin upon receipt of a letter from the permittee or consulting arborist to the Director of Regional Planning and the County Forester indicating that the mitigation trees have been planted. The maintenance period of the trees failing to survive two (2) years will start anew with the new replacement trees. Subsequently, additional monitoring fees shall be required.
15. All mitigation Oak trees planted as a condition of this permit shall be protected in perpetuity by the Los Angeles County Oak Tree Ordinance once they have survived the required maintenance period.

NON-PERMITTED ACTIONS AND VIOLATIONS:

16. Encroachment within the protected zone of any additional tree of the Oak genus on the project site is prohibited.
17. Should encroachment within the protected zone of any additional tree of the Oak genus on the project site not permitted by this grant result in its injury or death within two (2) years, the permittee shall be required to make a contribution to the Los Angeles County Oak Forest Special Fund in the amount equivalent to the Oak resource damage/loss. Said contribution shall be calculated by the consulting arborist and approved by the County Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."
18. No planting or irrigation system shall be installed within the dripline of any Oak tree that will be retained.

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19. Utility trenches shall not be routed within the protected zone of an Oak tree unless the serving utility requires such locations.
20. Equipment, materials and vehicles shall not be stored, parked, or operated within the protected zone of any Oak tree. No temporary structures shall be placed within the protected zone of any Oak tree.
21. Violations of the conditions of this grant shall result in immediate work stoppage or in a notice of correction depending on the nature of the violation. A time frame within which deficiencies must be corrected will be indicated on the notice of correction.
22. Should any future inspection disclose that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be held financially responsible and shall reimburse the County of Los Angeles Fire Department, Forestry Division for all enforcement efforts necessary to bring the subject property into compliance.

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,



FRANK VIDALES, ACTING CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

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Enclosure