



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

Jon Sanabria
Acting Director of Planning

July 9, 2009

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

James V. Coane
30 N. Raymond Ave. Suite 611
Pasadena, 91103

**REGARDING: PROJECT NUMBER R2005-00187-(5)
OAK TREE PERMIT 200800030
2288 & 2300 North Villa Heights Road, 2199 Kinneloa Ranch Road
Pasadena, CA 91107**

Dear Applicant:

The Regional Planning Commission, by its action of Wednesday, July 8, 2009, **APPROVED** the above described project and entitlements. The attached documents contain the Regional Planning Commission's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 2 requires that the permittee file an affidavit accepting the conditions before the grants becomes effective.

The applicant or and other interested person may appeal the Regional Planning Commission's decision to the Board of Supervisors through the office of Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Please contact the Executive Office for the amount of the appeal fee at (213) 974-1426. **The appeal period for this project will end at 5:00 p.m. on Wednesday, February 25, 2009.** Any appeal must be delivered in person to the Executive Office by this time. If no appeal is filed during the specified period, the Regional Planning Commission action is final.

Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** this form and any other required fees or materials to the planner assigned to your case. Please **make an appointment** with the case planner to assure that processing will be completed expeditiously.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Adam Thurtell of the Zoning Permits Section I at (213)974-6443 or e-mail at athurtell@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Jon Sanabria
Acting Director of Planning

Mark Child, Supervising Regional Planner
Zoning Permits Section I Section

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)

c: BOS; DPW (Building and Safety); Zoning Enforcement, Testifiers, Hui Xian Zhang, Steve Thomas

MC:at

Hearing Footage: 7/8/2009-Item 8

INSTRUCTIONS

Please read **carefully**. Failure to follow these instructions as stated may result in delaying the issuance of the approved site plan and any necessary building permits.

The attached form is the "Affidavit of Acceptance" referred to in the conditions of grant. The appropriate persons should sign the form in the presence of a notary and have the notary attach an acknowledgement. Both the applicant and owner lines must be signed on the form, even if they are the same person.

After the termination of the appeal period (14 days after the hearing date), if no appeal was received, proceed with the following instructions.

1. **Make an appointment** with the assigned case planner to submit the following items:
 - Three copies of the site plan. **Plans must be folded** to fit into an 8 ½" X 14" folder.
 - A check for the Fish and Game fees may be required (if marked below). LA County Registrar-Recorder/County Clerk in the amount of:
 - Not Required
 - \$2,068.00 (includes \$75.00 processing fee) for the issued Negative Declaration or Mitigated Negative Declaration
 - \$2,843.25 (includes \$75.00 processing fee) for the required Environmental Impact Report

The County Clerk will not accept a Notice of Determination or Exemption for your project until the fees are paid.

Section 21089 (b) of the Public Resources Code provides that no project approval is operative, vested, or final until these fees are paid.

Please write project number on the check(s).

2. Submit the aforementioned items **in person (do not mail)** at:

Hall of Records
Department of Regional Planning, Room 1348
320 West Temple Street
Los Angeles, CA 90012

You will receive a copy of the approved site plan and a copy of the approved site plan and conditions will be sent to the Department of Public Works' Division of Building and Safety.

If you have any questions regarding these instructions, please contact Adam Thurtell at (213) 974-6443, from 7:30 a.m. to 5:30 p.m., Monday through Thursday or via email at AThurtell@planning.lacounty.gov. Our offices are closed on Fridays.



Please complete this form and return to:

The Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

AFFIDAVIT OF ACCEPTANCE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

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REGARDING: PROJECT NUMBER R2005-00187-(5)
OAK TREE PERMIT 200800030
2288 & 2300 North Villa Heights Road, 2199 Kinneloa Ranch Road
Pasadena, CA 91107

I/We the undersigned state:

I am/We are the owner of the real property described in the above-numbered case and the permittee in said case: I am/We are aware of, and accept, all the stated conditions in said grant.

Executed this _____ day of _____, 20_____

I/We declare under the penalty of perjury that the foregoing is true and correct.

(Where the owner and permittee are not the same, both must sign.)

Type or Print
Applicant

Name _____

Applicant _____

City, State _____

Signature _____

*This signature must be
Acknowledged
By a notary public. Attach
Appropriate
Acknowledgements.*

Owner:

Name _____

Address _____

City, State _____

Signature _____

FINDINGS AND ORDER OF THE PLANNING COMMISSION COUNTY OF LOS ANGELES

PROJECT NUMBER R2005-00187-(5)

OAK TREE PERMIT 200800030

2288, 2300 North Villa Heights Road, 2199 Kinneloa Road, Pasadena, CA 91107

REGIONAL PLANNING COMMISSION HEARING DATE: January 14, 2009

A duly noticed hearing was held before the Regional Planning Commission on January 14, 2009. The Commission moved to continue the public hearing to February 11, 2009 in order to allow the applicant to be present. The public hearing was not opened.

REGIONAL PLANNING COMMISSION HEARING DATE: February 11, 2009

A duly noticed hearing was held before the Regional Planning Commission on February 11, 2009. The Commission heard testimony from the applicant's agent and from testifiers in opposition. The Commission instructed staff to separate the oak tree permit and the yard modification request, and to process the yard modification request administratively. The Commission instructed staff to include in the request two adjacent parcels with similar oak tree encroachments. The Commission continued the case to April 29, 2009.

REGIONAL PLANNING COMMISSION HEARING DATE: April 29, 2009

A duly noticed hearing was held before the Regional Planning Commission on April 29, 2009. The Commission continued the public hearing to July 8, 2009 in order to allow any potential appeal of the Director's decision on the yard modification request to be heard along with the oak tree permit.

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:

A duly noticed hearing was held before the Regional Planning Commission on July 8, 2009. Staff noted that the hearing had been continued in order to incorporate adjacent properties and to allow the Commission to hear the applicant's appeal of the Director's denial of the yard modification prior to this hearing. The Commission heard testimony from the applicant's representatives and testifiers in opposition of the project. The Commission consulted with the Forester on the possibility of increasing the monitoring period for the oak trees to ten years and increasing the fees required in the event that an oak tree dies or must be removed as a result of the encroachments. The Forester revised the conditions and provided a letter from Forestry dated July 9, 2009 to reflect this discussion. The Commission moved to approve the negative declaration and the oak tree permit request.

Findings

1. The subject property is located at 2288 North Villa Heights Road, Pasadena, CA 91107 in the unincorporated community of Kinneloa Mesa within the Northeast Pasadena.
2. An oak tree permit is requested to retroactively authorize encroachment upon 49 trees and to authorize construction work to reduce the wall height.
3. The subject property is currently designated Low Density Residential in the Los Angeles County General Plan.
4. The subject property is currently zoned R-1-40000 (Single-family residence, 40,000 square foot required area).
5. An oak tree permit is needed to allow the corrective work that has resulted from construction of a perimeter wall.
6. Standard requirements are that fencing be placed around trees to protect them from harm during construction.
7. The surrounding properties are zoned as follows:
North: R-1-40000
South: R-1-20000
East: R-1
West: R-1-40000
8. Surrounding land uses within 500 include:
North: Single-family residence
South: Single-family residence
East: Single-family residence
West: Single-family residence
9. The oak tree report, prepared by consulting arborist Greg Applegate on February 19, 2008, provided information with respect to the oak trees within the project vicinity.
10. The County Forester has reviewed the oak tree report and suggested conditions and mitigations for the oak tree permit in a letter dated July 9, 2009.
11. The Forester has determined that none of the affected trees were heritage oaks.
12. Yard modification RPP200900637 was denied on June 3, 2009. RPP200900637 requested authorization of a wall on the three subject parcels in excess of the height allowed by County Zoning Code. The applicant appealed the Director's

denial to the Regional Planning Commission, and on July 8, 2009 the Commission upheld the Director's decision to deny RPP200900637.

13. An Initial Study was prepared for this project in compliance with the environmental guidelines and reporting procedures of the County of Los Angeles and the state of California. The Department of Regional Planning has determined that a Negative Declaration is the appropriate environmental documentation for this project under California Environmental Quality Act (CEQA) reporting requirements.
14. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
15. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits I Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE PLANNING COMMISSION CONCLUDES:

1. That the encroachment upon the oak tree(s) proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated; and
2. That in addition to the above facts, the following findings apply:
That the encroachment into the protected zone of 49 oak trees is necessary because the location(s) of the oak trees frustrates the planned improvement or proposed use of the subject property to such an extent that:
Placement of such tree(s) precludes the reasonable and efficient use of such property for a use otherwise authorized,
3. That the encroachment into the protected zone of the oak tree(s) proposed will not be contrary to, or be in substantial conflict with the intent and purpose of the oak tree permit procedure.
4. AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for an Oak Tree Permit as set forth in Section 22.56.2100 of the Los Angeles County Code.

PLANNING COMMISSION ACTION

1. The Regional Planning Commission has considered the Negative Declaration together with any comments received during the public review process, finds on the basis of the whole record before the Commission that there is no substantial evidence the project will have a significant effect of the environment, finds that the Negative Declaration reflects the independent judgment and analysis of the Commission, and adopts the Negative Declaration.
2. In view of the findings of fact and conclusions presented above, Oak Tree Permit 200800030 is approved.

VOTE: 4-0

Concurring: Bellamy, Rew, Helsley, Modugno

Dissenting: none

Abstaining: none

Absent: Valadez

Action Date: 7/8/2009

c: Hearing Officer, Each Commissioner, Zoning Enforcement, Building and Safety

This grant authorizes an oak tree permit to retroactively approve encroachment upon 49 oak trees and any additional encroachment to already affected trees as a result of modification required to bring the perimeter wall into compliance with Zoning Code requirements. The grant is subject to the following conditions of approval;

1. 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.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all of the conditions of this grant.
3. 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 promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate reasonably in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. 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.

5. This grant will expire unless used within 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.
6. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
7. 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.
8. 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.
14. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.
15. All on-site activity, including storage, shall take place at least five feet outside the dripline of any oak tree, unless an Oak Tree Permit has first been approved.
16. Any gate constructed across a driveway shall be designed to the Los Angeles County Fire Department specifications so that the entire width of the driveway is accessible by emergency vehicles.
17. The permittee shall comply with all Zoning Code with respect to wall height. Side and rear walls are not to exceed a height of six (6) feet, and front yards are not to exceed a height of forty two (42) inches.
18. 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.
19. 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.

20. 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. If the applicant does not follow the arborist recommendations, an immediate stop work order will be issued by the County Forester and all associated project equipment must be removed from the applicant's property. After the applicant comes into compliance a written notice of correction will be provided to the Department of Regional Planning from the County Forester, which will allow the continuance of the project.
21. All individuals associated with the project as it relates to the Oak resource shall be familiar with the Oak Tree Report, Oak tree map, and conditions of approval.
22. The permittee shall comply with all recommended conditions and requirements set forth in the attached County of Los Angeles Forester and Fire Warden letter dated July 9, 2009, to the satisfaction of the Forester and Fire Warden.

MC:AT

7/09/09



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 9, 2009

Adam Thurtell, Regional Planning Assistant II
Department of Regional Planning
Zoning Permits Section
320 West Temple Street
Los Angeles, CA 90012

Dear Adam:

OAK TREE PERMIT #2008-00030, LOCATED AT 2288, 2300, & 2330 NORTH VILLA HEIGHTS ROAD, PASADENA.

We have reviewed the "Request for Oak Tree Permit #2008-00030." The project is located at 2288, 2300, & 2330 North Villa Heights Road and 2199 Kinneloa Ranch Road, in the unincorporated area of Pasadena. The Oak Tree Report is required for encroachments to and the construction of a contiguous perimeter wall around three properties. The oak encroachments for the perimeter wall section located at 2199 Minneola Ranch Road have been addressed in another oak tree permit #2008-00029. The Oak Tree Reports and supplemental information are accurate and complete as to the location, size, condition and species of the Oak trees on the site. The term "Oak Tree Report" refers to the document on file by Greg Applegate, the consulting arborist, dated February 19, 2008, March 20, 2009 and April 30, 2009.

We recommend the following as conditions of approval:

OAK TREE PERMITS 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	BRADBURY	CUDAHY	HAWTHORNE	LA MIRADA	MALIBU	POMONA	SIGNAL HILL
ARTESIA	CALABASAS	DIAMOND BAR	HIDDEN HILLS	LA PUENTE	MAYWOOD	RANCHO PALOS VERDES	SOUTH EL MONTE
AZUSA	CARSON	DJARTE	HUNTINGTON PARK	LAKESIDE	NORWALK	ROLLING HILLS	SOUTH GATE
BALDWIN PARK	CERRITOS	EL MONTE	INDUSTRY	LANCASTER	PALMDALE	ROLLING HILLS ESTATES	TEMPLE CITY
BELL	CLAREMONT	GARDENA	INGLEWOOD	LAWNDALE	PALOS VERDES ESTATES	ROSEMead	WALNUT
BELL GARDENS	COMMERCE	GLENDORA	IRWINDALE	LOMITA	PARAMOUNT	SAN DIMAS	WEST HOLLYWOOD
BELLFLOWER	COVINA	HAWAIIAN GARDENS	LA CANADA FLINTRIDGE	LYNWOOD	PICO RIVERA	SANTA CLARITA	WESTLAKE VILLAGE
			LA HABRA				WHITTIER

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 \$1000. Such fees shall be used to compensate the County Forester \$100 per inspection to cover expenses incurred while monitoring the project to determine the permittee's compliance with the conditions of approval. The above fees provide for subsequent inspections for the required ten (10) year monitoring period. 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 perform the arborist's recommendations for corrective measures as prescribed in the Oak Tree Report.

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. For this project, shall be fenced.

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.

RETROACTIVE OAK TREE ENCROACHMENT:

7. This grant recognized past encroachments within the protected zone of thirty-two (32) trees of the Oak genus (*Quercus agrifolia*) located at 2288 North Villa Heights Road identified as Tree Numbers: 334, 335, 336, 338, 339, 340, 341, 342, 343, 344, 345, 346, 348, 350, 352, 353, 354, 355, 356, 357, 358, 359, 362, 363, 364, 365, 368, 369, 370, 371, 372 and 373.

This grant, also recognizes past encroachments within the protected zone of eight (8) trees of the Oak genus (*Quercus agrifolia*) located at 2300 North Villa Heights Road identified as Tree Numbers: 93, 94, 95, 96, 97, 98, 99 & 100.

This grant also recognizes past encroachments within the protected zone of

Nine (9) trees of the Oak genus (*Quercus agrifolia*) located at 2330 North Villa Heights Road identified as Tree Numbers: 14, 17, 18, 19, 20, 95, 96, 97 & 98.

All of the impacted trees at 2288, 2300, & 2330 North Villa Heights Road are located and documented on the applicant's revised site plan map.

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:

10. The permittee shall pay the International Society of Arboriculture (ISA) value for any tree specified above that dies as a result of its past non-permitted encroachment.
11. Payment will be deposited as a contribution into the County of Los Angeles Oak Forest Special Fund. The contribution shall be calculated by the consulting arborist and approved by the County Forester.
12. The ten (10) year monitoring 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 recommended corrective measures in the Arborist's Report are complete.
13. 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:

14. Encroachment within the protected zone of any additional tree of the Oak genus on the project site is prohibited.
15. 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 ten (10) 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

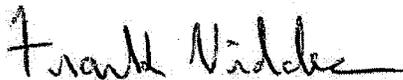
Adam Thurtell, Regional Planning Assistant II
July 9, 2009
Page 4

Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."

16. No planting or irrigation system shall be installed within the dripline of any Oak tree that will be retained.
17. Utility trenches shall not be routed within the protected zone of an Oak tree unless the serving utility requires such locations.
18. 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.
19. 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.
20. 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

FV:jl

Enclosure