



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

February 8, 2010

Escher Gunewardena Architecture
815 Silver Lake Blvd.
Los Angeles, CA 90026

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

SUBJECT: OAK TREE PERMIT 200900053

Dear Applicant:

PLEASE NOTE: This document contains the Director's findings, order and conditions relating to **APPROVAL** of the above referenced case and serves as the approved oak tree permit on file.

CAREFULLY REVIEW EACH CONDITION.

The permittee must submit a notarized 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 Director's decision to the Regional Planning Commission at the office of the Commission's secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Contact the Commission's secretary for the amount of the appeal fee at (213) 974-6409. The appeal must be postmarked or delivered in person within 14 days after this notice is received by the applicant. This grant will not become effective until and unless this period has passed without an appeal.

For further information on appeal procedures, compliance with conditions or any other matter pertaining to this grant, please contact the Zoning Permits Section at (213) 974-6435. For information on inspections or inspection fees, contact the County Forester at (818) 890-5719 or (323) 881-2481.

DIRECTOR'S FINDINGS AND ORDER:

FACTUAL SUMMARY:

The applicant requested a retroactive oak tree permit to encroach within the protected zone of one tree, identified as Tree No. 1 on the applicant's site plan and Oak Tree Report dated December 28, 2009, in association with a single-family residence located at 20239 Croydon Lane, Topanga, Malibu Zoned District, unincorporated Los Angeles County.

FINDINGS:

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.

DIRECTOR'S ACTION:

1. I find that the project is categorically exempt from the requirements of the California Environmental Quality Act and that the project will not have a significant effect on the environment.
2. In view of the findings of fact presented above, Oak Tree Permit 200900053 is GRANTED subject to the filing of the attached affidavit and compliance with the attached conditions. Pursuant to Section 22.56.2250, an approved oak tree permit if not used within one year 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.

BY: Phillip Estes DATE: Feb. 8, 2010

Phillip Estes, AICP
Zoning Permits II Section
Department of Regional Planning
County of Los Angeles

Enclosure: Affidavit and Conditions

CC: Zoning Enforcement; County Forester

This grant authorizes a retroactive oak tree permit to encroach within the protected zone of one tree, identified as Tree No. 1 on the applicant's site plan and Oak Tree Report dated December 28, 2009, in association with a single-family residence, subject to the following conditions:

1. This permit shall not be effective until a plot plan is approved for construction of the proposed single-family residence, demonstrating the need to remove/encroach upon the said trees.
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. The affidavit shall be filed by **April 8, 2010**.
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 dated February 2, 2010.
4. 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.
5. 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.
6. 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.
7. This grant shall expire unless used within two years from the date of final approval by the County. The date of final approval is the date of the approval action plus any applicable appeal period. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.

8. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. If a violation is found, the permittee shall deposit with the County of Los Angeles the sum of \$200.00. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for one (1) inspection. If additional Department of Regional Planning inspections are deemed necessary, required supplementary funds (at \$200 per inspection) shall be deposited with the Department of Regional Planning. Inspections shall be unannounced and may be coordinated with the County Forester.
9. 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 for all additional enforcement efforts necessary to bring the subject property into compliance.
10. 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.
11. 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.
12. 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 February 2, 2010 (attached hereto), to the satisfaction of said Division, except as otherwise required by said Division.
13. The permittee shall plant one acorn of the *Quercus agrifolia* variety for each mitigation tree planted. The acorns shall be planted at the same time as and within the watering zone of each mitigation tree.
14. All replacement trees shall be planted on native undisturbed soil. The first two irrigations or watering of planted trees shall incorporate the addition of a mycorrhizae product (i.e. "mycorrhizaROOTS" or similar product) in accordance with the label's directions. A layer of humus and litter from beneath the canopy of the removed tree shall also be applied to the area beneath the canopies of the replacement trees to further promote the establishment of mycorrhizae within their rooting trees.

Attachment: County Forester's Letter