

# Hearing Officer Transmittal Checklist

Hearing Date 6/7/2011
Agenda Item No. 8

Project Number: R2005-03521-(3)  
Case(s): Oak Tree Permit Number 201000027  
Planner: Travis Seawards

- Factual
- Property Location Map
- Staff Report
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use Radius Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans

Reviewed By: *Mike C...*



Los Angeles County Department of Regional Planning  
 320 West Temple Street  
 Los Angeles, California 90012  
 Telephone (213) 974-6461  
**PROJECT NUMBER R2005-03521-(3)**  
**ROAK 201000027**

**PUBLIC HEARING DATE**  
 June 7<sup>th</sup>, 2011

**AGENDA ITEM**  
 8

**RPC CONSENT DATE**

**CONTINUE TO**

**APPLICANT**

Masato Watanabe

**OWNER**

One World Holdings, LLC

**REPRESENTATIVE**

None

**PROJECT DESCRIPTION**

The applicant requests an oak tree permit to retroactively authorize the pruning and encroachment of two oak trees at 1362 Old Topanga Canyon Road in The Malibu Zoned District of unincorporated Los Angeles County in the Malibu Coastal Zone. The subject property is developed with a single-family residence. Pruning and encroachment into the protected zone of two oak trees occurred on the site during the construction of a new five-foot eight-inch fence along the subject parcel boundary, and the construction of a new 166.5-square-foot shed.

**REQUIRED ENTITLEMENTS**

**Oak tree permit to authorize the retroactive pruning and encroachment of two oak trees. Sections 22.56.2060 and 22.56.2070 of the Los Angeles County Code require an oak tree permit for pruning of oak branches more than two inches in diameter and for the encroachment into the protected zone of an oak tree of more than 25 inches in circumference.**

**LOCATION/ADDRESS**

1362 Old Topanga Canyon Road, Topanga, CA 90290

**SITE DESCRIPTION**

The project site contains an existing 1,637 square foot single-family residence on a 9,500 square foot (0.22 acre) rectangular parcel at the intersection of Old Topanga Canyon Road and Bonell Drive in unincorporated Los Angeles County in the Malibu Zoned District. The existing single-family residence is located along the north part of the parcel closest to Bonnell Drive. There is a paved, 20 foot wide driveway off of Old Topanga Canyon Road on to the parcel. At the end of the 15-foot long driveway is a 360 square foot two-car carport. Immediately north of the carport is a new, one-story, 166.5-square-foot storage shed. The subject property is enclosed by a five-foot, eight-inch fence. There are two oak trees on the subject property that were encroached upon during the construction of the new fence and shed. The first oak tree is just north of the driveway entrance along Old Topanga Canyon Road and is encroached upon by the new front fence. The second oak tree is located directly south of the new storage shed and is encroached upon by that structure.

**ACCESS**

Driveway off of Old Topanga Canyon Road

**ZONED DISTRICT**

The Malibu

**ASSESSORS PARCEL NUMBER**

4438009020

**COMMUNITY**

Malibu Coastal Zone

**SIZE**

0.22 Acres

**COMMUNITY STANDARDS DISTRICT**

Topanga Canyon

	<b>EXISTING LAND USE</b>	<b>EXISTING ZONING</b>
Project Site	Single-family residence	R-1-10,000 (Single-Family Residence - 10,000 Square Feet Minimum Required Lot Area) Zone
North	Single-family residences, an apartment complex, and vacant land	R-1-10,000 and C-3 (Unlimited Commercial) Zone
East	Single-family residences and vacant land	R-1-10,000
South	Single-family residences and vacant land	R-1-10,000
West	Single-family residences and vacant land	R-1-10,000

**GENERAL PLAN/COMMUNITY PLAN**

Malibu Land Use Plan

**LAND USE DESIGNATION**

6 - Residential I

**MAXIMUM DENSITY**

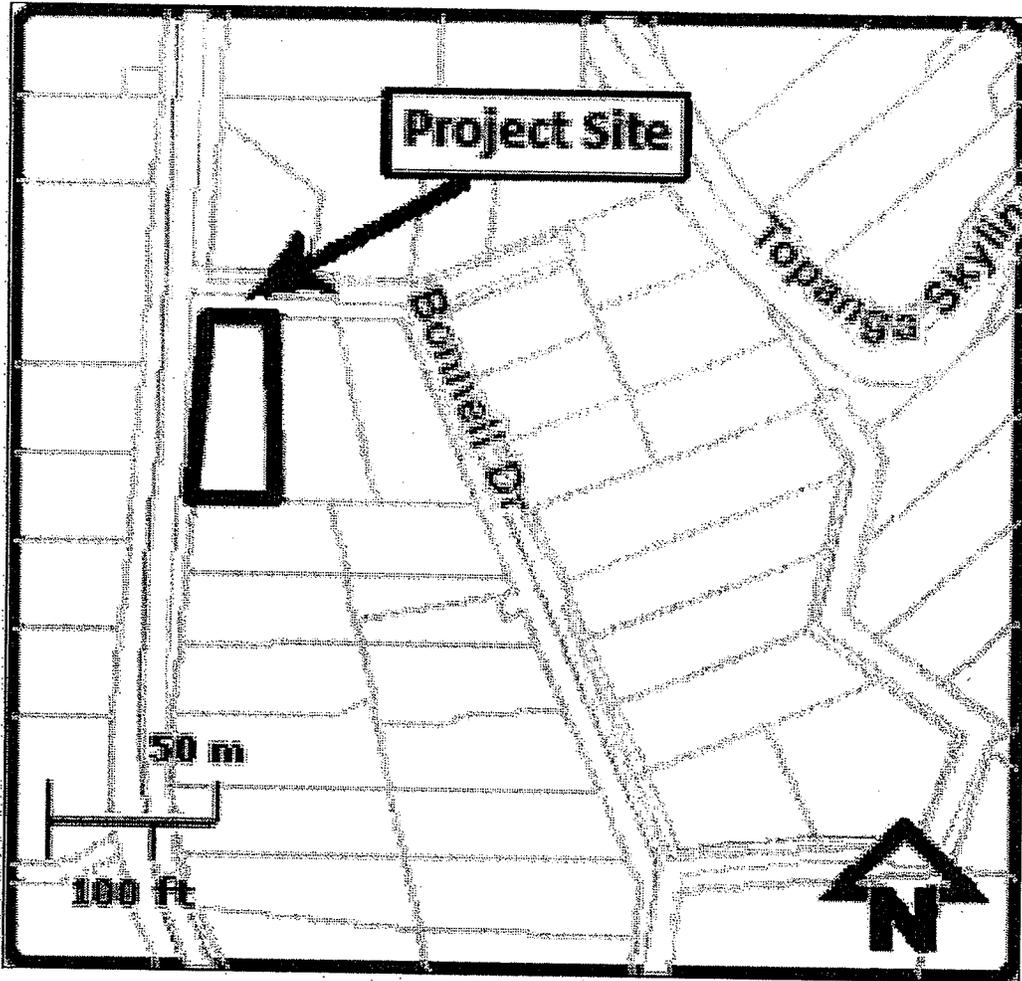
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**ENVIRONMENTAL DETERMINATION**

Class 1 Categorical Exemption-Existing Facilities

**RPC LAST MEETING ACTION SUMMARY**

<b>LAST RPC MEETING DATE</b>	<b>RPC ACTION</b>	<b>NEEDED FOR NEXT MEETING</b>
<b>MEMBERS VOTING AYE</b>	<b>MEMBERS VOTING NO</b>	<b>MEMBERS ABSTAINING/ABSENT</b>



**STAFF ANALYSIS**  
**PROJECT NUMBER R2005-03521-(3)**  
**OAK TREE PERMIT NUMBER 201000027**

**PROJECT DESCRIPTION**

The applicant requests an oak tree permit to retroactively authorize the pruning and encroachment of two oak trees at 1362 Old Topanga Canyon Road, in The Malibu Zoned District of unincorporated Los Angeles County in the Malibu Coastal Zone. The subject property is developed with a single-family residence. Pruning and encroachment into the protected zone of two oak trees occurred on the site during the construction of a new five-foot eight-inch fence along the subject parcel boundary, and the construction of a new 166.5 square foot shed.

**ENTITLEMENT REQUEST**

The applicant is requesting an oak tree permit to authorize the retroactive pruning and encroachment of two oak trees during new construction activities for a fence and shed. Sections 22.56.2060 and 22.56.2070 of the Los Angeles County Code require an oak tree permit for pruning of oak branches more than two inches in diameter and for the encroachment into the protected zone of any oak tree of more than 25 inches in circumference.

**LOCATION**

The subject property is located at 1362 Old Topanga Canyon Road, in The Malibu Zoned District of unincorporated Los Angeles County in the Malibu Coastal Zone.

**EXISTING ZONING**

**Subject Property**

The subject property is located in an R-1-10,000 (Single-Family Residence - 10,000 Square Feet Minimum Required Lot Area) Zone.

**Surrounding Properties**

Surrounding properties are zoned:

North: R-1-10,000 and C-3 (Unlimited Commercial) Zone

South: R-1-10,000

East: R-1-10,000

West: R-1-10,000

**EXISTING LAND USES**

**Subject Property**

The subject property is developed with a single-family residential structure with a carport and shed.

**Surrounding Properties**

Surrounding land uses consist of:

North: Single-family residences, an apartment complex, and vacant land

South: Single-family residences and vacant land

East: Single-family residences and vacant land

West: Single-family residences and vacant land

**SITE DESCRIPTION**

The project site contains an existing 1,637 square foot single-family residence on a 9,500 square foot (0.22 acre) rectangular parcel at the intersection of Old Topanga Canyon Road and

Bonell Drive in unincorporated Los Angeles County in the Malibu Zoned District. The existing single-family residence is located along the north part of the parcel closest to Bonnell Drive. There is a paved, 20 foot wide driveway off of Old Topanga Canyon Road on to the parcel. At the end of the 15-foot long driveway is a 360 square foot two-car carport. Immediately north of the carport is a new, one-story, 166.5-square-foot storage shed. The subject property is enclosed by a five-foot, eight-inch fence. There are two oak trees on the subject property that were encroached upon during the construction of the new fence and shed. The first oak tree is just north of the driveway entrance along Old Topanga Canyon Road and is encroached upon by the new front fence. The second oak tree is located directly south of the new storage shed and is encroached upon by that structure.

#### **ENVIRONMENTAL DETERMINATION**

The project is a continuation of an existing use. The Department of Regional Planning has determined that a Categorical Exemption, Class 1 – Existing Facilities, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements.

#### **LEGAL NOTIFICATION AND PUBLIC OUTREACH**

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, property posting, library posting and the Department of Regional Planning website posting.

#### **PREVIOUS PERMITS ON SUBJECT PROPERTY**

1. Plot Plan 18987: Authorization to build a fence.  
Denied due to inactivity on October 4, 1989.
2. Plot Plan 200501933: Approval in concept of a single-family residence, deck, terrace, swimming pool, shed, and two-car carport.  
Approved November 17, 2005.

#### **STAFF EVALUATION**

##### **General Plan Consistency**

The project site is designated land use category 6- Residential I in the Malibu Land Use Plan of the Los Angeles County General Plan. Residential areas are generally characterized by a grouping of housing units on gently sloping or flat terrain often within established rural communities. The Residential I land use category permits a maximum average residential density of one dwelling unit per acre.

The project requests a retroactive oak tree permit on a parcel that is developed with a single-family residence and is therefore consistent with this land use category.

#### **COMPLIANCE WITH APPLICABLE ZONING STANDARDS**

##### **R-1 Zone**

The subject property is zoned R-1-10,000. Plot Plan 200501933 approved the construction of the single-family home on the subject property. The existing single-family residence, driveway, carport, and storage shed are allowed by-right in the R-1 Zone. However, the construction of the fence and storage shed encroached within the protected zone of two oak trees. The applicant filed an oak tree permit to retroactively comply with rules protecting oak trees.

Approval of the retroactive oak tree permit requiring adherence to conditions for this permit and Forester's conditions dated September 30, 2010 will bring the project into compliance.

#### **Oak Tree Permit**

The oak tree permit process was established to recognize oak trees as significant historical, aesthetic and ecological resources and to create favorable conditions for the preservation and propagation of this unique resource. It is the intent of the oak tree permit to maintain and enhance the general health, safety and welfare by assisting in counteracting the air pollution and in minimizing soil erosion and other related environmental damage. The oak tree permit is also intended to preserve and enhance property values by conserving and adding to the distinctive and unique aesthetic character of many areas of Los Angeles County in which oak trees are indigenous. An oak tree's protected zone is defined as that area within the dripline of an oak tree and extending from to a point at least five feet outside the dripline, or 15 feet from the trunks of a tree, whichever distance is greater. The stated objective of the oak tree permit is to preserve and maintain healthy oak trees in the development process.

Two oak trees were encroached upon during the construction of a new fence and new storage shed on the subject property. The first oak tree, just north of the driveway entrance along Old Topanga Canyon Road, was pruned to accommodate the new front fence. The second oak tree, located directly south of the storage shed, is being encroached upon by that structure. Approval of the retroactive oak tree permit, requiring adherence to the conditions for this permit and the Forester's conditions, will ensure that oak trees will be preserved and maintained in a healthy condition despite the construction of the fence and storage shed within the protected zone of the oak trees.

#### **COUNTY DEPARTMENT COMMENTS & RECOMMENDATIONS**

The County Fire Department was consulted and is of the opinion that the oak tree report, prepared by a certified arborist on March 24, 2010, 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 September 30, 2010.

#### **OAK TREE PERMIT BURDEN OF PROOF**

The applicant is required to substantiate all facts identified by Section 22.56.2100 of the Los Angeles County Code. The burden of proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

#### **PUBLIC COMMENTS**

Staff has not received any comments related to the subject property.

#### **FEES/DEPOSITS**

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

#### **STAFF RECOMMENDATION**

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of project number R2005-03521-(3), Oak Tree Permit 201000027, subject to the attached conditions.

**SUGGESTED APPROVAL MOTION**

I, the Hearing Officer, move that the public hearing be closed and that OAK 201000027 be approved, subject to the attached findings and conditions.

Prepared by Travis Seawards

Reviewed by Mi Kim, Acting Section Head, Zoning Permits West Section

Attachments:

Draft Conditions

Draft Findings

Applicant's burden of proof statement

Site Photographs

Site Plan

MKK:TS

4/1/11

**FINDINGS AND ORDER OF THE HEARING OFFICER  
COUNTY OF LOS ANGELES**

**PROJECT NUMBER R2005-03521-(3)  
OAK TREE PERMIT NUMBER 201000027**

**HEARING DATE: June 7<sup>th</sup>, 2011**

**SYNOPSIS:**

The applicant requests an oak tree permit to retroactively authorize the pruning and encroachment of two oak trees at 1362 Old Topanga Canyon Road, in The Malibu Zoned District of unincorporated Los Angeles County in the Malibu Coastal Zone. The subject property is developed with a single-family residence and accessory structures. Pruning and encroachment into the protected zone of two oak trees occurred on the site during the construction of a new five-foot, eight-inch fence along the subject parcel boundary, and the construction of a new 166.5 square foot shed.

**PROCEEDINGS BEFORE THE HEARING OFFICER:**

Findings:

1. The applicant, Masato Watanabe, is requesting an oak tree permit to retroactively authorize the pruning and encroachment into the protected zone of two (2) oak trees during the construction of a fence and storage shed.
2. The project site is located at 1362 Old Topanga Canyon Road, Topanga, in the unincorporated portion of Los Angeles County, within The Malibu Zoned District.
3. The project site is a 9,500-square-foot (0.22 acre) rectangular parcel at the intersection of Old Topanga Canyon Road and Bonell Drive and is developed with a 1,637-square-foot single-family residence, 360-square-foot two-car carport, and a 166.5 square-foot storage shed.
4. The existing single-family residence, driveway, carport, and storage shed are allowed by-right in the R-1 Zone. The construction of the fence and storage shed encroached within the protected zone of two oak trees. The applicant filed an oak tree permit to retroactively comply with rules protecting oak trees.
5. The oak tree permit process was established to recognize oak trees as significant historical, aesthetic and ecological resources and to create favorable conditions for the preservation and propagation of this unique resource. The intent of the oak tree permit is to maintain and enhance the general health, safety and welfare by assisting in counteracting the air pollution and in minimizing soil erosion and other related environmental damage. Approval of the retroactive oak tree permit, requiring adherence to the conditions for this permit and Forester's conditions will ensure that

- oak trees will be preserved and maintain in healthy condition despite the construction of the fence and storage shed within the protected zone of the oak trees.
6. The subject property is zoned R-1-10,000 (Single-Family Residence - 10,000 Square Feet Minimum Required Lot Area) Zone. Surrounding properties are zoned R-1-10,000 and C-3 (Unlimited Commercial) to the north and R-1-10,000 to the south, east, and west.
  7. Surrounding land uses consist of single-family residences, an apartment complex, and vacant land to the north, and single-family residences and vacant land to the south, east, and west.
  8. Previous zoning history on this subject property includes:
    - Plot Plan 18987: Authorization to build a fence.  
Denied due to inactivity on October 4, 1989.
    - Plot Plan 200501933: Approval in concept of a single-family residence, deck, terrace, swimming pool, shed, and two-car carport.  
Approved November 17, 2005.
  9. The project has been granted a Class 1 Categorical Exemption under CEQA reporting requirements categorized as "Existing Facilities" as the project is a retroactive permit for encroachment into the protected zone by an existing fence and storage shed.
  10. There are no current zoning violations on the property.
  11. The project site is consistent with the designated land use policy. The project site is designated 6 (Residential I) in the Malibu Land Use Plan of the Los Angeles County General Plan. Residential areas are generally characterized by a grouping of housing units on gently sloping or flat terrain often within established rural communities. The Residential I land use category permits a maximum average residential density of one dwelling unit per acre. The project requests a retroactive oak tree permit on a parcel that is developed with a single-family residence.
  12. The subject property is in compliance with the development standards and regulations of the R-1-10,000 Zone.
  13. The County Fire Department and County Forester evaluated the oak tree report, prepared by a certified arborist on March 24, 2010, which 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 conditions letter of September 30, 2010.

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 Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13<sup>th</sup> 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 West Section, Los Angeles County Department of Regional Planning.

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

1. The subject property is consistent with the land use and zoning designation and with the existing community development pattern;
2. The proposed construction of the proposed use will be accomplished without endangering the health of the trees on the subject property; and
3. 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
4. Absent the pruning and encroachment permitted by the attached conditions, the work approved is not contrary to or 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 oak tree permits as set forth in Section 22.56.2100, Title 22, of the Los Angeles County Code (Zoning Ordinance).

**HEARING OFFICER ACTION:**

1. The Hearing Officer finds that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). The project is within a class of projects that has been determined to not have a significant effect on the environment. The project meets the criteria set forth in Section 15301 of the State CEQA Guidelines and Class 1 - Existing Facilities, Categorical Exemption of the County Environmental Document Reporting Procedures and Guidelines, Appendix G.
2. In view of the findings of fact presented above, Oak Tree Permit No. 201000027 is **GRANTED** subject to the filing of the attached affidavit and compliance with the attached conditions.

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

**DRAFT CONDITIONS OF APPROVAL  
DEPARTMENT OF REGIONAL PLANNING  
PROJECT NO. R2005-03521-(2)  
OAK TREE PERMIT NO. 201000027**

**PROJECT DESCRIPTION**

The project authorizes a retroactive oak tree permit to allow the pruning and encroachment into the protected zone of two (2) oak trees, subject to the following conditions of approval:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, 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 Los Angeles County ("County") Department of Regional Planning ("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. 9. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, 8, shall be effective immediately upon final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
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 promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate 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.
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 make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses 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 \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
9. 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. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$300 00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate 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) initial inspection and two (2) subsequent inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or 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 Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

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 ("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 or otherwise determined by County Code Section 22.60.350.
11. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
12. All requirements of Title 22 of the County Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.
13. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.

14. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

15. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **3 copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

#### **OAK TREE PERMIT SPECIFIC CONDITIONS**

16. 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 September 30, 2010 (attached hereto), to the satisfaction of said Division, except as otherwise required by said Division.
17. 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.
18. 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.

#### **PROJECT SITE SPECIFIC CONDITIONS**

19. Any future activities on the subject property that may result in a removal or encroachment into the protected zone of an oak tree on will require additional oak tree permit approval from the Department of Regional Planning.

Attachment: County Forester's Letter, dated September 30, 2010



## OAK TREE PERMIT BURDEN OF PROOF

Please identify the number of oak trees proposed for:

0

Removal

2

Encroachment

3

To Remain

3

Total existing oak trees

Pursuant to Zoning Code Section 22.56.2100, the applicant shall substantiate the following:

*(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)*

A. That the proposed construction or proposed use will be accomplished without endangering the health of the remaining trees subject to Part 16 of Chapter 22.56, if any, on the subject property.

Storage shed will be constructed to avoid mitigate a impacts to the Oak tree on site

B. That the removal or relocation of 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.

No Oak tree will be removed for the project

C. That in addition to the above facts, at least one of the following findings must apply:

1. That the removal of oak tree(s) proposed is necessary as continued existence at present location(s) frustrates the planned improvement or proposed use of the subject property to such an extent that:
  - a. Alternate development plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive, or
  - b. Placement of such tree(s) precludes the reasonable and efficient use of such property for a use otherwise authorized, or
2. That the oak tree(s) proposed for removal or relocation interfere with utility service or streets and highways either within or outside of the subject property and no reasonable alternative to such interference exists other than removal of the tree(s), or
3. That the oak tree(s) proposed for removal, with reference to seriously debilitating disease or other danger of falling, is such that it cannot be remedied through reasonable preservation procedures and practices.
4. That the removal 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.

No Oak tree will be removed  
All construction will be in compliance by the Oak tree permit procedures & requirement



# COUNTY OF LOS ANGELES

## FIRE DEPARTMENT

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

OCT - 5 2010

P. MICHAEL FREEMAN  
FIRE CHIEF  
FORESTER & FIRE WARDEN

R2005-03521

September 30, 2010

Phillip Estes, Principal Regional Planner  
Department of Regional Planning  
Zoning Permits Section  
320 West Temple Street  
Los Angeles, CA 90012

Dear Mr. Estes:

### **OAK TREE PERMIT #2010-00027, 1362 OLD TOPANGA CANYON ROAD, TOPANGA**

We have reviewed the "Request for Oak Tree Permit #2010-00027." The project is located at 1362 Old Topanga Canyon Road in the unincorporated area of Topanga. The Oak Tree Report is 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 Robert W. Wallace, the consulting arborist, dated March 24, 2010.

**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.
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 and two (2) subsequent

#### 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	DUARTE	HUNTINGTON PARK	LAKEWOOD	NORWALK	ROLLING HILLS	SOUTH GATE
BALDWIN PARK	CERRITOS	EL MONTE	INDUSTRY	LANCASTER	PALMDALE	ROLLING HILLS ESTATES	TEMPLE CITY
BELL	CLAREMONT	GARDENA	INGLEWOOD	LAWDALE	PALOS VERDES ESTATES	ROSEMEAD	WALNUT
BELL GARDENS	COMMERCE	GLENORA	IRVINDALE	LOMITA	PARAMOUNT	SAN DIMAS	WEST HOLLYWOOD
BELLFLOWER	COVINA	HAWAIIAN GARDENS	LA CANADA FLINTRIDGE	LYNWOOD	PICO RIVERA	SANTA CLARITA	WESTLAKE VILLAGE
		LA HABRA					WHITTIER

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 chain link 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.

**RETROACTIVE OAK TREE ENCROACHMENT:**

7. This grant acknowledges the past pruning and encroachment within the protected zone of two (2) trees of the Oak genus identified as Tree Numbers 1 and 2 on the applicant's site plan 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 any tree specified above that dies as a result of the past non-permitted encroachment.
11. 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 provided the combined diameter of the two (2) largest stems of such trees measure a minimum of one (1) inch in diameter one (1) foot above the base.
12. Mitigation trees shall consist of indigenous varieties of Quercus agrifolia grown from a local seed source.
13. 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

Phillip Estes, Principal Regional Planner

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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.
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 (818) 890-5758.

Very truly yours,



MICHAEL Y. TAKESHITA, ASSISTANT CHIEF, FORESTRY DIVISION  
PREVENTION SERVICES BUREAU

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Enclosure

