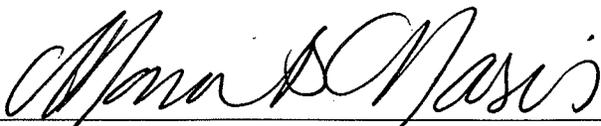


# Hearing Officer Transmittal Checklist

Hearing Date 8/18/2009
Agenda Item Number 7

**Project Number:** R2006-01408-(5)  
**Case(s):** OAK 20060035  
**Contact Person:** Andrew Svitek

Included	NA/None	Document
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Factual
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Property Location Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Staff Report
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Conditions
<input type="checkbox"/>	<input checked="" type="checkbox"/>	DPW Letter
<input checked="" type="checkbox"/>	<input type="checkbox"/>	FD Letter
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other Department's Letter(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Burden Of Proof Statement(s)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental Documentation (IS, MMP, EIR)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Opponent And Proponent Letters
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Photographs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Resolution (ZC Or PA)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ordinance with 8.5 X 11 Map (ZC Or PA)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Aerial (Ortho/Oblique) Image(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Land Use Radius Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan And Elevations
<input type="checkbox"/>	<input type="checkbox"/>	

Reviewed By: 



Los Angeles County Department of Regional Planning  
 320 West Temple Street  
 Los Angeles, California 90012  
 Telephone (213) 974-6443  
**PROJECT NUMBER 2006-01408-(5)**  
**OAK TREE PERMIT NO. 200600035**

<b>PUBLIC HEARING DATE</b> 8/18/2009	<b>AGENDA ITEM</b> 7
<b>RPC CONSENT DATE</b>	<b>CONTINUE TO</b>

<b>APPLICANT</b> Ellen Sun	<b>OWNER</b> Ellen Sun	<b>REPRESENTATIVE</b> Ellen Sun
-------------------------------	---------------------------	------------------------------------

**PROJECT DESCRIPTION**  
 Retroactive Oak Tree Permit for the excessive trimming of 5 oak trees and removal of 1 oak tree.

**REQUIRED ENTITLEMENTS**  
 The removal and/or encroachment on more than 1 oak tree require a public hearing pursuant to Section 22.56.2100, Title 22 of the Los Angeles County Code.

**LOCATION/ADDRESS**  
 3321 Grayburn Rd., unincorporated Pasadena

**SITE DESCRIPTION**  
 Flat rectangular parcel with mature oak trees.

<b>ACCESS</b> Grayburn Road.	<b>ZONED DISTRICT</b> East Pasadena
---------------------------------	--

<b>ASSESSORS PARCEL NUMBER</b> 5754-029-010	<b>COMMUNITY</b> East Pasadena – East San Gabriel
--	--

<b>SIZE</b> 0.17 Acres	<b>COMMUNITY STANDARDS DISTRICT</b> East Pasadena - East San Gabriel CSD
---------------------------	---

	<b>EXISTING LAND USE</b>	<b>EXISTING ZONING</b>
Project Site	Single-family residence	R-1 (Single Family Residential)
North	Single-family residence	R-1 (Single Family Residential)
East	Single-family residence	R-1 (Single Family Residential)
South	Single-family residence	R-1 (Single Family Residential)
West	Single-family residence	R-1 (Single Family Residential)

<b>GENERAL PLAN/COMMUNITY PLAN</b> Los Angeles County General Plan	<b>LAND USE DESIGNATION</b> 1 - Low Density Residential	<b>MAXIMUM DENSITY</b> 1 to 6 du/ac
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**ENVIRONMENTAL DETERMINATION**  
 Class 4 Categorical Exemption- Minor alterations to land, water or vegetation

**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>

**TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS**

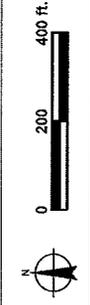
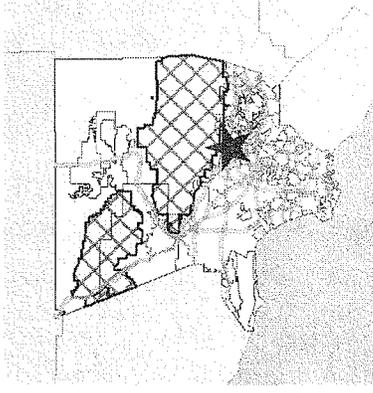
<b>STAFF CONTACT PERSON:</b> Andrew Svitek		
<b>RPC HEARING DATE(S)</b>	<b>RPC ACTION DATE</b>	<b>RPC RECOMMENDATION</b>
<b>MEMBERS VOTING AYE</b>	<b>MEMBERS VOTING NO</b>	<b>MEMBERS ABSTAINING</b>
<b>STAFF RECOMMENDATION (PRIOR TO HEARING):</b>		
<b>SPEAKERS*</b> (O) 0 (F) 0	<b>PETITIONS</b> (O) 0 (F) 0	<b>LETTERS</b> (O) 0 (F) 0

\*(O) = Opponents (F) = In Favor



- Legend**
- Parcel Boundary
  - City
  - Highway
  - Freeway
  - Master Plan of Highways
  - Expressway - (A)
  - Expressway - (B)
  - Local Secondary Highway - (A)
  - Local Secondary Highway - (B)
  - Arterial - (A)
  - Arterial - (B)
  - Major Highway - (A)
  - Major Highway - (B)
  - Minor Highway - (A)
  - Minor Highway - (B)
  - Secondary Highway - (A)
  - Secondary Highway - (B)
  - Existing (P) Proposed
  - Railroad or Rapid Transit
  - Railroad
  - Underground Rapid Transit
  - Significant Right-of-Way
  - Catholic CSD Primary
  - Catholic CSD Secondary
  - SNMNA Significant
  - Census Tract (2000)
  - Assessor Map Book (A/B) Bay
  - Zoning Map Grid
  - City Map Grid
  - Thematic Guide Grid
  - Internal Fire Grid
  - Very High Fire Hazard Severity
  - Community Standards District (CSD)
  - CSD Area Specific Boundary
  - ESHA (Coast Only)
  - Ecological Area
  - Section Line
  - Township and Range
  - Esplanade District (EOD)
  - Transit Oriented District (TOD)
  - Subarea District
  - Zoned District (ZD)
  - Supervisory District Boundary
  - Safety Related Stations (from TB)
  - Fire Station
  - Highway Patrol
  - Range Station
  - Police Station
  - Sheriff Station
  - Inland Waterbody
  - Perennial
  - Intermittent
  - Dry

Note: This is a static legend, which includes only a portion of layers. To get full legend, please use "Display Also Legend" on the top left job or screen.



**STAFF ANALYSIS**  
**PROJECT NUMBER R2006-01408-(5)**  
**OAK TREE PERMIT NUMBER 200600035**

**PROJECT DESCRIPTION**

The applicant, Ellen Sun, is requesting an oak tree permit for the excessive pruning of five (5) oak trees, and the removal of one (1) oak tree in the R-1 (Single-Family Residential) Zone within the East Pasadena Zoned District. Removal of one (1) oak tree was based on its diseased condition, and the pruning of five (5) oak trees was due to the branches being in contact with the roof and concerns raised by the homeowners insurance company about the potential fire hazard.

**REQUIRED ENTITLEMENTS**

An oak tree permit is required. Per Section 22.56.2060 of the County Code a person shall not cut, destroy, remove, relocate, inflict damage or encroach into a protected zone of any tree of the oak genus which is 25 inches or more in circumference (eight inches in diameter) as measured four and one-half feet above the mean natural grade on any lot or parcel of land within the unincorporated area of Los Angeles County unless an oak tree permit is first obtained.

**LOCATION**

The subject property is located at 3321 Grayburn Road, Pasadena. The property is a rectangular shaped parcel and access to the property is from Grayburn Road along the southern portion of the property. The project site is located in East Pasadena Zoned District within the unincorporated community of East Pasadena.

**EXISTING ZONING**

**Subject Property**

The subject property is zoned R-1 (Single Family Residential) and is located within the East Pasadena – E. Sand Gabriel Community Standards District (CSD).

**Surrounding Properties**

The property is surrounded by R-1 (Single Family Residential) in all directions.

**EXISTING LAND USES**

**Subject Property**

The property is developed with a two-story single-family home.

**Surrounding Properties**

Land uses within 500 feet of the subject property consist of single-family residences.

**SITE PLAN DESCRIPTION**

The site plan illustrates an existing single-family dwelling on a 7,000 square foot lot with five (5) oak trees to the south and east of the portion of the property.

**ENVIRONMENTAL DETERMINATION**

The application has been found to qualify for a Class 4 Categorical Exemption under CEQA for minor alterations to land, water or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes.

### **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 DRP website posting.

### **PREVIOUS CASES/ZONING HISTORY**

There were zoning violations regarding the excessive trimming of five (5) oak trees and the unpermitted removal of one (1) oak tree but this was corrected by the oak tree application submitted by the applicant and the enforcement file has been closed by the zoning inspector.

### **STAFF EVALUATION**

#### **General Plan Consistency**

The subject property is located within the Countywide General Plan and has a land use designation of Low Density Residential (1 to 6 du/ac) characterized as single family residences.

The existing single-family dwelling on the subject property is compatible with this land use designation.

#### **Zoning Ordinance and Development Standards Compliance**

The subject property is zoned R-1 (Single Family Residential) and is established for single-family residences, group homes, second units, family childcare homes, and adult residential facilities.

The existing single-family residence meets all requirements of code section 22.20.070.

#### **Neighborhood Impact/Land Use Compatibility**

The property is surrounded by single family residences in all directions. The existing use is compatible with the surrounding neighborhood.

#### **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 analysis indicates that the applicant has satisfied the oak tree permit burden of proof.

### **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS**

**Fire Department** – The Forester has comments for the retroactive and future encroachments of the trees, the comment letter is attached to this report. The Forester's letter dated October 12, 2006, contains conditions that the applicant shall comply with. Staff concurs with the Forester's requirements and mitigations dated October 12, 2006.

### **PUBLIC COMMENTS**

Staff received one call from a nearby resident with questions about the permit application. No comments were received from the public.

**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:

The Los Angeles County's oak tree ordinance is established to recognize oak trees as significant historical, aesthetic and ecological resources, and as one of the most picturesque trees in Los Angeles County, lending beauty and charm to the natural and manmade landscape, enhancing the value of property, and the character of the communities in which they exist; and (b) to create favorable conditions for the preservation and propagation of this unique, threatened plant heritage, particularly those trees which may be classified as heritage oak trees, for the benefit of current and future residents of Los Angeles County.

The applicant's arborist, Cy Carlberg, states in his report that it is likely that all five (5) trees will recover from the excessive trimming and that the one (1) tree that was removed was in a diseased condition and there were adequate grounds for its removal. The pruning that was performed on the oak trees was for clearance purposes and only had a temporary negative impact on the trees.

Staff has reviewed the material submitted by the applicant and researched the applicable code section that relates to the request and finds that the request does not violate any zoning code requirement.

Staff recommends **APPROVAL** of Oak Tree Permit 200600035 subject to the attached conditions.

Prepared by Andrew Svitek, Regional Planning Assistant II  
Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits Section II

Attachments:  
Draft Conditions of Approval  
Applicant's Burden of Proof Statement  
Site Photographs  
Site Plan  
Land Use Map

**[DRAFT] FINDINGS AND ORDER OF THE HEARING OFFICER  
THE COUNTY OF LOS ANGELES**

**PROJECT NUMBER R2006-01408-(5)  
OAK TREE PERMIT NUMBER 200600035**

**REQUEST:**

The applicant, Ellen Sun, is requesting an oak tree permit for the excessive pruning of five (5) oak trees, and the removal of one (1) oak tree for in the R-1 (Single-Family Residential) Zone within the East Pasadena Zoned District. Removal of one (1) oak tree was based on its diseased condition, and the pruning of five (5) oak trees was due to the branches being in contact with the roof and concerns raised by the homeowners insurance company about the potential fire hazard.

**HEARING OFFICER HEARING DATE: August 18, 2009**

August 18, 2009 Hearing Officer  
[to be inserted after the Public Hearing]

**PROCEEDINGS BEFORE THE HEARING OFFICER:**

Findings

1. The subject property is located at 3321 Grayburn Road in the East Pasadena Zoned District. The property is a rectangular shaped parcel. Access to the property is from Grayburn Road along the southern portion of the property. The project site is located in the East Pasadena Zoned District within the unincorporated community of East Pasadena.
2. The applicant, Ellen Sun, is requesting an oak tree permit for the retroactive excessive trimming of five (5) oak trees and the retroactive removal of one (1) oak tree. The applicant was responding to a request by her property insurance company to trim trees surrounding her house to protect the dwelling from fire hazard.
3. The property is located in the East San Gabriel Community Standards District (CSD). The single-family residence is existing and complies with the standards of the CSD. No new construction is being proposed.
4. The subject property is located in an area designed in the General Plan as "Low Density Residential" which is characterized by single family homes. The existing single-family residence is consistent with the Plan designation. No new construction is being proposed.
5. The subject property is zoned R-1 (Single Family Residence) and is established for single-family residences, group homes, second units, family childcare homes, and adult residential facilities. The existing single-family residence meets all requirements of County Code Section 22.20.070. No new construction is being proposed.
6. The property is surrounded by single family residences in all directions. The existing use is compatible with the surrounding neighborhood.

7. 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.
8. The County Forester is of the opinion that the oak tree report prepared by the certified arborist on October 12, 2006 accurately addresses the impacts to the oak resources on the site. The Forester recommends approval of the oak tree permit subject to the conditions provided in the Forester's report dated October 12, 2008.
9. 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 II Section, Los Angeles County Department of Regional Planning.

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

- A. That no new construction is being proposed that would endanger the health of the five oak trees on the subject property that are subject to Part 16 of Title 22 of the Code;
- B. That the retroactive encroachment into the protected zone of five (5) oak trees and the removal of one (1) oak tree will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated; and
- C. That the retroactive encroachment into the protected zone of five (5) oak trees and the proposed removal of one (1) oak tree 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 oak tree permit as set forth in Sections 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) under a Class 4 Categorical Exemption for minor alterations to land, water or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes.
  2. In view of the findings of facts presented above, Oak Tree Permit No. 200600035 is **APPROVED**, subject to the attached conditions.
- c: Zoning Enforcement, Forestry

This grant authorizes an oak tree permit for the retroactive pruning of five (5) oak trees and the removal of one (1) oak tree for in the R-1 (Single-Family Residential) Zone within the East Pasadena Zoned District.

1. This permit shall comply with all Oak Tree Permit conditions, requirements, mitigation trees and non-permitted action and violations contained in County Forester letter dated October 6, 2006 (attached hereto) to the satisfaction of the County Forester, except as otherwise modified or required by the County Forester. 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. 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 October 6, 2006.
3. 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.
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 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.
8. 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.
9. 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.
10. 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.
11. 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 October 6, 2006 (attached hereto), to the satisfaction of said Division. This grant shall only allow for the past trimming and removal of one tree as identified on the site plan map and in the Oak Tree Report.
12. 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.
13. 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 mycorrhizal 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 dated October 6, 2006.



# COUNTY OF LOS ANGELES

## FIRE DEPARTMENT

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

OCT 12 2006

P. MICHAEL FREEMAN  
FIRE CHIEF  
FORESTER & FIRE WARDEN  
October 6, 2006

Karen Simmons, Principal Planner  
Department of Regional Planning  
Zoning Permits II  
320 West Temple Street  
Los Angeles, CA 90012

Dear Ms. Simmons:

### **OAK TREE PERMIT T2006-00035 (PROJECT R2006-01408) 32141 GRAYBURN ROAD, PASADENA**

We have reviewed the "Request for Oak Tree Permit T2006-00035." The project is located at 32141 Grayburn Avenue in an unincorporated area of Malibu. This Oak Tree Permit is required for the past removal and pruning of several Oaks. 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 Cy Carlberg, the consulting arborist, dated January 15, 2006.

### **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 \$500. 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 five (5) monitoring inspections in order to monitor the non-permitted pruning of several Oaks.

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

#### 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	LAWNDALE	PALOS VERDES ESTATES	ROSEMEAD	WALNUT
BELL GARDENS	COMMERCE	GLENORA	IRWINDALE	LOMITA	PARAMOUNT	SAN DIMAS	WEST HOLLYWOOD
BELLFLOWER	COVINA	HAWAIIAN GARDENS	LA CANADA FLINTRIDGE	LYNWOOD	PICO RIVERA	SANTA CLARITA	WESTLAKE VILLAGE
			LA HABRA				WHITTIER

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.
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 location map 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 and conditions of approval.

**PERMITTED OAK TREE REMOVAL AND ENCROACHMENT:**

7. This grant acknowledges the past removal of one (1) tree of the Oak genus (*Quercus agrifolia*) identified as Tree "A" on the applicant's site plan and Oak Tree Report.

This grant acknowledges the past pruning encroachments within the protected zone of five (5) trees of the Oak genus (*Quercus agrifolia*) identified as Tree Numbers 1, 2, 3, 4, and 5 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 (2) 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 pruning.
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; 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.
12. Mitigation trees shall consist of indigenous varieties of *Quercus agrifolia* 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 the past non-permitted pruning encroachments. 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.
19. Utility trenches shall not be routed within the protected zone of an Oak tree unless the serving utility requires such locations.

**Karen Simmons, Principal Planner**

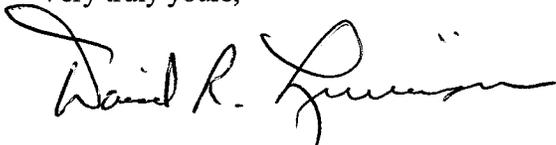
**October 6, 2006**

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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,



DAVID R. LEININGER, CHIEF, FORESTRY DIVISION  
PREVENTION SERVICES BUREAU

DRL:sc

Enclosure

## **Burden of Proof**

Oak Tree Permit Application / 3321 Grayburn Road, Pasadena, CA 91107

This matter is strictly a “after fact” OTP application.

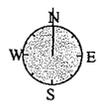
1. Applicant removed an oak tree without permit caused by Farmer’s Insurance Group during the process of obtaining home owner insurance for the newly purchased property.
2. When a letter from Zoning Enforcement Section II of L.A. County DRP, owner was notified to file OTP application.
3. There is NO construction plan, nor remodeling or subdivision what so ever.

The purpose of this application is to put the matter into County due process to decide proper liability of the applicant.

Date: April 26, 2006

Applicant: Ellen Sun

Representative: Jerry Lin



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