



Los Angeles County  
Department of Regional Planning



*Planning for the Challenges Ahead*

November 15, 2010

Richard J. Bruckner  
Director

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Jeff Louie  
3493 Viewfield Ave  
Hacienda Heights, CA 91745

**REGARDING: PROJECT NUMBER R2007-02922-(4)  
Oak Tree Permit 200700047  
3493 Viewfield Avenue, Hacienda Heights**

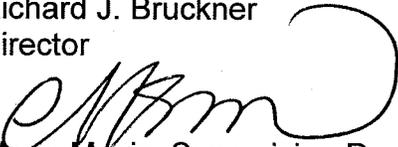
Dear Applicant:

The Regional Planning Commission, by its action of Wednesday, November 10, 2010, **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. 3 requires that the permittee file an affidavit accepting the conditions before the grants becomes effective.

For further information pertaining to these approvals, please contact Diane Aranda at (213)974-6435 or e-mail at [DAranda@planning.lacounty.gov](mailto:DAranda@planning.lacounty.gov) of the Zoning Permits Section II. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

Richard J. Bruckner  
Director

  
Maria Masis, Supervising Regional Planner  
Zoning Permits Section II Section

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

c: BOS; DPW (Building and Safety); Zoning Enforcement, Forestry

MM:da

Hearing Footage: 11/10/2010-Item #9

**FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION  
THE COUNTY OF LOS ANGELES**

**PROJECT NO. R2007-02922-(4)**

**OAK TREE PERMIT NO. 200700047**

**REQUEST:**

The applicant, Jeff Louie, and his agent, Michael Crane of Arbor Care Inc., are requesting an oak tree permit for the removal of 17 mitigation oak trees that were required pursuant to the approval of Oak Tree Permit No. 89-365, which was approved on January 25, 1990. The applicant is requesting to remove the mitigation oaks trees because the trees were damaged due to grading within the protected zone of the oak trees without an oak tree permit to authorize such encroachment as well as due to improper planting.

**REGIONAL PLANNING COMMISSION HEARING DATE: November 10, 2010**

A duly noticed public hearing was held on November 10, 2010 before the Regional Planning Commission. Commissioners Bellamy, Helsley, Valadez, Modugno and Rew were present. The applicant, Jeff Louie, and the applicant's representative, Michael Crane, testified in favor of the proposed project.

The applicant's agent requested the required replacement trees recommended by the County Forester, be reduced from 24 inch boxed specimen to 15 gallon size specimen. There was discussion regarding the applicant's request, and whether it is appropriate for the subject property. The Regional Planning Commission agreed to decrease the size of the replacement trees to 15 gallon size specimens. In addition, an acorn from a locally indigenous species shall also be planted at the same time and within the watering zone of each replacement tree. There being no further testimony, the Regional Planning Commission closed the public hearing, indicated his intent to approve project R2007-02922-(4) with conditions.

**PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:**

Findings

1. The subject property is located at 3493 Viewfield Avenue, Hacienda Heights. The subject property is a rectangular shaped parcel and access to the property is from Viewfield Avenue via along a cul-de-sac. The project site is located in Hacienda Heights zoned district within the unincorporated community of Hacienda Heights.
2. The applicant, Jeff Louie, and his agent, Michael Crane of Arbor Care Inc., are requesting an oak tree permit for the removal of 17 mitigation oak trees in association with oak tree permit 89-365 previously approved on January 25, 1990. The trees that are proposed to be removed are mitigation trees that were planted on the property as a condition of Oak Tree Permit 89-365. There are 12 Coast Live (*Quercus agrifolia*), three Holly Oak (*Quercus ilex*) and two Engelmann Oak (*Quercus engelmannii*) on the north and west portion of the subject property. The current homeowner stated he was unaware of the mitigation status of these trees and graded the rear yard to accommodate a pool and landscaping without first obtaining an oak tree permit to authorize such encroachment.

3. The subject property is located within the Hacienda Heights Community Plan and has a land use designation of N2 - Non-Urban 2-rural or agricultural areas characterized by single family dwellings on one acre or larger parcels with a density of 0.3 to 1.0 dwelling unit per gross acre. Land use within this area consists of mostly single-family dwellings and open space.

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

4. The subject property is zoned A-2-1 (Heavy Agricultural-One Acre Lot Minimum). Zone A-2-1 is established to allow uses such as single-family residences, agricultural uses, animal hospitals, dairies, dog kennels, livestock feed lots, manure spreading and oil wells.

The existing single-family residence on the subject site meets all requirements of code section 22.24.170. No new construction is proposed.

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

6. Pursuant to the provisions of Sections 22.56.2130 of the County Code, the community was appropriately notified of the public hearing by newspaper and DRP website.

7. The County Forester is of the opinion that the oak tree report prepared by the certified arborist on August 7, 2007 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 May 28, 2009.

8. Pursuant to the oak tree report, dated August 7, 2007, which was reviewed and approved by the County Forester, the mitigation trees were improperly planted and most of them show signs of canker rot infection.

9. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act (CEQA) and the environmental guidelines and reporting procedures of the County of Los Angeles. Based on the Initial Study, the Department of Regional Planning prepared a Negative Declaration for this project. The Initial Study concludes that the project design and/or suggested conditions ensure that there are no significant impacts from the project. A draft version of the Initial Study was circulated to all stakeholder agencies for comments for a period of at least 30 days. Comments were received from the County Fire Department's Forestry Division and incorporated into the final document.

10. The removal of the 17 oak trees will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated because the subject trees are located on a leveled and properly graded area with existing vegetation to ensure proper site drainage without erosion.

11. The condition of the 17 oak trees proposed for removal, with reference to seriously debilitating disease or danger or falling, is such that it cannot be remedied through reasonable preservation procedures and practices due to the oak trees, which were planted as mitigation

trees, being improperly planted such that they are suffering from canker rot infection and are not healthy.

12. The removal of the 17 oak trees will not conflict with the intent of the oak tree permit procedure given that the oaks were improperly planted and are not thriving. The oak trees were also located on the property in such a manner as to preclude the efficient use of the lot. The replacement oaks can be planted on-site in a proper manner and appropriate configuration to preserve and restore the oak resource consistent with the intent of the Oak Tree Ordinance to protect and enhance this resource in the County.
13. The Commission deemed it appropriate to reduce the County Forester's recommended size of the replacement trees from 24 inch boxed specimen to 15 gallon size specimens. In addition, an acorn from a locally indigenous species shall also be planted at the same time and within the watering zone of each replacement tree.
14. 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, 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 REGIONAL PLANNING COMMISSION CONCLUDES:

- A. 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; and
- B. That in addition to the above facts, at least one of the following findings apply:
  1. That the removal or relocation of the 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. That the condition of the oak tree(s) proposed for removal with reference to seriously debilitating disease or danger or falling is such that it cannot be remedied through reasonable preservation procedures and practices; and
- C. 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.

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.

REGIONAL PLANNING COMMISSION ACTION:

1. The Regional Planning Commission has reviewed and considered the Negative Declaration for this project and concludes that it reflects the independent judgment of the Commission and finds that based on the record before the Commission there is no substantial evidence that the project will have a significant impact on the environment.

Therefore, the Commission adopts the Negative Declaration (Environmental Assessment Case No. 201000023).

2. In view of the findings of fact and conclusions presented above, Oak Tree Permit 200700047 is APPROVED subject to the attached conditions.

c: Each Commissioner, Zoning Enforcement, Building and Safety

**VOTE: 5-0**

Concurring: Valdez, Bellamy, Helsley, Rew and Mudugno

Dissenting:

Abstaining:

Absent:

Action Date:

This grant authorizes the removal of 17 mitigation oak trees that were required pursuant to the approval of Oak Tree Permit No. 89-365, which was approved on January 25, 1990. The mitigation oak trees were damaged as a result of grading within the protected zone of the trees for a swimming pool and landscaping without prior approval of an oak tree permit to allow for such encroachment and as a result of improper planting. The property is developed with a two-story single family residence located at 3493 Viewfield Avenue in the A-2-1 (Heavy Agricultural-One Acre Lot Minimum) zone in the Hacienda Heights Zoned District subject to the following conditions:

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 property involved (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 fees have been paid pursuant Condition Nos. 8 and 16 and all fees required pursuant to the County Forester's letter dated May 28, 2009, which is attached and incorporated herein by this reference. Notwithstanding the foregoing, this condition (No. 2) and Condition Nos. 4, 5, 6, 8, and 16 shall be effective immediately upon final approval of this grant by the County. The date of final approval is the date the County's action becomes effective pursuant to Section 22.60.260.
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 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.
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 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 Regional Planning'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 or expenses shall be billed and deducted:
  - a. 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 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. 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.
6. This grant shall expire unless used within two (2) years from the date of final approval of the grant by the County. A single, one-year time extension may be requested in writing and with payment of the applicable fee 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. 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 of Los Angeles the sum of \$200.00.** 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) inspection. Inspections shall be unannounced and may be coordinated with the County Forester.

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.

8. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
9. All requirements of the Zoning Ordinance and of the specific zoning of the subject property shall be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.
10. 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 May 28, 2009, which is attached hereto and incorporated by this reference as if set forth fully herein, to the satisfaction of said Division, except as otherwise required by said Division, except as otherwise required by said Division, and except for the Forester's recommendation #11. This grant shall allow each mitigation tree to be at least a 15 gallon size specimen and measure at least one inch in diameter one foot above the base. In addition, an acorn from a locally indigenous species shall also be planted at the same time and within the watering zone of each replacement tree.

11. The permittee shall install temporary chainlink fencing, not less than four 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 from 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.
12. Where grading or any other similar activity is specifically approved within the protected zone, the applicant shall provide an individual with special expertise acceptable to the director to supervise all excavation or grading proposed within the protected zones and to further supervise, monitor and certify to the county forester and fire warden the implementation of all conditions imposed in connection with the applicant's oak tree permit.
13. Any excavation or grading allowed within the protected zone or within 15 feet of the trunk of a tree, whichever distance is greater, is limited to hand tools or small hand-power equipment.
14. The trees on other portions of the subject property not included within the site plan also must be protected with chain link fencing thus restricting storage, machinery storage or access during construction.
15. 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.
16. Within 3 days of the date of final approval of this grant, the permittee shall remit processing fees payable to the county of Los Angeles in connection with the filing and posting of a Notice of Determination (NOD) for this project and its entitlements in compliance with Section 21152 of the California Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Game pursuant to Section 711.4 of the California Fish and Game Code, the permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in Section 711.4 of the Fish and Game Code (currently, \$2085.25 (\$2,010.25 for a Negative Declaration plus \$75.00 processing fee). No land use project subject to this requirement is final, vested, or operative unless the fee is paid.

Attachment: County Forester's Letter dated May 28, 2009