



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

November 4, 2010

TO: Wayne Rew, Chair  
Pat Modugno, Vice-Chair  
Leslie G. Bellamy, Commissioner  
Esther L. Valadez, Commissioner  
Harold V. Helsley, Commissioner

FROM: Maria Masis   
Section Head, Zoning Permits II

SUBJECT: Project Number: R2007-02922-(4)  
Case: Oak Tree Permit No. 200700082  
RPC Meeting: November 10, 2010 Public Hearing  
Agenda Item: 9

Please find the attached revised staff report, draft findings and conditions. These documents supersede the documents that were part of the public hearing package previously submitted.

Should you have any questions regarding the attachments or this case prior to the public hearing, please contact the case planner Diane Aranda at (213) 974-6435 or via e-mail at [daranda@planning.lacounty.gov](mailto:daranda@planning.lacounty.gov).

MM:DA

**STAFF ANALYSIS**  
**PROJECT NUMBER R2007-02922-(4)**  
**OAK TREE PERMIT NUMBER 200700047**

**PROJECT DESCRIPTION**

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 required by 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 that authorized the removal of 19 oak trees from a total of 36 in association with tract map no. 39961 for the creation of 20 single-family lots on 26.26 acres. There are 12 Coast Live Oaks (*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 has stated he was unaware of the mitigation status of these trees and graded the rear yard to accommodate a pool and landscaping. The applicant is requesting to remove the 17 mitigation oak trees because the trees are damaged due to grading within the protected zone without an oak tree permit to allow for such encroachment and due to improper planting.

**REQUIRED ENTITLEMENTS**

An oak tree permit is required for the removal of oak trees. 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) 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 3493 Viewfield Avenue, Hacienda Heights. The property is a rectangular shaped parcel and access to the property is from Viewfield Avenue along a cul-de-sac. The project site is located in the Hacienda Heights Zoned District within the unincorporated community of Hacienda Heights.

**EXISTING ZONING**

**Subject Property**

The subject property is zoned A-2-1 (Heavy Agricultural-One Acre Lot Minimum).

**Surrounding Properties**

The property is surrounded by A-1-1 (Light Agricultural-One Acre Lot Minimum) to the north, A-2-1 (Heavy Agricultural-One Acre Lot Minimum) to the east and west and the city of Whittier to the south.

**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 and open space.

### **SITE PLAN DESCRIPTION**

The site plan depicts a 1.4 acre lot with a two-story, 7,082 square foot single-family dwelling to the east and 17 oak trees on the north and west portions of the subject property.

### **ENVIRONMENTAL DETERMINATION**

The Department of Regional Planning has determined that a Negative Declaration is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements. The Initial Study concluded that there is no evidence the project may have a significant effect on the environment.

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

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

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

Oak tree permit 89-365 authorized the removal of 19 oak trees from a total of 36 on 26.26 acres to construct 20 single-family lots. The grant was approved on January 25, 1990. Exhibit A approved on February 12, 1990 illustrates that 19 mitigation 15-gallon Coast Live oak trees were to be planted on parcel 8291-047-028 and 19 were to be planted on parcel 8291-047-025, for a total of 38 mitigation oak trees. An initial study was prepared for 89-365 in compliance with the State CEQA Guidelines and environmental reporting procedures of the County of Los Angeles. The Initial Study concluded that there was no evidence the project would have a significant effect on the environment and a negative declaration was adopted.

Tract Map 39961 was filed on May 10, 1989 with the County Recorder to create the lots.

### **STAFF EVALUATION**

#### **General Plan Consistency**

#### **Hacienda Heights Community Plan**

The subject property is located within the Hacienda Heights Community Plan and has a land use designation of N2 - Non-Urban 2. The land use designation is for 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, and the grading necessitating the removal of the oak trees to accommodate accessory uses is compatible with the single-family use on the property.

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

The subject property is zoned A-2-1 (Heavy Agricultural-One Acre Lot Minimum).

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

**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. Staff analysis indicates that the applicant has satisfied the oak tree permit burden of proof. The Burden of Proof with applicant's responses is attached.

**COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS**

**Fire Department**

The County Forester provided comments in a letter dated May 28, 2009 (letter attached with conditions). The Forester conditioned the applicant to plant 34 24-inch boxed specimen oak trees as mitigation Oak genus trees, which is a rate of two to one (2:1) to replace the 17 oak trees being removed. The applicant will have one year to plant the mitigation trees and the County Forester will approve the placement of the trees on site. The letter also states that, alternatively, the applicant may contribute to the County Los Angeles Oak Forest Special Fund in the amount equivalent to the Oak resource loss as calculated by the consulting arborist and approved by the County Forester according to the most current edition of the International Society of Arboriculture "Guide for Plant Appraisal".

**PUBLIC COMMENTS**

Staff has not received any comments.

**FEES/DEPOSITS**

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

**STAFF RECOMMENDATION**

The Los Angeles County's oak tree ordinance was 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. The ordinance was also established 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, Michael Crane, states in his report that the mitigation trees were improperly planted extremely close together and most of them are stunted and show signs of canker rot infection. The arborist recommends the trees be removed and mitigation should be done by either replacing the trees or by payment to the County of Los Angeles Oak Tree Fund in the amount of \$2,800, which is the appraised value of the subject trees.

Staff discussed with the County Forester concerns regarding lot size and whether the property has the appropriate area to plant 34 oak trees. Staff asked the Forester if it would be possible to allow the option for the applicant to plant 17 mitigation oak trees on the property, and contribute

half of the appraised value of the subject trees to the County of Los Angeles Oak Tree Fund. The Forester said that they would rather have the mitigation trees planted on-site and that there is enough space on the Northern slope to provide stability for the trees.

Staff agrees with the County Forester's recommendations. 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.

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:

**SUGGESTED APPROVAL MOTIONS**

I move that the public hearing be closed and the Regional Planning Commission adopt the Negative Declaration associated with Oak Tree Permit 200700047.

I move that the Regional Planning Commission approve Oak Tree Permit Number 200700047-(4) with the attached findings and conditions.

Prepared by Diane Aranda, RPA II, Zoning Permits II  
Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits Section II

- Attachments:
- Draft Conditions of Approval
  - Draft Findings of Approval
  - Applicant's Burden of Proof statement
  - Environmental Document
  - Site Photographs
  - Site Plan
  - Land Use Map

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**

**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 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-(4) is APPROVED subject to the attached conditions.
- c: Each Commissioner, Zoning Enforcement, Building and Safety

VOTE:

Concurring:

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 17 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 17 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. 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 May 28, 2009 (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.
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 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 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.
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. 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.
8. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. 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.
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 shall be complied with unless otherwise modified as set forth in these conditions or as 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 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.

12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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