



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

March 1, 2011

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Larry Mar
Land Design Consultants, Inc.
199 S. Los Robles Ave., Suite 250
Pasadena, CA 91101

**REGARDING: PROJECT NUMBER R2008-00433 – (5)
CASE: OAK TREE PERMIT NO. 201000028**

Dear Applicant:

The Hearing Officer, Paul McCarthy, by his action on March 1, 2011, **APPROVED** the above described project and entitlement. The attached documents contain the Hearing Officer's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 6 requires that the permittee file an affidavit accepting the conditions before the grant becomes effective.

The applicant or/and other interested person may appeal the Hearing Officer's decision to the Regional Planning Commission at the office of the Commission secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission secretary for the amount of the appeal fee at (213) 974-6409. The **appeal period for the project will end at 5:00 p.m. on March 15, 2011.** Any appeal must be delivered in person to the commission secretary by this time. If no appeal is filed during the specific period, the Hearing Officer's action is final.

Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** this form and any other required fees or materials to the planner assigned to your case. Please **make an appointment** with the case planner to assure that processing will be completed expeditiously.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Steve Mar of my staff at (213) 974-6461 or email at smar@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner
Director


Maria Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)
c: DPW (Building and Safety); Zoning Enforcement, Larry Mar

RJB:MM:sm.

HEARING OFFICER'S FINDINGS AND ORDER:

PROJECT NO. R2008-00433-(5)

OAK TREE PERMIT NO. 201000028

HEARING DATE: March 1, 2011

SYNOPSIS:

The applicants, Dori Levanoni and Sacha Malin, are requesting an oak tree permit for the encroachment into the protected zones of four oak trees (two mature trees and two immature trees) in association with the demolition of an existing single-family residence and the construction of a new hillside single-family residence located in the R-1-20000 (Single Family Residence – 20,000 sq. ft. Minimum Required Area) Zone within the Altadena Zoned District. RPP 201000808 is for the proposed construction of the single family dwelling and is pending on approval of this subject oak tree permit.

PROCEEDINGS BEFORE THE HEARING OFFICER:

A duly noticed public hearing was held on March 1, 2011 before the Hearing Officer. The applicants' representative, Christine Cuba, testified in favor of the proposed project. There being no further testimony, the Hearing Officer closed the public hearing, indicated his intent to approve project R2008-00433-(5) with conditions.

Findings

1. The subject property is located at Pinecrest Drive, in the unincorporated community of Altadena. The property is a rectangular shaped flag lot parcel with access from a driveway via Pinecrest Drive. The project site is located in the Altadena Zoned District within the unincorporated community of Altadena.
2. The applicants, Dori Levanoni and Sacha Malin, are requesting an oak tree permit for the encroachment into the protected zones of four oak trees in association with the demolition of an existing single-family residence and the construction of a new hillside single-family residence located in the R-1-20000 (Single-family Residence – 20,000 sq. ft. Minimum Required Area) Zone within the Altadena Zoned District. RPP 201000808 is an application for the construction of a new single family dwelling and is pending approval of this subject oak tree permit.
3. The subject property is located within the Altadena Community Plan and has a land use designation of 2 - Low Density Residential (1 to 6 du/ac) characterized as areas with common suburban tract residential development. The purpose of this category is to maintain existing single-family neighborhoods.
4. The proposed single-family dwelling on the subject property is compatible with this land use designation and is compatible with the existing residential uses within the surrounding community.
5. The subject property is zoned R-1-20000 (Single-family Residence – 20,000 sq. ft. Minimum Required Area) and is established for single-family residences, group homes, second units, family childcare homes, and adult residential facilities.

6. The proposed single-family residence will meet all requirements of code sections 22.20.105, 22.20.110 and 22.20.120.
7. The property is surrounded by single family residences in all directions. The proposed use is compatible with the surrounding neighborhood.
8. 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.
9. Ordinance No. 5541 adopted on May 9, 1950 established the R-1-20000 zone on the property and a Certificate of Compliance was recorded for the property on June 27, 2008.
10. The Department of Regional Planning has determined that a Categorical Exemption, Class 4- Minor Alterations to Land, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements.
11. The County Forester is of the opinion that the oak tree report prepared by the certified arborist on July 14, 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 provided in the Forester's report dated August 16, 2010.
12. The Hearing Officer finds that, the proposed construction of proposed use will be accomplished without endangering the health of the remaining trees subject to this Part 16, if any, on the subject property.
13. 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, 13th 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 East Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed construction will be accomplished without endangering the health of the four oak trees on the subject property that are subject to Part 16 of Title 22 of the County Code;
- B. That the proposed encroachment into the protected zone of four oak trees will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated; and
- C. That the proposed encroachment into the protected zone of four oak trees 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). The project is within a class of projects, which have been determined not to have a significant effect on the environment in that it meets the criteria set forth in Section 15303 of the State CEQA Guidelines and Class 4 - Minor Alterations to Land, Categorical Exemption of the County Environmental Document Reporting Procedures and Guidelines, Appendix G.
 2. In view of the findings of facts presented above, Oak Tree Permit No. R201000028 is **APPROVED**, subject to the attached conditions.
- c: Zoning Enforcement, Building and Safety, Forestry

MM: SM
3/1/2011

This grant authorizes an Oak Tree Permit for the encroachment into the protected zone of four oak trees associated with Plot Plan 201000808 located at 2115 Pinecrest Drive, in the Altadena Zoned District subject to the following conditions:

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 August 16, 2010 (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. This grant shall only allow for the encroachment within the protected zone of the Oak Genus identified as Tree Numbers 1, 2, 3, and 4 on the applicant's site plan map and Oak Tree Report.
2. This permit SHALL NOT be effective until the plot plan is approved for the demolition of an existing single-family residence and the construction of a new hillside single-family residence, demonstrating the need to encroach upon said trees
3. This grant shall not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant, and until all required fees have been paid pursuant to the attached County Forester's letter dated August 16, 2010.
4. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
5. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
6. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein. The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

7. This grant shall expire unless used within two (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.
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 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 must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
10. 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.

11. **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 three (3) 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.
12. 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.

13. 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, and conditions of approval.
14. The trees on other portions of the subject property not included within the site plan must be protected with chain link fencing thus restricting storage, machinery storage or access during construction.
15. Where grading or any other similar activity is specifically approved within the protected zone, the permittee 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 permittee's oak tree permit.
16. 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. Any major roots encountered shall be conserved to the extent possible and treated as recommended by the consulting arborist. This grant also permits corrective pruning and clearance pruning for this project under the supervision of the retained arborist.
17. Topography and drainage patterns around oak trees to remain shall not be altered in a manner which causes water to pond around the base of the tree(s).
18. 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 by a qualified Certified Arborist or Certified Tree Worker. 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. Prior to pruning any branches over two-inches in diameter, the landscape contractor shall meet on-site with the permittee's oak tree consultant to receive direction on the pruning cuts to be made. In no case shall more than 20% of the tree canopy of any one tree be removed.
19. Root-pruning within the protected zones of the subject oaks shall be reduced to the minimum amount that is absolutely necessary. All roots pruned shall consist of clean, 90°-angle cuts, utilizing sharp hand tools and shall not be sealed unless directed by the County Forester.
20. The ivy growing around Tree #1 and #2 shall be completely removed.
21. A layer of organic, fine-medium wood mulch with a depth of 2-3 inches shall be placed under the driplines of Trees #1 and #2. Keep mulch at least six inches away from base of trunks. Thereafter, allow natural leaf litter to accumulate around the trunks of all preserved oak trees.

22. No planting or irrigation system shall be installed within the dripline of any Oak tree that will be retained.
23. Utility trenches shall not be routed within the protected zone of an Oak tree unless the serving utility requires such locations.
24. 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.
25. Except as otherwise expressly authorized by this grant, the 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.
26. 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 approved encroachments. Mitigation trees shall consist of indigenous varieties of Quercus agrifolia or Quercus engelmannii grown from a local seed source.
27. Each mitigation tree shall be at least a 15-gallon specimen in size and measure on (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 (1) inch in diameter one (1) foot above the base.
28. Mitigation trees shall be planted within one (1) year of the inadvertent destruction of any oak tree. 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."
29. 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.
30. 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.
31. 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 and shall be performed to the satisfaction of the County Forester.

32. The new perimeter wall and/or fence and fence posts shall be placed in such a manner to accommodate the roots and trunks of the oak trees nearby. Space required between the fence and tree trunks and canopies will vary dependent on the age of the tree, the lean of the trunk(s), and location of any lateral branches that may come in contact with the fence. The arborist shall make this determination upon review of the new fence/post plan. Holes for the fence posts shall be hand-dug and shall be moved as needed to avoid severing roots greater than 2" in diameter.
33. The easterly property line fence shall be designed to accommodate for future growth of Tree #3. The fence should be annually inspected by the property owner to insure that the gap is sufficient for unobstructed trunk growth. The fencing materials should be designed so that the closest segments may be moved to allow for unobstructed growth. The fencing materials should be designed so that the closest segments may be moved to allow for unobstructed growth.
34. The project arborist shall review and approve plans for new landscaping and irrigation, and the construction drawing for grading and drainage improvements to insure that they are in substantial compliance with the nature of the impacts described in the Oak Tree Evaluation & Impact Report.
35. Within 10 working days of completion of the work approved under this permit, the oak tree consultant shall provide a project certification letter to the County Forester. The permittee shall be responsible for notifying and coordinating all conditions with the County and the project's oak tree consultant.
36. 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.
37. Post-construction, the permittee shall annually monitor the subject oak trees for a minimum of three years and shall provide annual reports to the County Forester and to the Department of Regional Planning.
38. 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.
39. 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.

Attachment:

County Forester's Letter, August 16, 2010