



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

September 29, 2011

TO: Pat Modugno, Chair
Esther L. Valadez, Vice Chair
David W. Louie, Commissioner
Harold V. Helsley, Commissioner
Curt Pedersen, Commissioner

FROM: Rudy Silvas *RS*
Principal Regional Planning Assistant *RS*
Zoning Permits West

SUBJECT: Continued Public Hearing Materials
Project Number R2009-01295-(3)
Oak Tree Permit No. 201000012
Environmental Assessment No. 201000020
RPC Meeting: October 5, 2011
Agenda Item: 6
Supplemental Information

The updated Findings and Conditions, revised Mitigated Negative Declaration page, and an aerial graphic of the project area and surrounding vicinity depicting a new trail proposal, are attached to this memo for your information and consideration. The Findings have been updated with responses from County Public Works, County Fire's Forestry Division, and State Parks to questions brought up by your Commission at the August 24, 2011 Public Hearing. Proceedings before the Commission have also been prepared and are presented in the updated Findings. The Findings contain responses from State Parks with regards to proposed trails in the project area and surrounding area, County Forestry Division's response to modifying their Condition No. 14 in their letter dated September 9, 2010 for two years maintenance on replacement oaks, and responses from County Public Works to questions on the requirements for detention basins in the project area. In addition, the updated Conditions contain a clear definition of the "permittee" as it pertains to this project and the required Affidavit pending the project is approved, and also defines the responsibilities of the "permittee". The meeting agenda and all materials will be posted on the Department of Regional Planning's website at:

http://planning.lacounty.gov/view/regional_planning_commission_meeting_2011-10-05/.

ST:RS

DRAFT FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION, COUNTY OF LOS ANGELES

PROJECT NO. R2009-01295-(3)

**OAK TREE PERMIT NO. 20100012; PLOT PLAN NO. 201100223;
ENVIRONMENTAL ASSESSMENT NO. 20100020**

REQUEST

The applicant requests an Oak Tree Permit to remove four oak trees and encroach into the protected zone of fifty-one (51) oak trees, with pruning of limbs greater than two inches in diameter of an additional five oaks, required under Los Angeles "County" Code Section 22.56.2050, with the Burden of Proof under Section 22.56.2100 to be satisfied, in order to widen an access road (April Road) to site per County Fire Department requirements, and for placement of a new Edison conduit beneath a section of the access road. The applicant also requests Site Plan review and approval pursuant to County Code Section 22.56.1670, for proposed construction of new residence, detached guest house and swimming pool. A new stream culvert and footbridge will require a separate California Department of Fish and Game 1602 Permit (Streambed Alteration Agreement), and a U.S. Army Corp of Engineers 404 Permit. The four oaks to be removed are located on State Parks land. The subject site is located in the A-1-20 zone (Light Agricultural - 20 Acres Minimum Required Lot Area), with OS zone (Open Space) over access road entrance near Mulholland Highway. The County is requested by the project proponents to vacate the April Road entrance from Mulholland Highway, which will be acquired by the State. An encroachment permit for work on April Road entrance must be secured by applicant from County Public Works, if work begins prior to vacation.

REGIONAL PLANNING COMMISSION HEARING DATE: AUGUST 24, 2011

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION

A duly noticed public hearing was held on August 24, 2011 before the Regional Planning Commission. Staff gave a presentation recommending approval for the Oak Tree Permit application to allow the removal of four (4) oak trees, including one (1) heritage oak, and the encroachment of up to fifty-one (51) oaks for the proposed road widening and Edison conduit installation.

During the presentation, Staff stated that State Parks was still interested in trying to save Oaks No. 19, 20 and 21 and was attempting to see if the County Fire Department would allow crimping of the access road improvements to less than fifteen (15) feet. Staff reported that a representative from State Parks would address the Commission on this issue.

Following the presentation, the Commission had several questions for Staff regarding the placement of trailheads, and on Udell Motorway which is an old fire access road used for hiking and horseback riding trails. The Commission stated the Udell Motorway extension could provide an opportunity for a trailhead which could be used by the public for hiking and equestrian purposes. The Commission questioned the size of oak tree replacements and why they could not be larger. Staff responded that according to Department biologists, smaller trees would have a better survival rate but that the County Fire/Forestry Division Staff were available to better answer this question. The Commission questioned maintenance of trees in relation to the road, and also questioned who would maintain the footbridge? The Commission also commented on the access road and asked the Commission's Fire Representative about clearance for Fire trucks to traverse the access road and the road widening issue. The Fire Representative responded that the access road would be required to be twenty (20) feet wide, with the exception of no less than fifteen (15) feet wide in the section near the three oaks to be removed, and that a thirteen (13) feet – six (6) inch vertical clearance must be maintained at all times, but was not clear on whether the applicant or State Parks would be responsible for maintenance. The Fire Rep also stated that the Fire Department does go out and conduct annual inspections for brush clearance and for vertical clearance above the road. The Commission expressed concern that as vehicles approach the fifteen-foot wide section that there should be a warning sign or some indication that the twenty-foot wide road is about to narrow to fifteen-feet. The Fire Representative reiterates the concern for the line of site on the access road and will limit road narrowing to fifteen (15) feet only.

The Commission also questioned the placement of the waterline for the private residence. Staff was not clear on the full extent of waterline improvements that will be required by Las Virgenes Municipal Water District. The Commission expressed concern about service lines across property lines. Staff responded that the applicant could better answer the question of the water lines.

The Commission also questioned an easement for use of the riding facility across the neighboring property to the north. Staff responded that the applicant would be more well versed in answering that question. The Commission asked if Parks and Recreation had commented on establishing a trailhead, and also expressed concern that State Parks would not likely want to have a trailhead due to State Parks financial situation, no funds available to finance or maintain such a trailhead. Staff responded that County Parks and Recreation had no comments on trail issues, even though they were consulted with a full CEQA consultation package. Staff also stated that State Parks had no comments on trail issues when consulted.

Ms. Marny Randall, the applicant and representative for the owners of the private property testified. Regarding the easement question from the Commission, she confirmed an easement over State Park's property serving the lower existing building site in the southwest corner of private property where the existing house is to be

removed, and that an easement over private property to the north allows her clients access to the equestrian facility. The applicant stated they have worked with State Parks to plan the placement of a footbridge over the existing drainage channel to allow hiking access from State Parks property to the area trail system, instead of having them go up the driveway which can be unsafe due to vehicle traffic. The applicant states that access to the trail system will be from State Park's land. Applicant states that State Parks is still asking the Fire Department for reduced road width to save three of the four oak trees, but to move the driveway in the opposite direction from the three younger oak trees attempting to be saved would put the road in the stream and that needs to be avoided. The applicant states that the size of replacement trees can be addressed by the County Forestry Division. Applicant states that the waterline is already in, a ten (10) inch waterline installed by the previous property owner who was a public utility contractor and placed it in for Las Virgenes Municipal Water District (LVMWD). Proposed undergrounding for electrical Edison conduit would just be along the building side, removing only four or five poles. These are the lines visible from the building site. This would not have an effect on the power supply to the property to north. The conduit has to be installed first before removal of poles takes place.

The applicant stated that there is a potential issue with an Affidavit that needs to be signed which would indemnify the County; however the State does not indemnify other agencies. The applicant stated the need to do the testimony at the hearing to get the Commission's input, and to do a continuance so that the Affidavit can be properly structured. Working with the State, the applicant's clients will be doing restoration. Trees will be coming off the State property and replacement trees will be going on to the State property, restoration of the drainage channel will be done where it was filled in by the previous property owner. Vegetation removal of exotics and replanting of natives where grading will occur will be done. Access road has been in existence for 60 years, house above clients' property has been in existence for 60 years. The access driveway must be widened to meet the Fire Department's requirements.

The Commission stated there is a lot of accommodation being granted in relation to the oak tree permit (modification), yet nothing in relation to the public benefit; in relation to the topic raised on trails (trailhead) to enhance the public's use, in particular for the Udell trail, although that would not be the only trail available for the public's use. The applicant responded that they have talked with State Parks and they would like the trail to take off from the driveway lower down, not continue up driveway. From clients' driveway it would have to continue up the property to get to the old Udell Fire Road, and there is no room for the trail next to the access driveway for this. It seemed a better solution to have the footbridge to create a path for people to walk over. People already use an existing earthen bridge to cross the stream which leads to a connection to the public trail system that comes off of State Park property. The applicant's client would make the improvement of providing a new foot bridge. The Commission questioned if it goes on to the access roadway (pathway). Applicant responded that it does not, from the bridge it goes up into the trail system. The Commission questioned how it goes up

to the Udell Trail, how does it connect? The applicant responded that she did not know, but believed it would have to go up and loop back towards the Phantom Trail, which connects to the Udell Trail. Staff displayed a map for assistance. The Commission asked for information to be brought back clarifying trails on site, and where trail from footbridge connects to Udell Trail.

Suzanne Goode from State Parks began her testimony. She stated that she has been working with Ms. Randal the applicant for over a year, believed that the applicant's proposal is a good project, that they have proposed things that they welcome such as removal of exotic vegetation (i.e. Eucalyptus trees), trash removal just inside entrance from Mulholland Highway, and have agreed to replace an earthen covered culvert on the creek with a new footbridge to allow access for the public to the old fire road trails on the site. The State does not support a trailhead on State Parks property at this location. There is a greenhouse facility there that they have concerns for from vandalism. There is a trail head a short distance away at Reagan Ranch at the intersection of Cornel Road and Mulholland Highway. State Parks has considered rerouting the Yearling Trail which goes through the Reagan Ranch area and which could be made to have a connector to the entrance at April Ranch Road. Due to an apex at the entrance from Mulholland Highway which impairs visual capability, the State does not want to have the public parking vehicles inside, but they do welcome bikers and hikers. The Applicant will leave an opening for them in their gate, which will be a positive feature to keep out illegal trash dumpers on the site. Access from Reagan Ranch to the site would be possible for riders and hikers. State Parks expects to maintain the footbridge once installed. The applicant has a sixty-four (64) foot wide easement on April Road through the State Park property. The easement language does allow them to work outside of the easement on State Park land for any work that is required to widen or maintain the access road. The three oak trees that are to be removed, where the access road has also been allowed to narrow down to fifteen (15) feet, are very close together, within 30 to 40 feet of each other, so it is a very short stretch of road that is requested to be fifteen feet. State Parks states that these trees are just inside the applicant's easement, or they just fit the definition of being outside the easement. It is recognized that the applicant has the right, per the easement language, to remove the trees for road improvement purposes. However; not attempting to obstruct this permit, State Parks requested the County to consider a road width more narrow than fifteen (15) feet for this stretch. There is ample visibility to the north and to the south along the road from this location. There are wide areas, such as where the State Parks residences are located which has a parking area, and to the north of the trees where it widens out and comes close to the intersection where the road goes off to the house on private property that is to be removed. State Parks would like the County to consider reducing the road along this 40 to 50 foot stretch down to twelve (12) feet in order to save the three oaks. It is unlikely that two fire trucks would ever pass each other in this area with only two residences located here. State Parks does not want the road moved closer to the creek, they would rather lose the three oak trees than let that occur. State Parks does appreciate the work that the applicant is willing to do in the

creek because it will make the environment better. State Parks agreed to accept all of the replacement trees, and their sizes, that are required by this Oak Tree Permit. State Parks prefers to have the trees as small as possible. Large box trees would require the use of heavy equipment to be brought on to State Parks property, digging larger holes and disrupting the soil more, which has the potential to disturb possible archaeological sites there. State Parks prefers the least amount of disturbance possible, a one or fifteen gallon oak tree can be planted with a shovel.

The Commission questioned the trail head on the Reagan Ranch or State Property on the corner of Mulholland and Cornell, not familiar with a trail that would go up into April Canyon from there, expressed concern about having to traverse down and come back up to the Phantom Trail which zigzags, and can be awkward to hike or ride a horse on. Commission suggests a trailhead, or parking area for hiking, should be located somewhere mid-point, but State Parks has not appeared interested. Suzanne Goode of State Parks responded that they have been looking at re-routing trails in the area. The Yearling Trail which leaves from Reagan Ranch and then proceeds to the east is in poor condition, not properly designed, looking at moving current trail alignment and moving it closer to Mulholland Highway. State Parks' trail coordinator is working with National Parks at looking at improving the whole trail system in the area. There are opportunities for future trail connections from Reagan Ranch and Paramount Ranch that could connect in the overall trail system, granted that currently there are some old fire roads in the area that are not maintained, but the Phantom Trail is maintained and State Parks would like to connect it to the old fire roads in Udell Gorge and around April Road, and then over to Paramount and Reagan Ranch. There is a future opportunity for a connector and to have parking at Reagan Ranch, and have hikers go up the new Yearling Trail, then up a spur to Mulholland Highway. The Commission asked if the trail could be seen going east of the project area along the ridgeline, to which Suzanne Goode responded yes. They are also looking at a connector trail to the west, down to paramount ranch, but do not have the details at this point. State Parks Trail coordinator is aware of this plan, but Suzanne Goode did not have a chance to discuss it with him. State Parks is working with Ms. Melanie Beck at the National Park Service on the trails. The Commission questioned an area in the northwest corner of the State Parks' property that appeared to be a trail, but Suzanane Goode explained that it was a geotechnical scar. There is a potential to widen and improve that area into a trail. The Commission also questioned whether the applicant would be willing to allow a trail in this location, in the southwest corner of their private property, to which a trail could be placed going north to south or west on the property at a future date. This would provide means for the continuance of a trail. State Parks stated they would like to keep all trails on State property. Suzanne Goode (State Parks) stated she could not speak with respect to alignments and grades and to where exactly that trail might go, but if possible would like to keep the trail on the State Parks property. State Parks would have to speak with the private property owner with regards to any easement through their property for a new trail.

State Parks commented that the trash pile the Commission referenced to is recent, and that there have been other trash piles that have been cleaned up by the applicant. They do have a facility on the slope above where the highlighted trash pile is at that they wish to protect, so the pile of trash will be cleared up quickly. State Parks looks forward to the gate being installed that would help prevent such illegal dumping, but they have not really thought much about allowing parking above this area, which may be something they would look at in the future and be able to do; it is not contingent upon approval of this project.

State Parks reiterated their preference for the replacement oaks. However, replacement with acorns, one gallon or fifteen gallon trees cannot replace the habitat value of the three oak trees to be removed.

Applicant provided final testimony and stated that acorns will be planted with the replacement trees, and also understood the replacement trees do not replace the cost of what is to be removed, but to do so would require a change in the ordinance, which would be very detrimental to the oak population in the county. The cost would be astronomical. The Commission expressed concern about the trail over the lower left corner of the applicant's clients' property, and if there already was an easement there. The applicant responded that the former owner granted an easement with the former property owner of land that now is owned by State Parks. With regard to Udell Motorway, the trail would take off from the other side of the footbridge and could possibly cross the right corner of the applicant's clients' property. The applicant asked the Commission if they would you like this addressed where trail would connect to? The Commission stated that he did not know how a trail came down into this area and joins the property in that zone. If there is a need for a trail form the footbridge, it is unknown where it goes. The Commission stated that this could be brought back and explained as a cursory item.

Suzanne Goode (State Parks) will have their trails coordinator look at connection of Udell trail to footbridge in response to the Commission's questions about connection of trail to footbridge. Fire Representative stated again that fifteen (15) feet would be the minimum width the access road would be allowed to crimp to in front of the three oaks to be removed. The Commission commented that Fire's Forestry Division's Condition No. 14, for two years maintenance on the oaks, is inadequate and should be seven (7) years to match the Mitigation Monitoring Program. Also, MND states on-site tributary stream to Malibu creek, should state it is "intermittent" because it is a dry stream bed. The Commission questioned the Public Works Representative on grading, stated he did not see soil/retention dams or collection areas, questioned if this had been reviewed by Public Works for retention basins? Public Works Representative responded that Building and Safety is looking at grading plan, would report back to the Commission to see if these elements are imposed into the grading plans. The Commission stated that for utility trenching it needs to be stated that the use of hand tools is required, no

backhoe use. The Commissioner was not time certain on other issue to be resolved, (i.e. Covenant and Affidavit). Staff states they can continue to anytime in September, with exception of Septemebr 28th, and suggests October 5, 2011. Staff also reports the issue to be resolved between the applicant and State Parks regarding a required covenant to be executed, which would indemnify the County, for work to be done on the proposed culvert below the access road on State Parks land. The Commission moved to continue the public hearing to October 5, 2011.

FINDINGS

1. The subject property is located at 2701 April Road, in the unincorporated County area of Agoura Hills. The location is situated with the Third Supervisorial District of Los Angeles (County), and within the Santa Monica Mountains North Area Community Standards District (CSD).
2. Subject property area (privately owned portion where new residence is to be built) is depicted as a large square parcel, with depiction of the pad location, access road, proposed residential and guest house structure locations, swimming pool, existing residential structure to be removed in southwest corner of site, private equestrian facility, existing utility easements and new proposed location of underground Edison conduit, drainage swales and culverts, areas of grading and all existing oak tree locations. Subject property area (State Parks portion) is also depicted showing April Road (access road) entrance from Mulholland Highway through State Parks property on to privately owned portion of project area where residence will be built. All points along access road to be widened and improved are depicted on site plan. All right of way easements, including April Road portion to be vacated, as well as existing oak trees and those to be removed or encroached upon, County Fire Department hammerhead turnaround, drainage culvert proposed under access road on State Park site and connecting to existing stream, proposed footbridge over stream, retaining walls varying in height from 2.5 to 11 feet on privately owned portion and State Parks portion of subject property area, and areas of grading with quantities are also depicted on site plan.
3. Located within the SMMNA CSD, the subject property area is situated under the A-1-20 zone (privately owned portion), and the OS zone (State Parks owned portion). The proposed new single family residence and detached guest house are permitted under the basic A-1 zone, County Code Section 22.24.070 and 22.24.080, and are not prohibited under the Zone-specific Development Standards of the SMMNA CSD for the A-1 zone, County Code Section 22.44.133 (E). The applicant is proposing grading quantities of 427 cubic yards of cut and 546 cubic yards of fill, including 119 cubic yards of imported fill, for over-excavation and preparation of the existing pad area for the new residence and on-site driveway. In addition, 710 cubic yards of cut and 720 cubic yards of fill, including import of 10 cubic yards of fill for off-site improvements and road widening to 20 feet of April Road to serve the subject property area from Mulholland Highway is also proposed. Previous grading

quantities for accessory equestrian structures of 1,000 cubic yards of cut and 779 cubic yards of fill, including 221 cubic yards of export, were also calculated into the total cumulative amount of grading for the site, identified as 4,182 cubic yards cumulative to be handled. The total cumulative amount is below the 5,000 cubic yards total grading allowed without the requirement for a CUP under the SMMNA CSD per County Code Section 22.44.133 (D)(4). An Oak Tree Permit to remove 4 oak trees to widen the access road per County Fire Code requirements, encroach into the protected zone of 51 additional trees for access road improvements, place an underground Edison conduit along the centerline of the access road on the private property location, and to prune 5 additional oak tree branches in excess of two inches diameter is required per County Code Section 22.56.2050. The single family residence proposed meets the development standards for the A-1 zone per County Code Section 22.24.110, pursuant to County Code Section 22.20.105 for development standards of single family residences, Section 22.20.110 for height limits, Section 22.20.120 for yard requirements and Section 22.20.130 for parking. The guest house residence meets development standards for accessory uses in the A-1 zone under County Code Section 22.24.080, pursuant to County Code Section 22.20.080 for requirements in approving detached living quarters. The guest house, and any other accessory structures on the privately owned portion of the subject property area, will be required to comply with Regional Planning policy as directed in the Department's Development Standards for Accessory Buildings memo dated August 11, 2008. The development proposal and land use for this project is not in conflict with SMMNA CSD standards for development and thereby in compliance with it.

4. Located within the SMMNA CSD, the subject property area is situated under the A-1-20 zone (privately owned portion), and the OS zone (State Parks owned portion). The proposed new single family residence and detached guest house are permitted under the basic A-1 zone, County Code Section 22.24.070 and 22.24.080, and are not prohibited under the Zone-specific Development Standards of the SMMNA CSD for the A-1 zone, County Code Section 22.44.133 (E). The applicant is proposing grading quantities of 427 cubic yards of cut and 546 cubic yards of fill, including 119 cubic yards of imported fill, for over-excavation and preparation of the existing pad area for the new residence and on-site driveway. In addition, 710 cubic yards of cut and 720 cubic yards of fill, including import of 10 cubic yards of fill for off-site improvements and road widening to 20 feet of April Road to serve the subject property area from Mulholland Highway is also proposed. Previous grading quantities for accessory equestrian structures of 1,000 cubic yards of cut and 779 cubic yards of fill, including 221 cubic yards of export, were also calculated into the total cumulative amount of grading for the site, identified as 4,182 cubic yards handled. The total cumulative amount is below the 5,000 cubic yards total grading allowed without the requirement for a CUP under the SMMNA CSD per County Code Section 22.44.133 (D)(4). An Oak Tree Permit to remove 4 oak trees to widen the access road per County Fire Code requirements, encroach into the

protective zone of 51 additional trees for access road improvements, place an underground Edison conduit along the centerline of the access road on the private property location, and to prune 5 additional oak tree branches in excess of two inches diameter is required per County Code Section 22.56.2050. The single family residence proposed meets the development standards for the A-1 zone per County Code Section 22.24.110, pursuant to County Code Section 22.20.105 for development standards of single family residences, Section 22.20.110 for height limits, Section 22.20.120 for yard requirements and Section 22.20.130 for parking. The guest house residence meets development standards for accessory uses in the A-1 zone under County Code Section 22.24.080, pursuant to County Code Section 22.20.080 for requirements in approving detached living quarters. The development proposal and land use for this project is not in conflict with SMMNA CSD standards for development and thereby in compliance with it.

5. The existing project area boundaries encompasses both the privately owned land where the residence and guest house are to be constructed, and the State Parks land area to the south, a part of Malibu Creek State Park, where the 4 oak trees are to be removed to widen the existing dirt access road to 20 feet. The privately owned site previously had two residential structures, one in the area where the new residence and detached guest unit is proposed and which has since been removed, and one in the southwest corner of the site which is still intact and in use by renters. An equestrian ring and related equestrian structures are situated in the northern section of the privately owned site. The State Parks land area, with the exception of an existing residential structure and related accessory structures for use by caretakers of the State Parks land, and two sea-bin storage containers, is undeveloped. A natural stream which is a tributary to Malibu Creek runs south from the privately owned site to the State Parks site. The project area and its surroundings are extremely rural and natural.
6. The proposed residence and guest house on the privately owned site would be developed in an area previously occupied by one of the two residences and related accessory structures. The existing pad area would be graded for over-excavation and re-compaction in order to construct the new residence, guest unit and swimming pool. This would also entail the construction of retaining walls, drainage swales and culverts, and a driveway entrance from the access road to be improved. The proposed single family residence would be two stories at a maximum height of 32 feet and 9 inches above finished grade, and with 7,200 square feet of residential floor area. The detached guest house would be single story at a maximum height of 19 feet and 10 inches above finished grade, with 740 square feet of floor area. All development would be required to comply with County Green Building Standards and Low Impact Development standard requirements. Also on the privately owned site, an Edison conduit would be placed beneath the access road and run north along the road's centerline. The conduit would run the entire length of the access road through the privately owned site, originating from a proposed transformer box

to be placed near the entrance to the privately owned site from the State Parks site. The access road itself is only proposed to be improved by the project's proponents up to the location of the new residence. The Oak Tree Permit will address all impacts to the existing oaks caused by the undergrounding of the Edison conduit and the improvements to the access road.

7. The proposed road widening to twenty (20) feet on the State Parks site, as required by the County Fire Department for safety access purposes, does require the removal of four oak trees, including one Heritage Oak, and encroachment into the protected zone of several other oaks. Retaining walls will also be constructed to improve and widen the existing access road near the entrance from Mulholland Highway. In one location where the road is to be widened, and where 3 of the 4 oaks to be removed, it was foreseen by State Parks, Regional Planning, and the Santa Monica Mountains Conservancy that a plan to save the 3 oaks might be possible if the access road widening could be reduced to 15 feet and shifted away from the oaks. However, despite efforts to work out such a plan, a problem to accommodate this plan would entail further impacts to the existing stream with its bank abutting the existing access road. Upon a site investigation by the County Forester's Staff, with representatives from State Parks, Regional Planning, and the applicant's representative present as well, Staff of the County Forestry Division stated that the best efforts to improve the State Parks parcel and accommodate the improvements necessary for the access road would be to remove the three oak trees and proceed with an Oak Tree Mitigation plan to plant replacement oaks with a 5:1 ratio at a suitable location on the State Parks site. The plan to remove the three oaks in this critical location would also prevent further impacts to the existing stream under the California Department of Fish and Game (CDFG) and U.S. Army Corp of Engineers (USACE) jurisdiction. The proposal for the new drainage culvert under the access road which would connect to the natural stream, and the proposed footbridge over it, will be reviewed by the USACE and CDFG.
8. The access road widening, although required by the County Fire Department to be twenty feet wide, has been allowed for crimping (width reduction) along two sections of the road, one of which is located directly in front of the three oaks to be removed. The County Fire Department has approved crimping in these two sections down to fifteen (15) feet. Crimping in these two sections will protect further impacts to several oaks that will remain intact near the three oaks slated for removal (no. 19, 20, and 21), and will also better protect the existing caretaker residence facility on State Parks property.
9. During the Public Hearing of August 24, 2011, State Parks asked if the County Fire Department was willing to reduce the access road width improvements in front of the three oaks to be removed to less than fifteen (15) feet, possibly to twelve (12) feet. County Fire's response during the hearing was that fifteen (15) feet was the

minimum acceptable width, and has continued to maintain that the access road cannot be crimped to less than fifteen (15) feet.

10. The project proponents have asked the County for the vacation of the April Road entrance because if it remains a public street, the improvement would require a minimum of twenty-six (26) feet of road widening, requiring the road base to go much deeper and thereby eliminating many more oaks. The County Department of Public Works (DPW) is willing to vacate the April Road entrance and the State is in agreement. The State is interested in acquiring the April Road entrance section as it traverses over their property. They will grant an easement to the properties beyond, which take access over that parcel traversed by the April Road entrance. The County will not complete the vacation until the State grants the easements. In the meantime, the project proponents will use an encroachment permit from County DPW to do the widening to private driveway standards, not public road standards. State Parks has signed an Ownership and Consent Affidavit, dated March 10, 2011, agreeing to the submittal of the Oak Tree Permit application.
11. The State also requires that a gate be placed on the April Road entrance. A gate is proposed at 250 feet from the edge of right-of-way for Mulholland Highway. The gate is necessary to control the illegal dumping of trash on State Parks property. The gate will be installed at the project proponents' cost.
12. Impacts to the land and surrounding areas as a result of the project requires implementation of mitigation measures, part of a Mitigation Monitoring Program, in order to reduce potentially significant impacts to the oak woodland and natural stream within the project area, with the potential to create negative externalities. Following a 30 day Initial Study consultation in which comments were received from various agencies, a Mitigation Monitoring Program was prepared. Mitigation Measures have been drafted to control storm water runoff, with requirements for approval of a drainage concept and Standard Urban Stormwater Mitigation Plan (SUSMP) and compliance with LID standards. Impacts to the oak woodland will be reduced to less than significant levels with the higher ratio of oak tree replacement, 5:1 for regular oak removal and 10:1 for Heritage oak removal, all part of an Oak Mitigation Plan pursuant to the State of California's Oak Woodland Conservation Act {Public Resources Code (PRC) 21083.4(b)(1) & (2) of CEQA} to address the replanting of the trees and the seven year maintenance requirement necessary to ensure the growth and viability of the replacement oaks.
13. In response to the Commission's inquiries at the hearing on August 24, 2011, regarding the use of retention basins on the site, Public Works responded on September 19, 2011 to Regional Planning that they will be providing BMPs (best management practices) to handle stormwater runoff during construction through the SWPPP (storm water pollution prevention program). There are no water quality/retention basins other than those required by LID Ordinance, and they are

required to get a SWPPP from the Regional Water Quality Control Board (RWQCB), but nothing more beyond that.

14. Mitigation measures will also ensure that the fuel modification plan to be implemented for the new residence and guest house will include protection to the greatest extent possible of all existing native vegetation, and protection against planting of highly invasive plant species, with flora and fauna surveys to identify locations of any sensitive or rare species. Surveys for the presence of the California Gnatcatcher and Special Status Plants, required as part of the Biota Measures under the Mitigation Monitoring Program, have been received by Regional Planning on June 28, 2011 and will be reviewed. In addition, a mitigation measure for the project will also be required that no vineyards or related structures for storage of grapes be placed within 100 feet of the streambed.
15. Also during the Public Hearing of August 24, 2011, the Commission asked questions regarding the establishment of trailheads on State Parks land, and the creation of new trails through State Parks land, which could encompass the applicant's private property. On September 20, 2011, State Parks reported back to Regional Planning, with a graphic layout of the new proposed trail (*see attached*) that would connect to the existing Phantom Trail to the east of the site over to Reagan Ranch and the existing Yearling Trail, just southeast of the intersection of Cornell Road and Mulholland Highway to the west of the project area. The proposed trail would traverse east to west across the State Parks property, just south of the applicant's private property. State Parks has stated that the trail will be completely on public land (State and National Parks land). On September 22, 2011, State Parks reported that the Udell Fire Road (AKA Udell Motorway), located on the applicant's property, has not been maintained for years. State Parks stated that they have no desire to use Udell Fire Road, as the new trail proposal would allow for other trail connections in the network. On September 26, 2011, State Parks stated that they will also be dropping the proposed footbridge across the stream. They have indicated the possibility of constructing a footbridge at a later time when plans for the new proposed trail are finalized, but for now there will be no footbridge and no further trail connections up to Udell Fire Road.
16. Noise and dust control measures will also be implemented to reduce any such impacts during construction activity, and recycling of any and all salvageable materials (i.e. existing residence on private property to be removed) will also be implemented. Design quality measures for the residence and guest house will be implemented requiring earth tone colors. The applicant will be required to satisfy the Departments of Public Works and Public Health for Onsite Wastewater Treatment System (OWTS) requirements, and underground tanks for such use. Payment of library mitigation and emergency service fees will also be required. The applicant will be required to submit to Regional Planning a Mitigation Compliance Report for

review annually, which Regional Planning will coordinate the checks of all measures of with all agencies identified to participate in the Mitigation Monitoring Program.

17. The project, through implementation of the identified Mitigation Measures in the Mitigation Monitoring Program and as part of the Mitigated Negative Declaration (MND) proposed for adoption, would be a compatible land use within the A-1-20 and OS zones, the Mountain Lands 20 and Open Space Parks land use designations of the project area under the SMMNAP, and with the SMMNA CSD standards. The project when completed, along with satisfaction of all required mitigation measures, will continue to maintain the rural character and setting of the area.
18. The definition of "permittee" has been updated in the attached Conditions to address the responsibilities of the parties involved for purposes of the Affidavit associated with this permit.
19. With regard to the Covenant required by the State for the work on the culvert below the access road on State Parks land, the project may be approved and the Covenant subsequently executed between the State Parks and the Applicant. The County must be indemnified.
20. County Forestry responded on September 22, 2011 to the Commission's request to change their condition for oak tree maintenance from two years to four years, and they will maintain two years. The Mitigation Monitoring Program will require seven years maintenance, per Mitigation Measure No. 5 (F). Conditions of the Oak Tree Permit refer to the measure as the instrument on the monitoring plan for the oak tree replacements.
21. There have been no complaints received as of September 27, 2011, verbally or in writing, from the public regarding the proposed project.
22. The applicant is required to substantiate all facts identified by Section 22.56.2100 of the County Code. The Oak Tree Permit Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the Burden of Proof.
23. 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.
24. 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, 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 West Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the proposed construction of proposed use will be accomplished without endangering the health of the remaining trees subject to this Part 16 of Chapter 22.56, if any, on the subject property; and
- B. That the removal or relocation of the oak tree(s) proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated; and
- C. That in addition to the above facts, at least one of the following findings must 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. Alternative developments plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive, or
 - b. Placement of such tree(s) precludes the reasonable and efficient use of such property for a use otherwise authorized, or
 2. That the oak tree(s) proposed for removal or relocation interferes with utility services or streets and highways, either within or outside of the subject property, and no reasonable alternative to such interference exists other than removal of the tree(s), or
 3. That the condition of the oak tree(s) proposed for removal, with reference to seriously debilitating disease or danger of falling, is such

that it cannot be remedied through reasonable preservation procedures and practices, or

4. That the removal of the oak tree(s) proposed will not be contrary to or be in substantial conflict with the intent and purpose of the oak tree permit procedure.

REGIONAL PLANNING COMMISSION ACTION

1. Staff of the Los Angeles County Department of Regional Planning (DRP) has determined that a Mitigated Negative Declaration, pursuant to California Environmental Quality Act (CEQA) Section 15070, is the appropriate environmental documentation required under CEQA for the project. The project is in a particularly sensitive environment location, has oak woodland with natural stream and native chaparral present, and mitigation measures are necessary as part of a Mitigation Monitoring Program, pursuant to CEQA Guidelines Section 15097, to reduce all potentially significant environmental impacts to less than significant. Mitigation Measures have been prepared to address impact issues of Noise, Air Quality, Biota, Cultural Resources, Drainage and Grading, Residence Design, Recycling, Hazardous Materials Storage, Sewer, Underground Storage Tanks, Emergency Services, Library Mitigation Fees, and for Mitigation Compliance. A Mitigation Compliance Report is required to be submitted to the County annually to ensure that all mitigation measures as part of the Mitigation Monitoring Program are properly implemented.
2. In view of the findings of fact and conclusions presented above, Oak Tree Permit No. 201000012, Plot Plan No. 201100223, and the adoption of the Mitigated Negative Declaration with Mitigation Monitoring Program identified under Environmental Assessment No. 201000020 is **APPROVED** subject to the attached conditions.
- c: Each Commissioner, Zoning Enforcement, Building and Safety, County Forester

VOTE

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date:

MKK:RS
09/27/2011

PROJECT DESCRIPTION

This grant authorizes the removal of four oak tree, identified as Oak Tree Numbers 5 (Heritage Tree), 19, 20 and 21 on the approved site plan, the encroachment into the protected zone of fifty-one oak trees, identified as Oak Tree Numbers 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 43, 45, 46, 49, 50, 52, 53, 54, 55, 59, 60, 61, 87, 90, 91, and 92 on the approved site plan, and the pruning of limbs greater than two inches in diameter of an additional five oak trees, identified as Oak Tree Numbers 33, 34, 52, 54, and 55 on the approved site plan. The activities authorized under this grant will take place within an existing easement for ingress, egress, utility, drainage, slopes and other road purposes (Instrument No. 01 021116) located on property owned by the California State Parks Department in order to widen the access road to the Permittee's property to comply with County Fire Department requirements and to allow for the placement of Southern California Edison conduit underneath a portion of the access road. This grant and the activities authorized hereunder are subject to the following conditions:

GENERAL CONDITIONS

1. This permit shall not be effective until an Exhibit A is approved for the proposed road widening, culvert, foot bridge and Southern California Edison Conduit emplacements, and a plot plan is approved for the construction of the proposed single family residence, guest house, swimming pool, and other related accessory structure(s), along with all grading shown, requiring the need to remove/encroach upon the said trees.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, the grantee of the easement referenced above and any successors or assigns thereto, and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee has filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Department") an affidavit stating that the permittee is aware of and agrees to accept all of the conditions of this grant, and until all required monies have been paid pursuant to Condition Nos. 8 and 15, and the provisions of the County Forester and Fire Warden, Forestry Division ("Forester") letter dated September 9, 2010, and attached hereto. Notwithstanding the foregoing this Condition No. 3, and Condition Nos. 5, 6, 7, and 15 shall be effective immediately upon final approval of this grant by the County.
4. Unless otherwise apparent from the context, the term "date of final approval" as used in this grant shall mean the date the County's action becomes effective pursuant to Section 22.80.260 of the County Code.
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 and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in the Department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

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

7. This grant shall expire unless used within two years from the date of final approval by the County. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such 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. **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 the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for one (1) inspection. If additional Department of Regional Planning inspections are deemed necessary, required supplementary funds (at \$200 per inspection, or the current recovery cost in effect at the time any additional inspections are required.) shall be deposited with the Department of Regional Planning. Inspections shall be unannounced and may be coordinated with the County Forester.
9. 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.
10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission 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.

11. 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.

12. The permittee shall comply with all conditions and requirements contained in the County Forester letter dated September 9, 2010 (attached hereto and incorporated herein by this reference). The permittee shall comply with all mitigation measures identified in the adopted Mitigation Monitoring Program ("MMP"), including but not limited to the measures set forth in the Oak Mitigation Plan, which is attached hereto and incorporated herein by this reference. Compliance with the Forester's letter and the MMP shall be to the satisfaction of said County Forestry Division, the Department, and State Parks, except as otherwise required by said County Forestry Division, the Department, or State Parks. These measures include, but are not limited to, the following:
 - a. The permittee shall provide mitigation trees of the Oak genus at a rate of ten to one (10:1) for the Heritage Oak removal, and five to one (5:1) for each of the three additional Oak trees removed for a total of twenty-five (25) trees; per the Forester's letter dated September 24, 2010 for the Heritage Oak removal, and the approved Oak Mitigation Plan per the project's adopted MMP (measure no. 5(F)).

13. 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.

14. 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.

15. Within three 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 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 \$2,119.00 (\$2,044.00 for a Mitigated Negative Declaration plus \$75.00 processing fee). No land use project subject to this requirement is final, vested, or operative until the fee is paid.

16. The permittee shall deposit an initial sum of \$6,000 with the Department within 60 days of the date of final approval of this grant in order to defray the cost of reviewing and verifying the reports required by the MMP and compliance with the mitigation measures contained

in the MMP. The permittee shall replenish the mitigation monitoring account as necessary until all mitigation measures have been implemented and completed.

Attachment: County Forester's Letter dated September 9, 2010; and Mitigation Monitoring Program dated June 1, 2011.



MITIGATED NEGATIVE DECLARATION

PROJECT NUMBER: R2009-01295

CASE NUMBERS: ROAK 201000012; RPP 201100223; RENV 201000020

1. DESCRIPTION:

Request for Oak Tree Permit to remove 4 oak trees, including 1 heritage oak, to widen April Rd. with access from Mulholland Hwy., through State Parkland, and entering privately owned property, with request for Plot Plan for new single family residence, guest house and swimming pool. Oak Tree Permit also for encroachment into protective zones of 51 oaks to place a new Edison conduit along the centerline of private drive, and for pruning 5 additional oaks, all located on privately owned site of project. The 4 oaks to be removed are located on State Parks land. Subject site located in the A-1-20 zone (Light Agriculture - 20 acres min. lot size required), and OS zone (Open Space) under access road near Mulholland Highway. County to vacate April Rd. from Mulholland Hwy., to be acquired by State. A 1602 Permit from State Fish and Game and a 404 Permit from the Army Corp of Engineers is also required, for new culvert installation and footbridge construction over "intermittent" stream to Malibu Creek.

2. LOCATION:

2701 April Road, Agoura Hills, CA 91301

3. PROPONENT:

Ms. Marny Randall
909 Euclid St., #6
Santa Monica, CA 90403

4. FINDINGS OF NO SIGNIFICANT EFFECT:

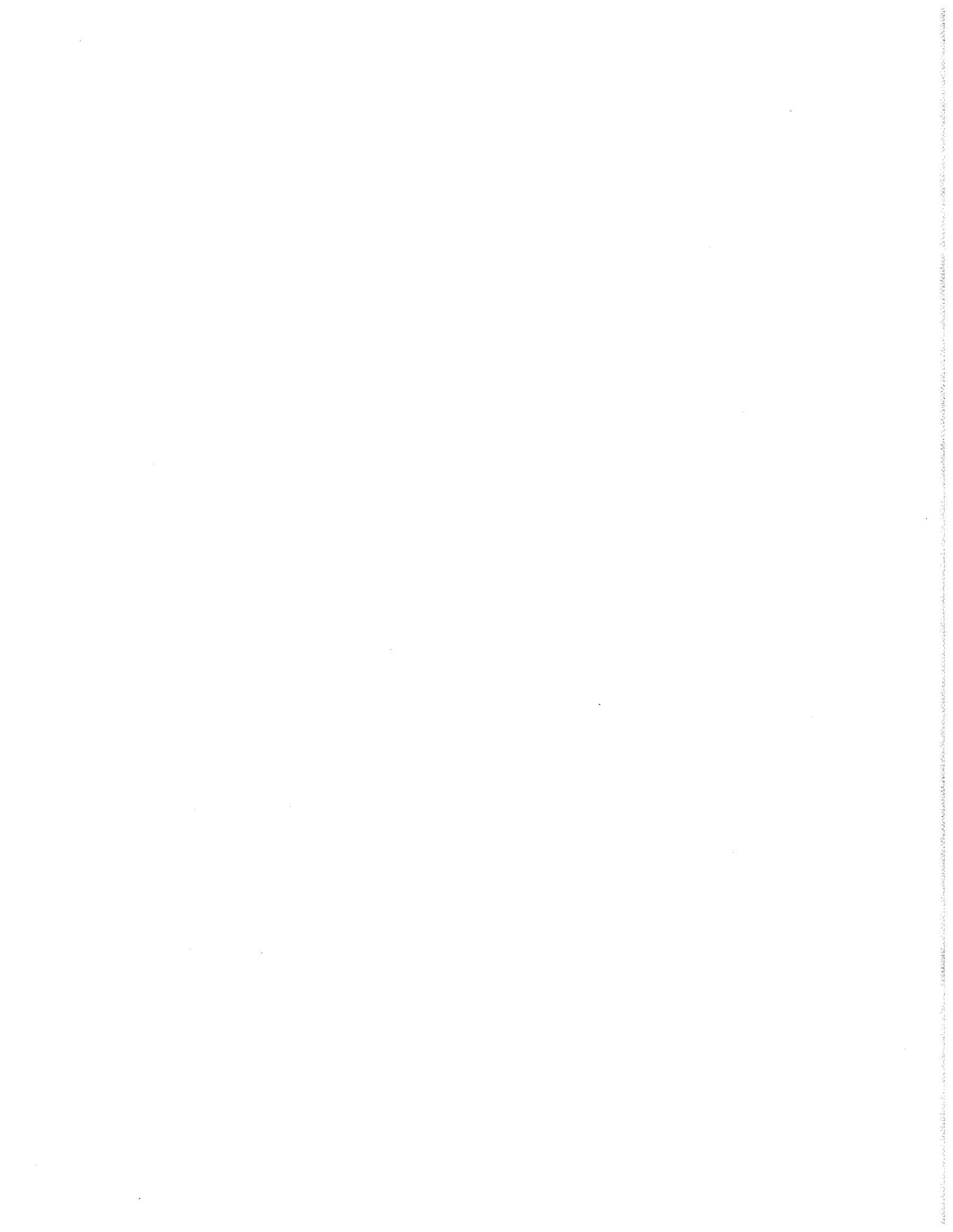
BASED ON THE INITIAL STUDY, IT HAS BEEN DETERMINED THAT THE PROJECT THROUGH IMPLEMENTATION OF MITIGATION MEASURES WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

5. LOCATION AND CUSTODIAN OF RECORD OF PROCEEDINGS:

THE LOCATION AND CUSTODIAN OF THE RECORD OF PROCEEDINGS ON WHICH ADOPTION OF THIS MITIGATED NEGATIVE DECLARATION IS BASED IS: DEPARTMENT OF REGIONAL PLANNING, 320 WEST TEMPLE STREET, LOS ANGELES, CA 90012

PREPARED BY: Rudy Silvas of the Zoning Permits III (West) Section, Department of Regional Planning

DATE: June 15, 2011



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