



Los Angeles County Department of Regional Planning



Planning for the Challenges Ahead

Richard J. Bruckner
Director

November 16, 2010

James Woodward
3114 Santa Carlotta Street
La Crescenta, CA 91214

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

**REGARDING: PROJECT NUMBER R2010-00310-(5)
OAK TREE PERMIT NUMBER 201000023
2647 Fairway Avenue, La Crescenta**

Dear Applicant:

Hearing Officer, Patricia L. Hachiya, by her action of Tuesday, November 16, 2010, **APPROVED** the above described application (**Oak Tree Permit for the encroachment into the protected zones of four oak trees for proposed improvements to the existing single family residence**). 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 appeal procedures and fee at (213) 974-6409. **The appeal period for this project will end at 5:00 p.m. on Tuesday, November 30, 2010.** Any appeal must be delivered in person to the commission secretary by this time. If no appeal is filed during the specified period, the Hearing Officer's action is final.

The attached documents contain the Hearing Officer's findings and conditions relating to the approval. Please carefully review each condition. A Condition requires that the permittee records an affidavit accepting the conditions before the grants becomes effective.

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 Diane Aranda of the Zoning Permits Section II at (213) 974-6435 or e-mail at DAranda@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,

Richard J. Bruckner
Director

Maria Masis, Supervising Regional Planner
Zoning Permits Section II Section

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

c: DPW (Building and Safety); Zoning Enforcement
Mike Layseca, County Forestry

MM:da

HEARING OFFICER'S FINDINGS AND ORDER:

PROJECT NO. R2010-00310-(5)

OAK TREE PERMIT NO. 201000023

HEARING DATE: November 16, 2010

SYNOPSIS:

The applicant, James Woodward, is requesting an oak tree permit for the encroachment into the protected zones of four Coast Live Oaks (*Quercus agrifolia*) for the proposed repair work to an existing single family residence. The proposed refurbishing includes the repair of the siding, roof and driveway repair, installation of a pre-fabricated fireplace and window replacements, to an existing single family residence and detached storage room located in the R-1 (Single Family Residence) Zone within the Montrose Zoned District. RPP 201000802 is for the proposed renovations to 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 November 16, 2010 before the Hearing Officer. The applicant, James Woodward, testified in favor of the proposed project. There being no further testimony, the Hearing Officer closed the public hearing, indicated her intent to approve project R2010-00310-(5) with conditions.

Findings

1. The subject property is located at Fairway Avenue, in the unincorporated community of La Crescenta-Montrose. The property is a rectangular shaped parcel and access to the property is from a driveway on the western portion from Fairway Avenue. The project site is located in the Montrose Zoned District within the unincorporated community of La Crescenta-Montrose.
2. The applicant, James Woodward, is requesting an oak tree permit for the encroachment into the protected zones of four Coast Live Oaks (*Quercus agrifolia*) for the proposed repair work to an existing single family residence. The proposed refurbishing includes the repair of the siding, roof and driveway repair, installation of a pre-fabricated fireplace and window replacements, to an existing single family residence and detached storage room located in the R-1 (Single Family Residence) Zone within the Montrose Zoned District. RPP 201000802 is an application for the proposed renovations to the single family dwelling and is pending approval of this subject oak tree permit.
3. The subject property is located within the Countywide General Plan and has a land use designation of 3 - Medium Density Residential (12 to 22 du/ac) characterized as areas suitable for multiple unit development including garden apartments and multi-plex development in addition to high density townhouse developments. Such areas are typically located along major transportation corridors, in or near urban community centers.
4. The existing single-family dwelling on the subject property is not compatible with this land use designation, although the existing single-family dwelling is compatible with the existing residential uses within the surrounding community.

5. The subject property is zoned R-1 (Single Family Residence) and is established for single-family residences, group homes, second units, family childcare homes, and adult residential facilities.
6. The existing single-family residence and proposed window replacement, driveway repair, roof replacement of storage shed, installation of a new pre-fabricated fireplace and existing wood shake siding to be replaced with stucco siding due to termite and wood rotting 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 existing 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. RPP 201000230 authorized a new 11.25 sq. ft. bay window, a 46.5 sq. ft. expansion to an existing bedroom, and a new 438.5 sq. ft. master bedroom and bathroom addition to an existing single family dwelling. RPP 201000230 was approved on July 26, 2010.
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 June 30, 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 5, 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 II 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. R201000023 is **APPROVED**, subject to the attached conditions.
- c: Zoning Enforcement, Building and Safety, Forestry

MM: DA
11/16/2010

This grant authorizes an Oak Tree Permit for the encroachment into the protected zone of four oak trees due to the future renovation of an existing single family dwelling in the R-1 (Single-Family Residence) zone located at 2647 Fairway Avenue, in the Montrose 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 5, 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 a plot plan is approved for the proposed renovations including the repair of the siding, roof and driveway repair, installation of a pre-fabricated fireplace and window replacements of an existing single-family residence, demonstrating the need to encroach within the protected zone of the said tree; and
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 5, 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 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. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
9. All requirements of the Zoning Ordinance and of the specific zoning of the subject property 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 install temporary chainlink fencing, not less than four feet in height, to secure the protected zone of all remaining oak trees on site as necessary. The fencing shall be installed prior to grading or tree removal, and shall not be removed without approval from the County Forester. The term "protected zone" refers to the area extending five (5) feet beyond the dripline of the oak tree (before pruning), or fifteen (15) feet from the trunk, whichever is greater.
12. Where grading or any other similar activity is specifically approved within the protected zone, the applicant shall provide an individual with special expertise acceptable to the director to supervise all excavation or grading proposed within the protected zones and to further supervise, monitor and certify to the county forester and fire warden the

implementation of all conditions imposed in connection with the applicant's oak tree permit.

13. Any excavation or grading allowed within the protected zone or within 15 feet of the trunk of a tree, whichever distance is greater, is limited to hand tools or small hand-power equipment.
14. The trees on other portions of the subject property not included within the site plan also must be protected with chain link fencing thus restricting storage, machinery storage or access during construction.
15. 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.
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 and shall be performed to the satisfaction of the County Forester.

Attachment: County Forester's Letter dated August 5, 2010