Regional Planning Commission Transmittal Checklist

Hearing Date
6/6/12
Agenda Item No.
7

Project Number: R2008-02447-(3)
Case(s): Oak Tree Permit No. 201000018
Planner: Travis Seawards

- ☒ Factual
- ☒ Property Location Map
- ☒ Staff Report
- ☐ Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- ☒ Draft Findings
- ☒ Draft Conditions
- ☒ Correspondence – Oak Tree Report
- ☒ Burden of Proof Statement(s)
- ☐ Environmental Documentation (ND / MND / EIR)
- ☐ Aerial Image(s)
- ☒ Photographs
- ☐ Land Use Radius Map
- ☐ Tentative Tract / Parcel Map
- ☒ GIS Layers Map
- ☐ Site Plan / Floor Plans / Elevations
- ☒ Exhibit Map – Oak Tree Map
- ☐ Landscaping Plans

Reviewed By: _____

Los Angeles County Department of Regional Planning 320 West Temple Street Los Angeles, California 90012 Telephone (213) 974-6462 **PROJECT NUMBER R2008-02447-(3)** **OAK TREE PERMIT NUMBER 201000018**	PUBLIC HEARING DATE June 6, 2012	AGENDA ITEM 7
	RPC CONSENT DATE	CONTINUE TO

APPLICANT	OWNER	REPRESENTATIVE
Christian Audigier Trust	Christian Audigier Trust	Andi Wang

PROJECT DESCRIPTION

The applicant requests an oak tree permit to retroactively authorize the encroachment into the protected zone of 35 oak trees for past activities related to the construction of a driveway, fencing, shed, and the installation of an irrigation system at 2083 North Topanga Canyon Boulevard, in The Malibu Zoned District of unincorporated Los Angeles County. The subject property consists of two parcels developed with a single-family residence on an A-1-5 (Light Agricultural – 5 Acre Minimum Required Lot Area) Zone.

REQUIRED ENTITLEMENTS

The applicant is requesting an oak tree permit to retroactively authorize the encroachment into the protected zone of 35 oak trees. Sections 22.56.2060 and 22.56.2070 of the Los Angeles County Code require an oak tree permit for pruning of oak branches more than two inches in diameter and for the encroachment into the protected zone of any oak tree of more than 25 inches in circumference.

LOCATION/ADDRESS

2083 N. Topanga Canyon Blvd., Topanga, CA 90290

SITE DESCRIPTION

The project site is two parcels that combined total approximately 3.62 acres and is developed with an existing 1,637 square foot single-family residence. There is a paved, 20 foot wide driveway off of Old Topanga Canyon Road onto the parcel. The site is densely landscaped and is covered with natural vegetation and a vineyard. In addition to the main residence there is a guest house, a pool and a shed. A total of 67 oak trees were surveyed with the property at the time of application, and they are located throughout the subject property. Since the application was submitted, Oak Trees #8, #9, #13, #28, #46, and #57 have fallen, have been removed, or have been deemed hazardous and are scheduled to be removed via emergency removal permits. A total of 35 oak trees were encroached upon to construct the driveway, fencing, shed, and to install an irrigation system.

ACCESS	ZONED DISTRICT
Driveway off N. Topanga Canyon Blvd.	The Malibu
ASSESSORS PARCEL NUMBER	**COMMUNITY**
4434015010 and 4434015005	Topanga
SIZE	**COMMUNITY STANDARDS DISTRICT**
3.62 Acres	Santa Monica Mountains North Area

	EXISTING LAND USE	EXISTING ZONING
Project Site	Single-family residence	A-1-5 (Light Agricultural – 5 Acre Minimum Required Lot Area) Zone
North	Undeveloped vacant land	A-1-5 and C-2 (Neighborhood Business) Zone
East	Single-family residences, storage/hauling business, and undeveloped vacant land	A-1-5 and C-2
South	Single-family residences and a theater	A-1-5 and C-2
West	Single-family residences and undeveloped vacant land	A-1-5

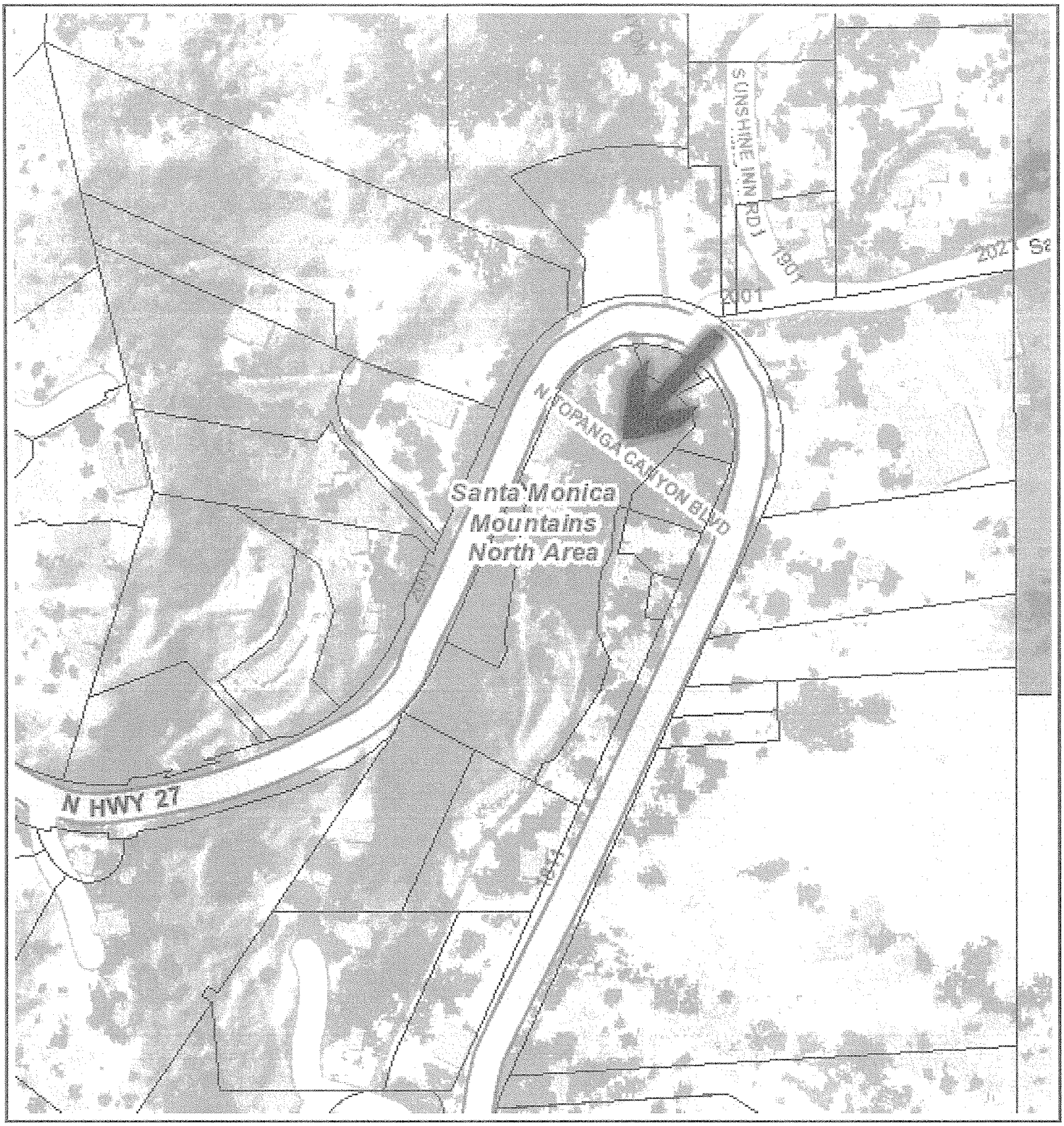
GENERAL PLAN/COMMUNITY PLAN	LAND USE DESIGNATION	MAXIMUM DENSITY
Santa Monica Mountains North Area Plan	N5 – Mountain Lands 5	1 du/5 ac

ENVIRONMENTAL DETERMINATION

Class 4 Categorical Exemption-Minor Alterations to Land

RPC LAST MEETING ACTION SUMMARY

LAST RPC MEETING DATE	RPC ACTION	NEEDED FOR NEXT MEETING
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING/ABSENT



Department of Regional Planning

Property Location Map

Printed: May 08, 2012

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STAFF ANALYSIS
PROJECT NUMBER R2008-02447-(3)
OAK TREE PERMIT NUMBER 201000018

PROJECT DESCRIPTION

The applicant requests an oak tree permit to retroactively authorize the encroachment into the protected zone of 35 oak trees for past activities related to the paving of an existing driveway, the construction of new fencing and a new shed, and the installation of a new irrigation system at 2083 North Topanga Canyon Boulevard, in The Malibu Zoned District of unincorporated Los Angeles County. The subject property consists of two parcels developed with a single-family residence on an A-1-5 (Light Agricultural – 5 Acre Minimum Required Lot Area) Zone.

ENTITLEMENT REQUEST

The applicant is requesting an oak tree permit to retroactively authorize the encroachment into the protected zone of 35 oak trees. Sections 22.56.2060 and 22.56.2070 of the Los Angeles County Code require an oak tree permit for pruning of oak branches more than two inches in diameter and for the encroachment into the protected zone of any oak tree of more than 25 inches in circumference.

LOCATION

The subject property is located at 2083 North Topanga Canyon Boulevard, in The Malibu Zoned District of unincorporated Los Angeles County.

EXISTING ZONING

Subject Property

The subject property is located in an A-1-5 Zone.

Surrounding Properties

Surrounding properties are zoned:
North: A-1-5 and C-2 (Neighborhood Business) Zone
South: A-1-5 and C-2
East: A-1-5 and C-2
West: A-1-5

EXISTING LAND USES

Subject Property

The subject property is developed with a single-family residential structure.

Surrounding Properties

Surrounding land uses consist of:
North: Undeveloped vacant land
South: Single-family residences and a theater
East: Single-family residences, storage/hauling business, and undeveloped vacant land
West: Single-family residences and undeveloped vacant land

OAK TREE LOCATION MAP and SITE DESCRIPTION

The project site is two parcels that combined total approximately 3.62 acres and is developed with an existing 1,637 square foot single-family residence. There is a paved, 20 foot wide driveway off of Old Topanga Canyon Road onto the parcel. The site is densely landscaped and is covered with natural vegetation and a vineyard. In addition to the main residence there is a guest house, a pool and a shed. A total of 67 oak trees were surveyed with the property at the time of application, and they are located throughout the subject property. Since the application was submitted, Oak Trees #8, #9, #13, #28, #46, and #57 have fallen, have been removed, or have been deemed hazardous and are scheduled to be removed via emergency removal permits. A total of 35 oak trees were encroached upon due to the paving of an existing driveway, the construction of new fencing and a new shed, and the installation of a new irrigation system.

ENVIRONMENTAL DETERMINATION

The project is a request for an oak tree permit to retroactively authorize the encroachment into the protected zone of 35 oak trees due to the paving of an existing driveway, the construction of new fencing and a new shed, and the installation of a new irrigation system. Therefore, 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.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Section 22.56.2130 of the County Code, the project was appropriately noticed and available at the Department of Regional Planning website.

PREVIOUS PERMITS ON SUBJECT PROPERTY

According to the Assessor's Office, the single-family residence was built in 1931, prior to the requirement of plot plan approvals. The other case history related to the parcel is as follows:

1. Plot Plan 200801678: Approved a new lap pool on February 9, 2009.

STAFF EVALUATION

General Plan Consistency

The project site is designated N5 – Mountain Lands 5 under the Santa Monica Mountains North Area Plan of the Los Angeles County General Plan. The N5 land use designation consists of rolling hillside areas, steep slopes, and isolated remote mountain lands with difficult or no access. Low density single family housing is a permitted use, and the land use allows a maximum residential density of one dwelling unit per five (5) acres (1 du/5 ac). The single-family residence on the site is consistent with this land use category, as the property is only 3.6 acres but was constructed prior to the land use requirements of the Santa Monica Mountains North Area Plan.

COMPLIANCE WITH APPLICABLE ZONING STANDARDS

Santa Monica Mountains North Area Community Standards District (CSD)

The project site is located in the Santa Monica Mountains North Area CSD. There are no regulations in the CSD related to oak tree permits.

A-1 Zone

The subject property is zoned A-1-5. According to the Assessor's Office, the single-family residence was built in 1931, before the requirement of a Plot Plan approval. The existing single-family residence and accessory structures are permitted uses in the A-1 Zone.

Oak Tree Permit

The oak tree permit process was established to recognize oak trees as significant historical, aesthetic and ecological resources and to create favorable conditions for the preservation and propagation of this unique resource. It is the intent of the oak tree permit to maintain and enhance the general health, safety and welfare by assisting in counteracting the air pollution and in minimizing soil erosion and other related environmental damage. The oak tree permit is also intended to preserve and enhance property values by conserving and adding to the distinctive and unique aesthetic character of many areas of Los Angeles County in which oak trees are indigenous. An oak tree's protected zone is defined as that area within the dripline of an oak tree and extending from to a point at least five feet outside the dripline, or 15 feet from the trunks of a tree, whichever distance is greater. The stated objective of the oak tree permit is to preserve and maintain healthy oak trees in the development process.

The construction of the driveway, shed, fencing and the irrigation encroached within the protected zone of 35 oak trees. The applicant filed an oak tree permit to retroactively comply with rules protecting oak trees. The oak tree report, final revision date March 30, 2012, identified the 35 encroachments. In addition, six oak trees have been removed due to hazardous conditions, leaving 61 oak trees remaining on the site.

Approval of the retroactive oak tree permit requiring adherence to conditions for this permit and Forester's conditions, dated April 5, 2012, will bring the project into compliance for these activities.

COUNTY DEPARTMENT COMMENTS & RECOMMENDATIONS

The County Fire Department was consulted and is of the opinion that the oak tree report prepared by a certified arborist on June 7, 2010 and revised March 30, 2012 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 of April 5, 2012, and no special conditions were attached to the project.

OAK TREE PERMIT BURDEN OF PROOF

The applicant is required to substantiate all facts identified by Section 22.56.2100 of the Los Angeles County Code. The burden of proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

PUBLIC COMMENTS

Staff has not received any comments related to the subject property.

FEES/DEPOSITS

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

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of project number R2008-02447-(3), Oak Tree Permit 201000018, subject to the attached conditions.

SUGGESTED APPROVAL MOTION

I move that the Regional Planning Commission close the public hearing, determine that the project is exempt from the California Environmental Quality Act pursuant to Class 4 – Minor Alterations to Land categorical exemption, and **Approve** Oak Tree Permit No. 201000018, subject to the attached Findings and Conditions of Approval.

Prepared by Travis Seawards
Reviewed by Mi Kim, Acting Section Head, Zoning Permits West Section

Attachments:
Draft Conditions
Draft Findings
Applicant's burden of proof statement
Site Photographs
Site Plan

MKK:TSS
5/8/12

DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES

PROJECT NUMBER R2008-02447-(3)
OAK TREE PERMIT NUMBER 201000018

HEARING DATE: June 6, 2012

SYNOPSIS:
The applicant requests an oak tree permit to retroactively authorize the encroachment into the protected zone of 35 oak trees for past activities related to the paving of an existing driveway, the construction of new fencing and a new shed, and the installation of a new irrigation system at 2083 North Topanga Canyon Boulevard, in The Malibu Zoned District of unincorporated Los Angeles County.

PROCEEDINGS BEFORE THE HEARING OFFICER:

Findings:

1. The applicant requests an oak tree permit to retroactively authorize the encroachment into the protected zone of 35 oak trees for past activities related t to the paving of an existing driveway, the construction of new fencing and a new shed, and the installation of a new irrigation system.

2. The project site is located at 2083 North Topanga Canyon Boulevard, in The Malibu Zoned District of unincorporated Los Angeles County.

3. The project site is two parcels that combined total approximately 3.62 acres and is developed with an existing 1,637 square foot single-family residence, a 360 square foot two-car carport, and a 166.5-square-foot storage shed.

4. The project site is designated A-1-5 (Light Agricultural – 5 Acre Minimum Required Lot Area) Zone, and the existing single-family residence, driveway, carport, and storage shed are allowed by-right in the A-1 Zone.

5. The paving of an existing driveway, the construction of new fencing and a new shed, and the installation of a new irrigation system encroached within the protected zone of 35 oak trees. The applicant is requesting a retroactive oak tree permit to comply with rules protecting oak trees for these activities.

6. Six (6) oak trees have been removed, or have been identified for removal, as authorized under emergency oak tree evaluations, dated July 20, 2010, June 23, 2011, March 29, 2011, and March 29, 2012.

7. The oak tree permit process was established to recognize oak trees as significant historical, aesthetic and ecological resources and to create favorable conditions for the preservation and propagation of this unique resource. The intent of the oak tree permit is to maintain and enhance the general health, safety and welfare by assisting in counteracting the air pollution and in minimizing soil erosion and other related environmental damage. Approval of the oak tree permit, requiring adherence to the conditions for this permit, as well as the Forester's conditions, will ensure that oak trees will be preserved and maintain in healthy condition.

8. Surrounding properties are zoned A-1-5 and C-2 (Neighborhood Business) to the north, south and east, and A-1-5 to the west.

9. Surrounding land uses consist of undeveloped vacant land to the north, single-family residences and a theater to the south, single-family residences, a storage and hauling business, and undeveloped vacant land to the east, and single-family residences and undeveloped vacant land to the west.

10. According to the Assessor's Office, the single-family residence was built in 1931. The other case history related to the parcel is Plot Plan 200801678, which approved a new lap pool on February 9, 2009.

11. The project has been granted a Class 4, Minor Alteration to Land Categorical Exemption under CEQA reporting requirements as the project is a request for an oak tree permit to retroactively authorize the encroachment into the protected zone of 35 oak trees for the construction of a driveway, fencing, storage shed, and irrigation system.

12. The project site is consistent with the designated land use policy. The project site is designated N5 – Mountain Lands 5 under the Santa Monica Mountains North Area Plan of the Los Angeles County General Plan. The N5 land use designation consists of rolling hillside areas, steep slopes, and isolated remote mountain lands with difficult or no access and is suitable for low density single family housing at a maximum residential density of one dwelling unit per five (5) acres, as the property is only 3.6 acres but was constructed prior to the land use requirements of the Santa Monica Mountains North Area Plan.

13. The project site is located in the Santa Monica Mountains North Area CSD. There are no regulations in the CSD related to an oak tree permit.

14. There are no current zoning violations on the property.

15. The County Fire Department was consulted and is of the opinion that the oak tree report, prepared by a certified arborist on June 7, 2010 and revised April 2011, December 5, 2011, and January 9, 2012, accurately addresses the impacts to the oak resources on the site. The Forester recommends approval of the Oak Tree Permit,

subject to the conditions and mitigation measures provided in the Forester's report of April 5, 2012.

16. Pursuant to the provisions of Section 22.56.2130 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.

17. 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 West Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

1. The subject property is consistent with the land use and zoning designation and with the existing community development pattern;

2. The proposed construction of the proposed use will be accomplished without endangering the health of the trees on the subject property; and

3. The removal or relocation of the oak trees proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated; and

4. Absent the pruning and encroachment permitted by the attached conditions, the work approved is not contrary to or 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 permits as set forth in Section 22.56.2100, Title 22, of the Los Angeles County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION:

1. The Regional Planning Commission 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 that has been determined to not have a significant effect on the environment. The project meets the criteria set forth in Section 15301 of the State CEQA Guidelines and Class 4 – Minor Alterations to Land Categorical Exemptions of the County Environmental Document Reporting Procedures and Guidelines, Appendix G.

2. In view of the findings of fact presented above, Oak Tree Permit No. 201000018 is **GRANTED** subject to the attached conditions.

c: Each Commissioner, Zoning Enforcement, Building and Safety

VOTE
Concurring:

Dissenting:

Abstaining:

Absent:

Action Date:

DRAFT CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2008-02447-(3)
OAK TREE PERMIT NO. 201000018

PROJECT DESCRIPTION

The project is a request for an oak tree permit to retroactively authorize the encroachment into the protected zone of 35 oak trees for past activities related to the paving of an existing driveway, the construction of new fencing and a new shed, and the installation of a new irrigation system, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.

2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and until all required monies have been paid pursuant to Condition No. 9. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 8 and 11 shall be effective immediately upon the date of final approval of this grant by the County.

3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.

4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to $5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided 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 $5,000.00. 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 any 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 County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.

7. Upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

8. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.

9. 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 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 fund provides for **one (1)** inspection. The inspection shall be unannounced.

   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.

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 ("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, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.

11. All development pursuant to this grant must be kept in full compliance with the County Fire Code.

12. All requirements of Title 22 of the County Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.

13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works.

14. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

    In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

15. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies of** a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

PROJECT SITE SPECIFIC CONDITIONS

16. The permittee shall comply with all conditions and requirements contained in the County of Los Angeles Forester and Fire Warden, Forestry Division ("Forester"), letter dated April 5, 2012 (attached hereto and incorporated herein by reference), to the satisfaction of the Forester, or except as otherwise required by the Forester.

17. The permittee shall provide a total of twenty (20) mitigation trees of the Oak genus to replace the removal of hazardous trees already permitted for removal by the Forester.

18. The permittee shall provide mitigation trees of Oak genus at a rate of two to one (2:1) for any tree that dies as a result of the approved encroachments to the satisfaction of the Forester.

19. 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.

20. 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.

21. All existing landscaping and vegetation downslope from the vineyard must be maintained as a means of mitigating any runoff activities from the vineyard.

22. No use of chemical pesticides or other hazardous materials can be used on the site and vineyard without first consulting with the Department of Fish & Game for potential impacts to the stream that runs southwest along the property site boundary.

23. All vehicular ingress and egress will occur at the concrete driveway on the middle, western part of the subject property, labeled as "concrete driveway". No other vehicular ingress and egress to the property is allowed unless an encroachment permit is obtained from Caltrans.

24. The permittee shall comply with all conditions and requirements contained in the County of Los Angeles Forester and Fire Warden, Forestry Division, letter dated April 5, 2012 (attached hereto), to the satisfaction of said Division, except as otherwise required by said Division.

25. Any future activities on the subject property that may result in a removal or encroachment into the protected zone of an oak tree on will require additional oak tree permit approval from the Department of Regional Planning.

Attachment: County Forester's Letter dated April 5, 2012

COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 890-4330

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

April 5. 2012

Travis Seawards, Planner
Department of Regional Planning
Zoning Permits Section
320 West Temple Street
Los Angeles, CA 90012

Dear Mr Seawards:

RETROACTIVE OAK TREE PERMIT NUMBER 2010-00018,
PROJECT NUMBER R2008-02447
2083 NORTH TOPANGA CANYON BLVD., TOPANGA

We have reviewed the "Request for Oak Tree Permit #2010-00018." The project is located at 2083 North Topanga Canyon Blvd. in the unincorporated area of Topanga. The Oak Tree Report is accurate and complete as to the location, size, condition and species of the Oak trees on the site. The term "Oak Tree Report" refers to the document on file by Impact Sciences, Inc., the consulting arborist, dated June 7, 2010 and revised April 2011 and January 2012.

We recommend the following as conditions of approval:

OAK TREE PERMIT REQUIREMENTS:

1. This grant shall not be effective 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 conditions of this grant. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.

2. 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 $1500. 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 one (1) initial inspection prior to the commencement of construction and fourteen (14) subsequent 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.

3. 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.

4. 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.

5. The permittee shall install temporary chainlink fencing, not less than four (4) 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 of 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.

6. 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, mitigation planting plan and conditions of approval.

PERMITTED OAK TREE ENCROACHMENT:

7. This grant allows encroachment within the protected zone of thirty-five (35) trees of the Oak genus identified as 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 42, 43, 47, 48, OP-5, OP-6, OP-7, and OP-8 on the applicant's site plan and Oak Tree Report. Trenching, excavation, or clearance of vegetation within the protected zone of an Oak tree shall be accomplished by the use of hand tools or small hand-held power tools. Any major roots encountered shall be conserved to the extent possible and treated as recommended by the consulting arborist.

8. 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. 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. In no case shall more than 20% of the tree canopy of any one tree be removed.

9. Except as otherwise expressly authorized by this grant, the remaining 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. A copy of the publication is enclosed with these conditions.

MITIGATION TREES:

10. The permittee shall provide mitigation trees of the Oak genus for each tree removed for a total of twenty (20) trees. This includes mitigation for hazardous trees already permitted for removal including numbers 8, 9, 13, 28, 46 (heritage), and 57. The permittee shall provide mitigation trees of the Oak genus at a rate of two to one (2:1) for any tree that dies as a result of the approved encroachments.

11. Each mitigation tree shall be at least a 15-gallon specimen in size and measure one (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 one (1) inch in diameter one (1) foot above the base.

12. Mitigation trees shall consist of indigenous varieties of *Quercus agrifolia*, grown from a local seed source.

13. Mitigation trees shall be planted within one (1) year of the permitted Oak tree removals. 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."

14. 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 five-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 five (5) years will start anew with the new replacement trees. Subsequently, additional monitoring fees shall be required.

15. 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.

NON-PERMITTED ACTIONS AND VIOLATIONS:

16. Encroachment within the protected zone of any additional tree of the Oak genus on the project site is prohibited.

17. Should encroachment within the protected zone of any additional tree of the Oak genus on the project site not permitted by this grant result in its injury or death within five (5) years, the permittee shall be required to make a contribution to the Los Angeles County Oak Forest Special Fund in the amount equivalent to the Oak resource damage/loss. Said 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."

18. No planting or irrigation system shall be installed within the dripline of any Oak tree that will be retained.

19. Utility trenches shall not be routed within the protected zone of an Oak tree unless the serving utility requires such locations.

20. 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.

21. 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.

22. 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.

If you have any additional questions, please contact this office at (818) 890-5758.

Very truly yours,

MICHAEL Y. TAKESHITA, ASSISTANT CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

MYT:jl

Enclosure

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

OAK TREE PERMIT BURDEN OF PROOF

Please identify the number of oak trees proposed for:

0 Removal **35** Encroachment **61** To Remain **61** Total existing oak trees

Pursuant to Zoning Code Section 22.56.2100, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the proposed construction or proposed use will be accomplished without endangering the health of the remaining trees subject to Part 16 of Chapter 22.56, if any, on the subject property.
See Exhibit 1 attached hereto.
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.
See Exhibit 1 attached hereto.
C. That in addition to the above facts, at least one of the following findings must apply: 1. That the removal of 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. Alternate development 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 interfere with utility service 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 oak tree(s) proposed for removal, with reference to seriously debilitating disease or other danger of falling, is such that it cannot be remedied through reasonable preservation procedures and practices. 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.
See Exhibit 1 attached hereto.

EXHIBIT 1

A.

This is a retroactive permit request, as the work has been already been accomplished and it should not continue to endanger the 35 encroachments.

B.

There are no removals being requested.

C.

There are no removals being requested.

Photo 1

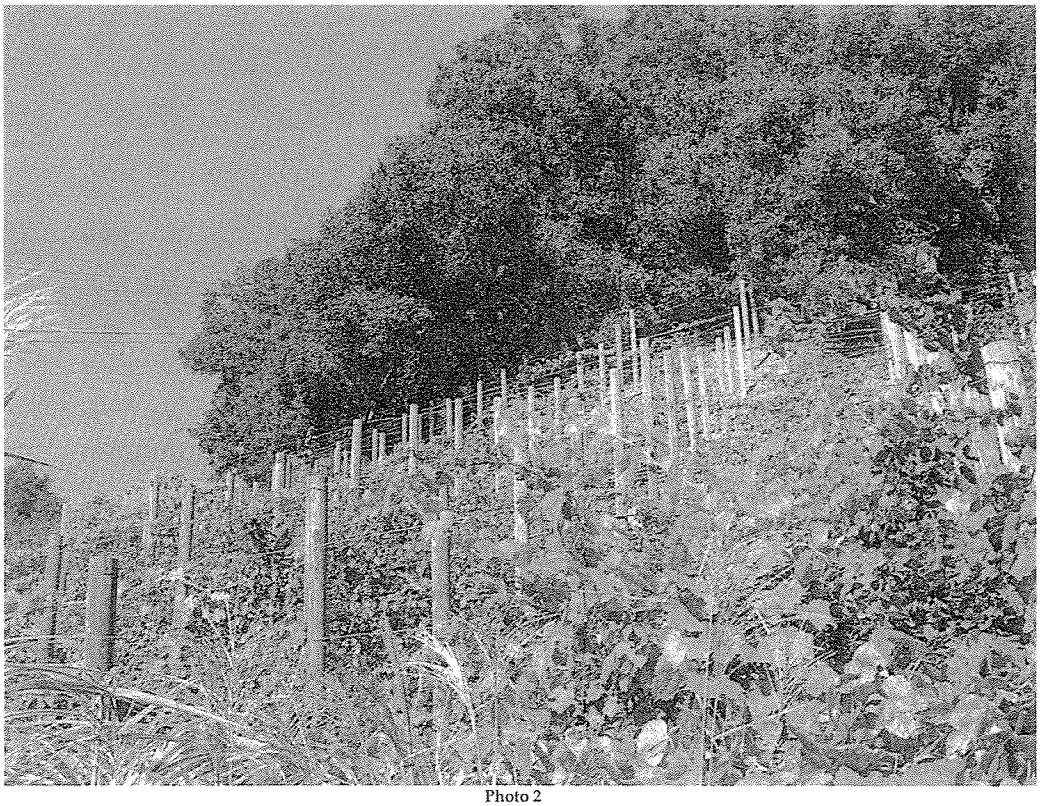


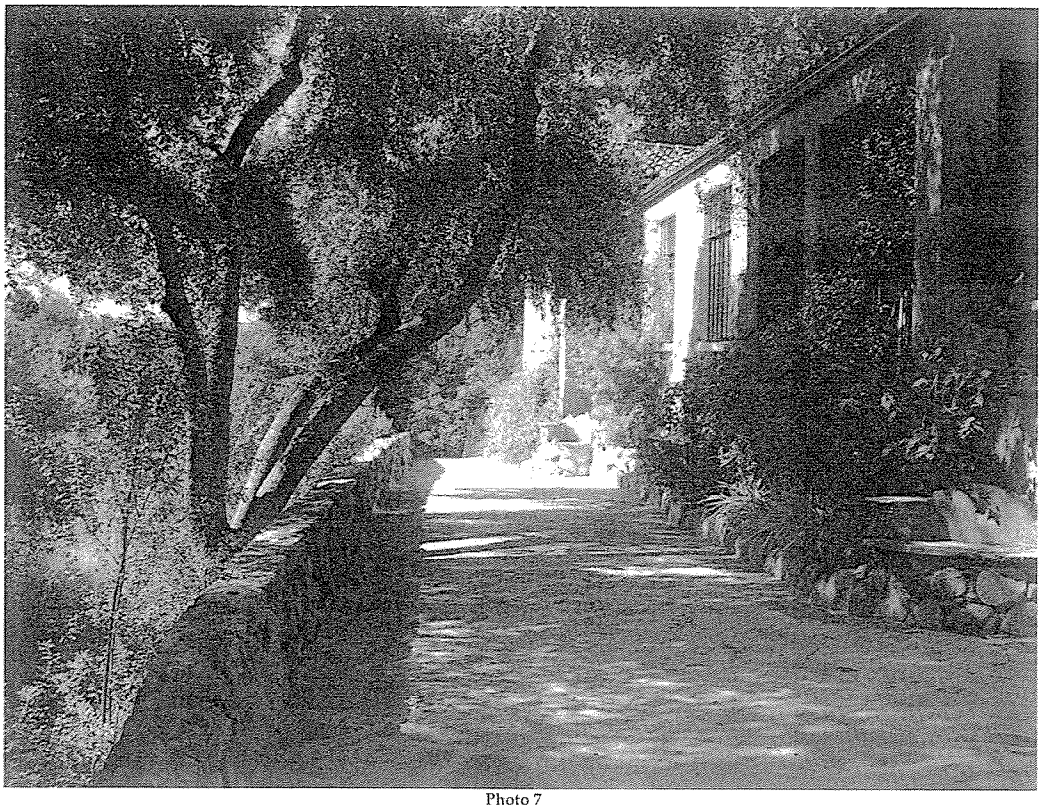
Photo 2

Photo 3

Photo 4

Photo 5

Photo 6



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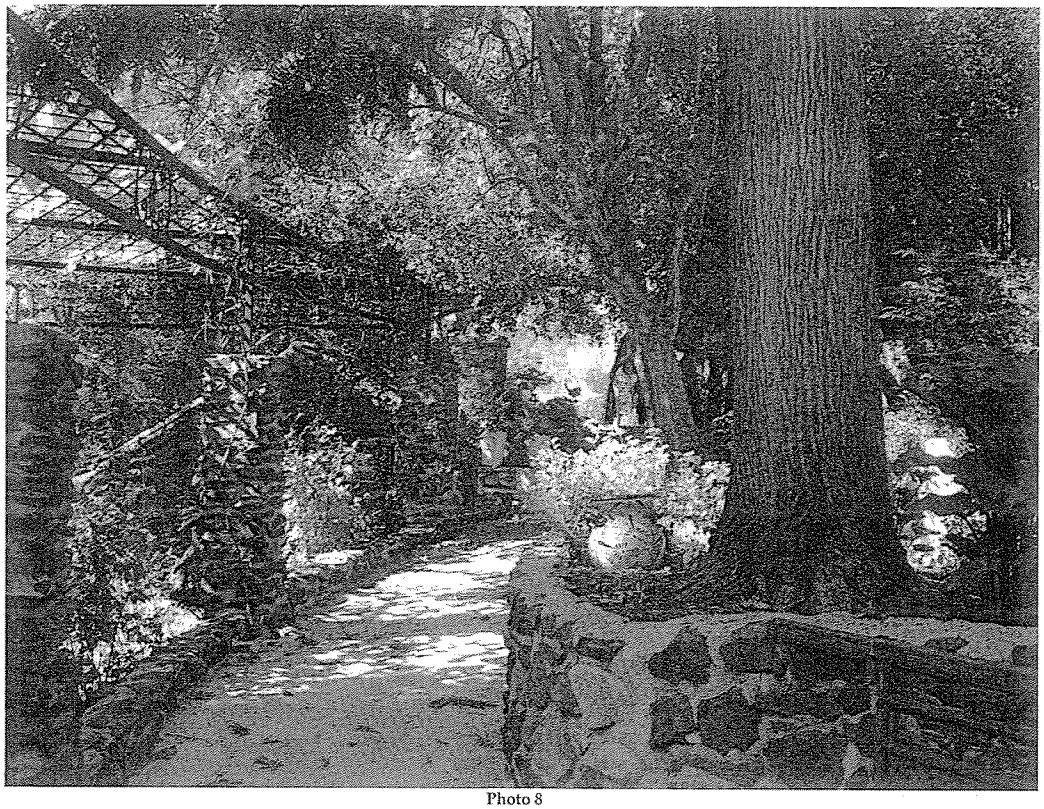

Photo 8

Photo 9

Photo 10

Photo 11

Photo 12

Photo 13