



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

January 24, 2013

TO: Gina Natoli, Hearing Officer

FROM: Gretchen Siemers, Zoning Permits North Section 

SUBJECT: **Project No. R2011-00457-(5)**
Oak Tree Permit No. 201100012
Continued Hearing Date: February 5, 2013
Agenda Item No. 4

PROJECT BACKGROUND

Project No. R2011-00457-(5) is a request for the encroachment within the protected zone of seven oak trees (*Quercus agrifolia*, commonly known as Coast Live Oak Trees), with no removal of oak trees, in the A-1-1 (Light Agricultural – 1 Acre Minimum Required Lot Area) Zone pursuant to Part 16 of 22.56 of the Los Angeles County (“County”) Code. The project is located at 38995 San Francisquito Canyon Road in Green Valley. The project was before the Hearing Officer on December 4, 2012, and was continued to February 5, 2013 in order to allow time for staff to address the following issues:

- Provide clarification on the features identified on the Oak Tree Plan and discussed in the Findings and Conditions;
- Provide further distinction between the concurrent Plot Plan and Oak Tree Permit;
- Specify the location and type of each encroachment, with an explanation of what is being asked of the applicant for each tree; and
- Identify alternative development plans.

PROJECT STATUS

Since the December 4, 2012 public hearing, staff has worked to address the issues above; the following activities have been completed:

- Staff worked with the applicant to revise the plans. The Oak Tree Plan now accurately shows the structures, including the fences and horse corrals, on the property. Please note that the plans now do not show all of the encroachments

as discussed in the previous hearing packet due to additional work the applicant conducted on the property to remedy some of the encroachments.

- To clarify, there are two applications being processed by Regional Planning. The subject application is for the Oak Tree Permit, which would authorize the retroactive encroachment upon seven trees. A separate, ministerial Plot Plan is being processed for the retroactive approval of the barn (accessory building). The barn is not within the protected zone of any oak tree.
- Staff conferred with the County Forester and Fire Warden ("Forester") on the conditions recommended in their June 16, 2011 letter. During a recent phone conversation, the Forester conveyed to staff that many of the encroachments on the site were due to existing, unpaved driveways and on-site circulation patterns from decades of use. The Forester subsequently provided verification (attached) that indicates that the conditions are consistent with those that would be imposed on similar projects.
- Staff further analyzed the encroachments upon each oak tree, comparing the existing site conditions with the arborist's report and the recommendations of the Forester. A discussion of each tree is below:
 - o Oak No. 1: The arborist reported that this tree, located at the southwest edge of the property, was encroached upon due to grading. The Forester relayed that this is not an encroachment per their usual standards, and that the grading was due to use of the existing, unpaved driveway.
 - o Oak No. 2: Located on the southeast corner of the property, this tree is in a disturbed area between the residence and the access road. The area west of the tree is steeply graded; the area east of the tree is graded for the access road. The arborist reported that the tree is encroached upon; while the Forester concurs that it is an encroachment, no further recommendations were made.
 - o Oak No. 3: This tree is located in front of the home and encroached upon by the existing, unpaved driveway. The arborist recommended that the grade be restored; the Forester in their June 16, 2011 letter provided no specific recommendation for this tree.
 - o Oak No. 4: Located near the main access road east of the horse barn, this tree is encroached upon by the access road on three sides. The arborist recommended that the grade be restored; the Forester in their June 16, 2011 letter provided no specific recommendation.

- Oak No. 5: Located west of the barn ("Accessory Structure" as noted on Oak Tree Plan), this tree was encroached upon by a horse corral that has been removed since the previous Oak Tree Plan and arborist report were submitted. The Forester in their June 16, 2011 letter provided no specific recommendation for this tree.
 - Oak No. 6: This tree is located at the northwest corner of the property and was encroached upon by the existing, unpaved driveway. Temporary storage structures were within the protected zone, but have since been removed. The Forester in their June 16, 2011 letter provided no specific recommendations.
 - Oak No. 7: Located immediately west of Oak No. 6, Oak No. 7 is encroached upon by the unpaved driveway. At the time of project submittal, a temporary storage structure was within the protected zone of the tree; the structure has since been removed. The arborist noted that the tree was in poor health and recommended removal of this tree. The Forester in their June 16, 2011 letter provided no specific recommendations.
- Pursuant to Section 22.56.2100 of the County Code, the applicant is required to substantiate that the removal or relocation [encroachment] of the oak trees is necessary. In this case, the encroachments are necessary because the trees' location frustrates the use of the subject property, such that eliminating the encroachment precludes the reasonable and efficient use of such property for a use otherwise authorized. Restoring the original grade and realigning the circulation patterns to avoid the protected zones of the oak trees is an infeasible alternative due to the size of the property and number of oak trees. In addition, avoiding encroachments may trigger additional approvals from the County; the Forester indicated that altering the grade near the access road may affect safe ingress and egress. The applicant indicated to staff their desire to not remove or relocate any trees on the property.

STAFF RECOMMENDATION

To date, the applicant has removed some of the encroachments that were depicted on the original Oak Tree Plan and discussed in the arborist's report. These modifications, such as removal and relocation of the horse corrals, could be considered as alternatives to the application as originally proposed. Since relocating trees and re-aligning the driveways in order to remove the remaining encroachments is infeasible as discussed

above, all of the feasible alternatives were exercised. Of the encroachments that remain, most are due to existing circulation patterns and should remain unless further mitigation measures could be instituted to protect the trees' health and ensure safe ingress and egress without additional impacts to oak trees.

Due to the resolution of several issues as discussed above, staff continues to recommend approval of the Oak Tree permit with revised Oak Tree Plan, findings and conditions.

SUGGESTED APPROVAL MOTION

"I move to close the public hearing and determine that the project is exempt from the California Environmental Quality Act."

"I move to approve Oak Tree Permit No. 201100012 with the attached findings and conditions, as modified."

Encl: Email from Joseph Brunet, Forester
Draft Findings (revised)
Draft Conditions (revised)
Oak Tree Plan (revised)

SMT:GS
1/25/2013

Gretchen Siemers

From: Brunet, Joseph <Joseph.Brunet@fire.lacounty.gov>
Sent: Wednesday, January 23, 2013 11:15 AM
To: Gretchen Siemers
Cc: gnotoli@planning.lacounty.gov; Romo, William
Subject: OTP 2011-00012

Hi Gretchen,

Regarding OTP 2011-00012, the impacts found at this site are similar to those that would normally be approved through the Oak Tree Permit process. The arborist report recommended that tree number 7 be removed due to structural defects, however the applicant requested that this tree remain. The County Forester has no authority to require removal of an oak tree, regardless of its condition. We only permit trees for removal if requested and condition warrant removal. Hope this clarification helps.

Joseph Brunet
Environmental Review Unit
Forestry
818 890-5719

**DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2011-00457-(5)
OAK TREE PERMIT NO. 201100012**

1. **ENTITLEMENT(S) REQUESTED.** The applicant, Mitch Robinson, is requesting an Oak Tree Permit (OTP) to authorize the encroachment within the protected zone of seven (7) oak trees (*Quercus agrifolia*, commonly known as Coast Live Oak Trees), with no removal of oak trees, in the A-1-1 (Light Agricultural – 1 Acre Minimum Required Lot Area) Zone pursuant to Part 16 of Chapter 22.56 of the Los Angeles County (“County”) Code.
2. **HEARING DATES:** December 4, 2012; February 5, 2013.
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** The project was before Hearing Officer Gina Natoli on December 4, 2012. Staff provided an overview of the project and answered questions from the hearing officer. The applicant testified and answered questions from the hearing officer, regarding what materials and structures have been removed from the protected zones of the oak trees. The hearing was continued to February 5, 2013 in order to allow time for staff to address the following issues:
 - Provide clarification on the features identified on the Oak Tree Plan and discussed in the Findings and Conditions;
 - Provide further distinction between the concurrent Plot Plan and OTP;
 - Specify the location and type of each encroachment, with an explanation of what is being asked of the applicant for each tree; and
 - Identify alternative development plans.

Since the December 4 hearing date, the applicant has provided a revised Oak Tree Plan that indicates that structures have been removed from the protected zone of all of the oak trees; existing grading and driveway encroachments remain.

4. **PROJECT DESCRIPTION.** The project consists of the retroactive encroachment within the protected zone of seven oak trees. Nine oak trees are located on the site, and existing driveways encroach upon the protected zone of all but two of the existing trees.

The Oak Tree Plan depicts the existing conditions of the property, including an existing mobilehome on a permanent foundation used as a single-family residence (1,584 square feet) with an attached two-car carport, a wood deck, and a septic

system. In the front of the property is a 2,400-square foot barn, accessory to the single-family home, used to keep two pet horses. The barn is set back 54 feet from the front property line. Also located on the site are: a metal horse canopy, a horse circle, a metal container, a trampoline, two sheds, a water tank, and a propane tank. All structures meet setback requirements. A natural creek bed runs adjacent to the north property line. Access to the site is provided via Calle Amistosa, a 30-foot wide private road.

5. **LOCATION.** 39885 San Francisquito Canyon, Green Valley, CA 91390
6. **EXISTING ZONING.** The subject property is zoned A-1-1, in the Bouquet Canyon Zoned District. Surrounding properties are zoned as follows:
 - North: A-1-1
 - South: A-1-1
 - East: A-1-1
 - West: W (Watershed)
7. **EXISTING LAND USES.** The subject property is developed with a single family home (mobilehome on a permanent foundation) and an accessory barn structure. Surrounding properties are developed as follows:
 - North: Vacant, agricultural structures
 - South: Single-family residence
 - East: Single-family residence
 - West: Vacant, Angeles National Forest
8. **PREVIOUS CASES/ZONING HISTORY.** Zone Change Ordinance 3565 was adopted on July 1, 1958, creating the Bouquet Canyon Zoned District and zoning designating the property with A-1-1 zoning. The development of the single-family home was approved by Regional Planning in 1992.
9. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the Non-Urban 2 (N2, One Dwelling Unit per Two Acres) land use category of the Antelope Valley Areawide Plan ("AV Plan"), a component of the Los Angeles County General Plan ("General Plan"). The N2 designation is intended for rural land uses, including single-family residences. The oak tree encroachments on the site, as well as the previous development of the single family home, are consistent with the N2 category. Additionally, the use is consistent with the applicable land use compatibility goals and policies of the General Plan and the AV Plan.

The following policies of the AV Plan are applicable to the project:

- Land Use Policy No. 6: “Encourage growth in and adjacent to existing urban, suburban, and rural communities.”

As Green Valley is an existing rural community, the previous development of the single-family home and accessory structure is consistent with the policy to encourage growth in such areas.

- Land Use Policy No. 11: “Promote and enhance a rural community character in designated rural areas.”

The project enhances rural community character by requiring the analysis of impacts to the seven oak trees that the previous development encroached upon. As it is located in a rural area with many oak trees, the project will promote the character of the existing community by retaining all oak trees on site, as no removals are proposed.

- Land Use Element Policy 19: “Minimize disruption and degradation of the environment as land use development occurs, integrating land uses so that they are compatible with natural environmental systems.”

The encroachment of the seven oak trees will not alter the existing development pattern. Any disruption of the environment from the development of the single-family residence and accessory structures will be minimized because no oak trees will be removed.

The following policy of the General Plan is applicable to the project:

- Area Development Policy No. 68: “Permit only those uses on private inholdings that are fully compatible with the surrounding environment, safe from significant hazards and do not require added public costs for services.”

The oak tree encroachments are fully compatible with the surrounding environment, within the Angeles National Forest. In addition, the development does not require any public costs for services and is safe from hazards. The oak trees are a valuable resource in the County, and will not be removed through this project. Furthermore, conditions will be added to the project to ensure protection of the affected trees.

10. ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.

The project is subject to both the standards applicable to single family residences and the OTP procedure. Pursuant to Section 22.24.110 of the County Code, single-family residential uses in the A-1 Zone are subject to the development standards enumerated in the R-1 (Single-Family Residential) Zone. As the subject request is for the retroactive encroachment of the oak trees, development standards such as height and setbacks do not apply.

The procedural standards for the OTP are established in Part 16 of Chapter 22.56. This procedure recognizes oak trees as significant historical, aesthetic, and ecological resources, and preserves the character of the communities in which oak trees exist. The OTP procedure creates favorable conditions for the preservation and propagation of this unique, threatened plant heritage, particularly those trees which may be classified as heritage oak trees, for the benefit of current and future residents of Los Angeles County. It is the intent of the OTP to maintain and enhance the general health, safety and welfare by assisting in counteracting air pollution and in minimizing soil erosion and other related environmental damage. The OTP is also intended to preserve and enhance property values by conserving and adding to the distinctive and unique aesthetic character of many areas of the County in which oak trees are indigenous. The stated objective of the OTP is to preserve and maintain healthy oak trees in the development process. Pursuant to the OTP process, a public hearing is required for the encroachment of the subject seven oak trees.

11. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The project is appropriate for the site and area. None of the oak trees on the site have been or will be removed, and thus the impact on the neighborhood will be minimal. The previous development of the single-family home and accessory barn must comply with the standards in the zone and is typical of development in the area. The damage to the oak trees has been limited to the encroachment within the protected zone of the oak trees. The existing project is not, and will not be, a detriment to the surrounding community.
12. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** The County Forester and Fire Warden reviewed the permit application and cleared the project for hearing, with recommended conditions.
13. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** 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.
14. **PUBLIC COMMENTS.** No comments from the public have been received.

OAK TREE PERMIT-SPECIFIC FINDINGS

15. The information submitted by the applicant, brought to attention during the public hearing, and reported by the County Forester and Fire Warden substantiates the Burden of Proof, as follows:

- a. No oak trees have been or will be removed or relocated on the property, and any future construction will be accomplished without endangering the health of the remaining trees on the subject property.
- b. The encroachment upon of the seven oak trees will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated.
- c. The encroachment upon the oak trees is necessary because the trees' location frustrates the use of the subject property, such that eliminating the encroachments precludes the reasonable and efficient use of the property for a use otherwise authorized, to the extent that alternative development plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive.
- d. The damage to, or encroachment upon, the oak trees is not contrary to or in substantial conflict with the intent and purpose of the OTP procedure. The protected zones of the seven oak trees were encroached upon and no removals or relocations were made or are proposed.

16. **ENVIRONMENTAL DETERMINATION.** Los Angeles County staff recommends a Categorical Exemption, Classes 1 and 4, pursuant to the California Environmental Quality Act (CEQA) and the County environmental reporting guidelines. Class 1 consists of existing facilities, the existing single-family home, accessory structures and graded driveways. Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Furthermore, the project is not located in a mapped environmentally sensitive area.

Therefore, the project qualifies as a Categorical Exemption and is consistent with the finding by the State Secretary for Resources or by local guidelines that these class of projects do not have a significant effect on the environment.

17. **RECORD OF PROCEEDINGS.** 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 North Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. No oak trees will be removed or relocated for the retroactive approval of the OTP.

- B. That the information submitted by the applicant and presented at the public hearing substantiates the required finding for an OTP as set forth in Part 16 of Chapter 22.56 of the County Code (Zoning Ordinance), as follows:
 - a. Any future construction will be accomplished without endangering the health of the remaining trees subject to this Part 16, if any, on the subject property;
and
 - b. The Oak Tree Permit will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated;
and
 - c. Relocation of the driveways precludes the reasonable and efficient use of such property for a use otherwise authorized
 - d. The encroachments are not contrary to or be in substantial conflict with the intent and purpose of the oak tree permit procedure;

HEARING OFFICER ACTION:

- 1. The Hearing Officer has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

- 2. In view of the findings of fact and conclusions presented above, OTP No. 201100012 is approved subject to the attached conditions.

Action Date: February 5, 2013

SMT:GS
1/24/2013

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2011-00457-(5)
OAK TREE PERMIT NO. 201100012**

This grant authorizes the encroachment within the protected zone of seven (7) oak trees (*Quercus agrifolia*, commonly known as Coast Live Oak Trees), with no removal of oak trees, in the A-1-1 (Light Agricultural – 1 Acre Minimum Required Lot Area) Zone pursuant to Part 16 of Chapter 22.56 of the Los Angeles County ("County") Code, as identified as Oak Tree Nos. 1 through 7 on the applicant's site plan, subject to the following conditions:

1. 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 County Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant, and until all required fees have been paid pursuant to the attached County Forester and Fire Warden's ("Forester") letter dated June 16, 2011.
2. 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.
3. 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.
4. 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 County Code Section 2.170.010.

5. 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.
6. 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. If Regional Planning inspections are deemed necessary, required supplementary funds (at \$200 per inspection) shall be deposited with Regional Planning. Inspections shall be unannounced and may be coordinated with the Forester.
7. 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.
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 ("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 permittee shall comply with all conditions and requirements contained in the County Forester letter dated June 16, 2011 to the satisfaction of said Division, except as otherwise required by said Division.
11. 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.
12. 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.

Attachment: County Forester's Letter dated **June 16, 2011**.



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

June 16, 2011

Dean Edwards, Principal Regional Planner
Department of Regional Planning
Zoning Permits Section
320 West Temple Street
Los Angeles, CA 90012

Dear Mr Edwards:

OAK TREE PERMIT NUMBER 2011-00012
PROJECT NUMBER R2011-00457
39885 SAN FRANCISQUITO CANYON ROAD, GREEN VALLEY

We have reviewed the "Request for Oak Tree Permit #2011-00012." The project is located at 39885 San Francisquito Canyon Road in the unincorporated area of Green Valley. 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 Craig Crotty, the consulting arborist, dated January 21, 2011.

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 \$300. Such fees shall be used to compensate the County Forester \$100 per inspection to cover expenses incurred while

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS	CALABASAS	DIAMOND BAR	HIDDEN HILLS	LA MIRADA	MALIBU	POMONA	SIGNAL HILL
ARTESIA	CARSON	DUARTE	HUNTINGTON PARK	LA PUENTE	MAYWOOD	RANCHO PALOS VERDES	SOUTH EL MONTE
AZUSA	CERRITOS	EL MONTE	INDUSTRY	LAKEWOOD	NORWALK	ROLLING HILLS	SOUTH GATE
BALDWIN PARK	CLAREMONT	GARDENA	INGLEWOOD	LANCASTER	PALMDALE	ROLLING HILLS ESTATES	TEMPLE CITY
BELL	COMMERCE	GLENORA	IRVINDALE	LAWDALE	PALOS VERDES ESTATES	ROSEMEAD	WALNUT
BELL GARDENS	COVINA	HAWAIIAN GARDENS	LA CANADA FLINTRIDGE	LOMITA	PARAMOUNT	SAN DIMAS	WEST HOLLYWOOD
BELLFLOWER	CUDAHY	HAWTHORNE	LA HABRA	LYNWOOD	PICO RIVERA	SANTA CLARITA	WESTLAKE VILLAGE
BRADBURY							WHITTIER

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 two (2) 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 chain link 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 PRUNING AND ENCROACHMENT:

7. This grant allows pruning and encroachment within the protected zone of seven (7) trees of the Oak genus identified as Tree Numbers 1, 2, 3, 4, 5, 6 and 7 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 at a rate of two to one (2:1) for any tree specified above, 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 two-year maintenance period will begin upon receipt of a letter from the permittee or consulting arborist to the Director of Regional Planning and the County Forester, indicating that the mitigation trees have been planted. The maintenance period of the trees failing to survive two (2) years will start anew with the new replacement trees. Subsequently, additional monitoring fees shall be required.
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.

Dean Edwards, Principal Regional Planner

June 16, 2011

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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 two (2) 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



OAK TREES: Care and Maintenance

This Oak Tree Care and Maintenance Guide offers basic information and practical guidelines aimed at the preservation and continued health and survival of oak trees in the residential landscape.

Increasing pressure for development is changing the oak woodland of Los Angeles County. Heritage oaks which once survived in open rolling hills are now being preserved or replanted and incorporated into the community.

How do we protect these trees during the planning and development process, and ensure their survival once they are in the home garden?

The Oak Tree

Oak Trees in the residential landscape often suffer decline and early death due to conditions that are easily preventable. Damage can often take years to become evident, and by the time the trees show obvious signs of disease it is usually too late to help.

Improper watering, especially during the hot summer months, and disturbance to critical root areas are most often the causes. This booklet will provide guidelines on where these critical areas lie and ways to avoid disturbing them, as well as information on long-term care and maintenance of both natural and planted oaks. Lists of additional resources for more information and demonstration areas to visit are also included.

The Oak Tree Ordinance

The Los Angeles County Oak Tree Ordinance has been established to recognize oak trees as significant historical, aesthetic, and ecological resources. The goal of the ordinance is to create favorable conditions for the preservation and propagation of this unique and threatened plant heritage. By making this part of the development process, healthy oak trees will be preserved and maintained.

The Los Angeles County Oak Tree Ordinance applies to all unincorporated areas of the County. Individual cities may have their own ordinances, and their requirements may be different.

Permit Requirements:

Under the Los Angeles County Ordinance, a person shall not cut, destroy, remove, relocate, inflict damage, or encroach into the *protected zone* (see text) of any ordinance sized tree of the oak tree genus without first obtaining a permit.

Damage includes but is not limited to :

- Burning
- Application of toxic substances
- Pruning or cutting
- Trenching
- Excavating
- Paving
- Operation of machinery or equipment
- Changing the natural grade

Chapter 22.56.2050: Oak Tree Permit Regulations, Los Angeles County, Adopted: August 20, 1982. Amended: September 13, 1988.

For more information about the County Oak Tree Ordinance, visit the Forestry Division's website at:

http://lacofd.org/Forestry_folder/otordin.htm

Or contact:

Department of Regional Planning
320 W. Temple Street, 13th floor
Los Angeles, CA 90012-3284
(213) 974-6411
TDD: (213) 617-2292
<http://planning.co.la.ca.us>

Types of oaks commonly found in Los Angeles County:

Many kinds of oak trees are native to Los Angeles County. A few of the more common ones are shown below, but *all* oak trees are covered by the Oak Tree Ordinance.

Older oaks which have thrived under the natural rainfall patterns of dry summers and wet winters often can't handle the extra water of a garden setting. These trees must be treated with special care if they are to survive.

Those oaks that have been planted into the landscape or sprouted naturally tend to be more tolerant of watered landscapes. These vigorous young trees may grow 1½ to 4 feet a year in height under good conditions. Once established these trees would benefit from the same special care outlined in this guide.



Valley Oak

QUERCUS LOBATA

LARGE DECIDUOUS TREE 60'-75' HIGH, BROADLY SPREADING 50'-80' WIDE.

LEAVES: DEEP GREEN, 3"-4" LONG; PAPER-LIKE TEXTURE WITH DEEP ROUNDED LOBES ON THE LEAF EDGE.

TENDS TO FAVOR VALLEY BOTTOMS; FOR THIS REASON THE VALLEY OAK HAS DISAPPEARED FROM THE LANDSCAPE MORE RAPIDLY, IMPACTED SEVERELY BY AGRICULTURE AND URBAN DEVELOPMENT.



Coast Live Oak

QUERCUS AGRIFOLIA

LARGE EVERGREEN TREE WITH A BROAD, ROUND SHAPE AND LARGE LIMBS. 30'-70' HIGH, 35'-80' WIDE.

LEAVES: GLOSSY GREEN, 1"-3" LONG; SPINY, ROUNDED, AND HOLLY-LIKE, BUT DISTINCTLY CUPPED OR CURLED UNDER AT THE EDGES.



Interior Live Oak

QUERCUS WIGLIZENII

EVERGREEN TREE 30'-75' HIGH OR A SHRUB 8'-10' HIGH IN CHAPARRAL AREAS. HAS A FULL, DENSE ROUNDED SHAPE, NOT BROAD OR WITH LARGE LIMBS LIKE A COAST LIVE OAK. THEY TEND TO GROW IN CLUMPS RATHER THAN AS A SINGLE TREE.

LEAVES: DARK GREEN, 1"-4" LONG. EDGES EITHER SMOOTH OR SPINY, BUT ALWAYS FLAT— NOT CURLED UNDER.

OTHER COMMON OAKS:

CALIFORNIA BLACK OAK | QUERCUS KALLOEGI
CANYON LIVE OAK | QUERCUS CHRYSOLEPIS
ENGELMANN OAK | QUERCUS ENGELMANNII

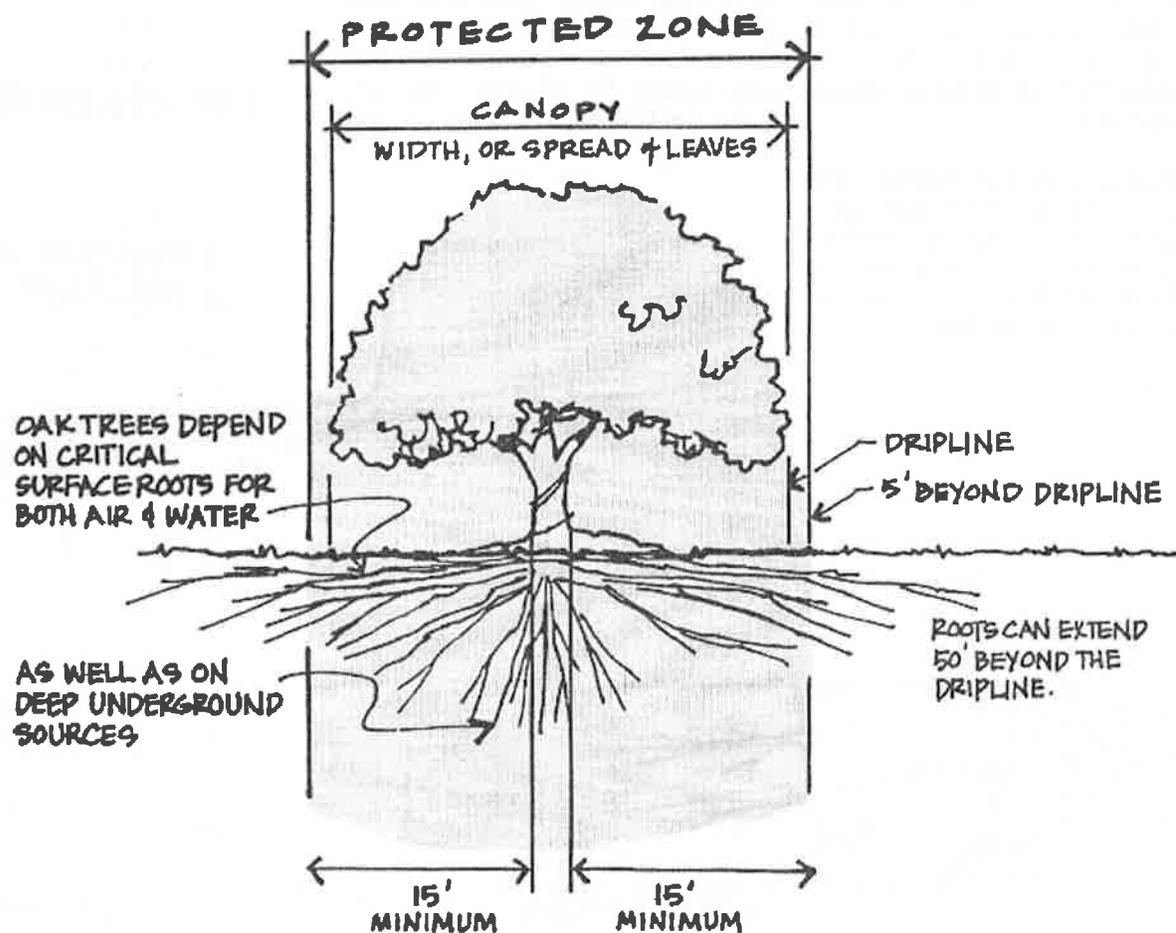
THE PROTECTED ZONE

The **protected zone** defines the area most critical to the health and continued survival of an oak tree. Oaks are easily damaged and very sensitive to disturbances that occur to the tree or in the surrounding environment.

The root system is extensive but surprisingly shallow, sometimes radiating out as much as 50 feet beyond the spread of the tree leaves, or canopy. The ground area at the outside edge of the canopy, referred to as the *dripline*, is especially important: the tree obtains most of its surface water and nutrients here, and conducts an important exchange of air and other gases.

The protected zone is defined in the Oak Tree Ordinance as follows:

"The Protected Zone shall mean that area within the dripline of an oak tree and extending there from to a point at least 5 feet outside the dripline or 15 feet from the trunk, whichever distance is greater."



CONSTRUCTION ACTIVITY WITHIN THE PROTECTED ZONE

Changes in Grade

Any change in the level of soil around an oak tree can have a negative impact. The most critical area lies within 6' to 10' of the trunk: no soil should be added or scraped away. Water should drain away from this area and not be allowed to pond so that soil remains wet at the base.

Retaining walls designed to hold back soil above or below an existing tree should be avoided if at all possible, especially within the protected zone. These types of structures cause critical areas at the dripline to be buried, or require that major roots be severed. Water trapped at the base of the tree could lead to root rot or other impacts, and to the decline and premature death of a highly valued landscape tree.

Construction activities outside the protected zone can have damaging impacts on existing trees. Underground water sources can be cut off due to falling water tables, or drainage may be disrupted.

Trenching

Digging of trenches in the root zone should be avoided. Roots may be cut or severely damaged, and the tree can be killed.

If trenches must be placed within the protected zone, utilities can be placed in a conduit, which has been bored through the soil, reducing damage to the roots. Insist that as many utilities as allowed be placed in a single trench, instead of the common practice of digging a separate trench for each individual line.

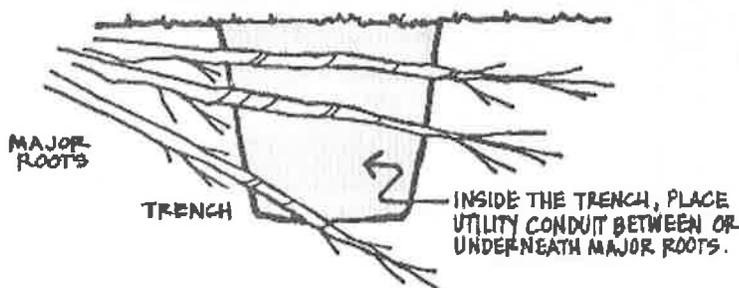
Trenching can also be accomplished using hand tools or small hand held power equipment to avoid cutting roots. Any roots exposed during this work should be covered with wet burlap and kept moist until the soil can be replaced.

Soil Compaction and Paving

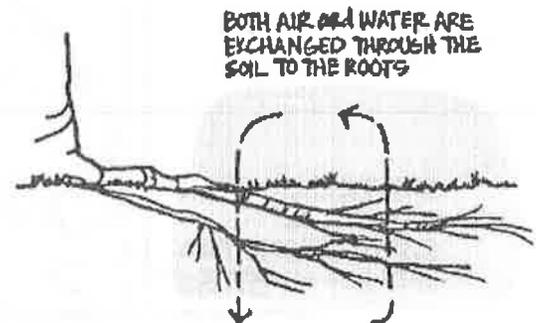
The roots depend upon an important exchange of both water and air through the soil within the protected zone. Any kind of activity that compacts the soil in this area blocks this exchange and can have serious long-term negative effects on the tree.

If paving material must be used, some recommended surfaces include brick paving with sand joints, or ground coverings such as wood chips (note the advantages of natural materials for providing nutrients under *mulching*).

TRENCHING



SOIL COMPACTION



MAINTENANCE

Watering

The key is prevention – **do not over water**. Improper watering is often overlooked as the cause of tree death because it can take years for the damage to show. Once the tree shows obvious signs of decline, it is often too late to correct the problem.

The seasonal weather pattern for this region is one of dry summers and winter rain. Oak trees are naturally drought tolerant and adapted to this cycle. If the tree is vigorous and thriving it should not require any additional water.

If the natural source of surface or underground water has been altered, some supplemental water may be necessary, but proceed with caution. The goal of any watering schedule for oak trees should be to supplement natural rainfall and it should occur only when the tree would normally receive moisture. This might be in the winter, if rains are unusually late, or in spring if rainfall has been below normal levels.

Over watering, especially during the summer months, causes a number of problems which can lead to decline and eventual death of the tree. It creates ideal conditions for attacks of Oak Root Fungus by allowing the fungus to breed all year. In addition, both evergreen and deciduous oaks grow vigorously in the spring and naturally go dormant in the summer. Extra water only encourages new tip growth which is subject to mildew. Oaks need this period of rest.

Newly planted oaks may need supplemental watering during their first few summers. After they become established water should be applied according to the previous guidelines.

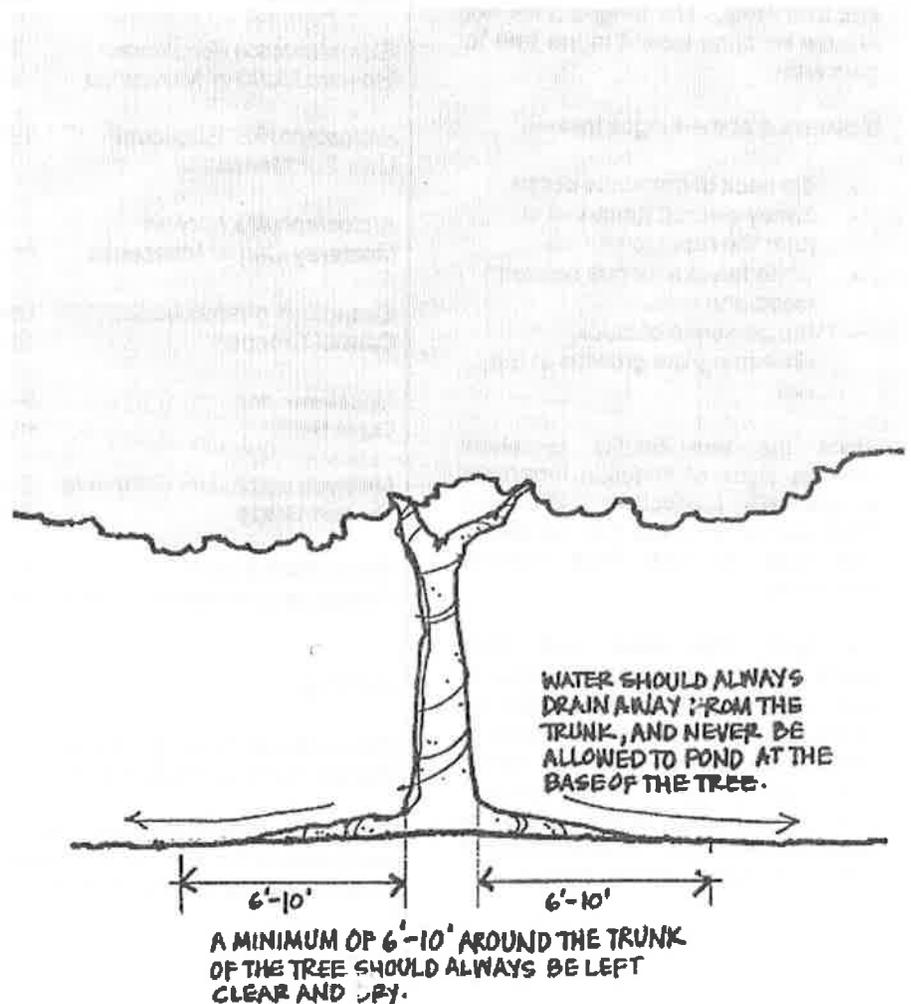
Pruning

For oak trees the periodic removal of dead wood during periods of tree dormancy should be the only pruning needed. Any cutting of green wood opens scars that could allow the entry of organisms or disease.

Before pruning obtain the advice of a certified arborist or other professional and consult the local city or county where the tree is located to find out what regulations apply. Pruning of both live and dead wood can sometimes require a permit.

Mulching

Leaf litter from the tree is the best mulch and should be allowed to remain on the ground within the protected zone. Crushed walnut shells or wood chips can be used, but the oak leaves that drop naturally provide the tree with a source of nutrients. Avoid the use of packaged or commercial oak leaf mulch which could contain Oak Root Fungus. Redwood chips should not be used due to certain chemicals present in the wood.



Disease and Pests

Trees that are stressed, especially because of improper watering practices, are prone to certain diseases and attacks by pests.

The most damaging of these diseases is the Oak Root Fungus *Armillaria mellea*. Occurring naturally in the soil, the fungus thrives under wet conditions and dies back in the summer when soils dry out. This is why summer watering of oaks can be a deadly practice. As noted in the watering guidelines, wet soil in the summer allows the fungus to grow all year. As the population grows, their natural food sources are depleted and they begin feeding on oak tree roots. The fungus does not require an open wound in the tree to gain entry.

Indications of the fungus include:

- die back of branches or tips.
- honey colored fungus at or near the root crown.
- white fan-like fungus between wood and bark.
- the presence of black, shoestring-like growths in the soil.

Once the tree begins to show obvious signs of infection treatment is generally ineffective. The best treatment is to *avoid* the conditions that lead to Oak Root Fungus infections.

Pit Scale, Oak Moth, and other pests: any significant changes in leaf color, branch die back, presence of black sooty materials on leaves or other changes should be noted. Seek the advice of a professional forester, arborist, farm advisor or other expert before the application of any pesticides on an oak tree.

Planting Underneath Oaks

The natural leaf litter is by far the best ground cover within the protected zone. If plants must be placed, the following guidelines should be followed:

There should be no planting within a minimum 6 to 10 feet of the trunk.

Avoid plants that require any supplemental water once established.

Choose plants suited for "dry shade." Those listed in the box below offer some good choices. To see some examples of how these plants have been used under oaks refer to the Additional Resources section on the following page.

PLANTS TO CONSIDER:

Plant Name	Description
<i>Arctostaphylos densiflora</i> 'Howard McMinn' Manzanita	3' high, 6' wide. Toughest of available forms. Whitish-pink flowers.
<i>Arctostaphylos edmundsii</i> Little Sur Manzanita	1-2' high, 4-5' wide. Tolerant of full shade.
<i>Arctostaphylos hookeri</i> Monterey Carpet Manzanita	1-2' high, spreading to 12' wide by rooting branches. White to pink flowers.
<i>Ceanothus griseus horizontalis</i> Carmel Creeper	Less than 2 1/2' tall, low & creeping. Clusters of small blue flowers.
<i>Heuchera</i> spp. Coral Bells	2-4' mound. Flowers on an upright stem 2-3" high and spotted with red or pink.
<i>Mahonia aquifolium compacta</i> Oregon Grape	2-4' high, spreading by underground roots. Bright yellow flower clusters.
<i>Ribes viburnifolium</i> Evergreen or Catalina Currant	2-3' high, spreading to 12' wide. Flowers pink to red in small clusters.

NOTES:

Before deciding on plants, check a source such as the *Sunset Western Garden Book* to determine which plants will grow in your area.

When choosing shade tolerant plants, consider that the ground under the south side of the tree will get more sunlight while the northern side will tend to remain more deeply shaded.

ADDITIONAL RESOURCES and Places to Visit

Public Agencies

County of Los Angeles Fire Department
Prevention Bureau, Forestry Division
5823 Rickenbacker Road, Rm #123
Commerce, CA 90040-3027
(323) 890-4330
<http://lacofd.org/forestry.htm>

University of California
Integrated Hardwood Range Management Program
163 Mulford Hall, Berkeley, CA 94720-3114
<http://danr.ucop.edu/ihrmp>

Private Organizations

The Theodore Payne Foundation
10459 Tuxford Street
Sun Valley, CA 91352-2126
(818) 768-1802
www.theodorepayne.org

California Native Plant Society
1722 J Street, Suite 17
Sacramento, CA 95814-3033
(916) 447-2677
www.cnps.org

The California Oak Foundation
1212 Broadway, Suite 810
Oakland, CA 94612-1810
(510) 763-0282
www.californiaoaks.org

Arboretums and Botanic Gardens

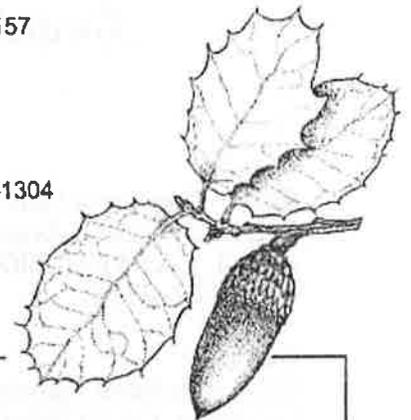
Los Angeles County Arboreta and Botanic Gardens
301 N. Baldwin Ave.
Arcadia, CA 91007-2697
(626) 821-3222
www.arboretum.org

Los Angeles County South Coast Botanic Garden
26300 Crenshaw Blvd.
Palos Verdes Peninsula, CA 90274-2515
(310) 544-6815
www.southcoastbotanicgarden.org

Los Angeles County Descanso Gardens
1418 Descanso Drive
La Canada-Flintridge, CA 91011-3102
(818) 949-4200
www.descansogardens.org

Rancho Santa Ana Botanic Garden
1500 North College
Claremont, CA 91711-3157
(909) 625-8767
www.rsabg.org

The Lummis Home
200 E. Avenue 43
Los Angeles, CA 90031-1304
(213) 222-0546



Publications

Compatible Plants Under and Around Oaks. Bruce W. Hagen... [et al]. The California Oak Foundation. 2000.

Growing California Native Plants. Marjorie G. Schmidt, Univ. California Press. 1981.

Illustrated Guide to the Oaks of the Southern Californian Floristic Province. Fred M. Roberts. FM Roberts Publications. 1996.

Living Among the Oaks: A Management Guide for Landowners. University of California Integrated Range Management Program. 1995.

Oaks of California. Bruce M. Pavlik... [et al]. Cachuma Press & the California Oak Foundation. 1995.

Proceedings of the Fifth Symposium on Oak Woodlands: Oaks in California's Changing Landscape. GTR PSW-GTR-184. Forest Service, U.S. Department of Agriculture. 2001.
Available from the University of California Integrated Hardwood Range Management Program.

Regenerating Rangeland Oaks in California. University of California Integrated Range Management Program. 2001.



County of Los Angeles Fire Department Forestry Division

County of Los Angeles Board of Supervisors

Gloria Molina, First District
Yvonne Brathwaite Burke, Second District
Zev Yaroslavsky, Third District
Don Knabe, Fourth District
Michael D. Antonovich, Fifth District

County of Los Angeles Fire Department

P. Michael Freeman, Fire Chief

Brush Clearance Unit
605 N. Angeleno Avenue
Azusa, CA 91702-2904
(626) 969-2375

Camp 17
6555 Stephens Ranch Road
La Verne, CA 91750-1144
(909) 593-7147

Environmental Review Unit
12605 Osborne Street
Pacoima, CA 91331-2129
(818) 890-5719

Fire Plan/Interpretive Unit
12605 Osborne Street
Pacoima, CA 91331-2129
(818) 890-5783

Fuel Modification Unit
605 N. Angeleno Avenue
Azusa, CA 91702-2904
(626) 969-5205

Henninger Flats Forestry Unit
2260 Pinecrest Drive
Altadena, CA 91001-2123
(626) 794-0675

Lake Hughes Forestry Unit
42150 N. Lake Hughes Road
Lake Hughes, CA 93532-9706
(661) 724-1810

Malibu Forestry Unit
942 N. Las Virgenes Road
Calabasas, CA 91302-2137
(818) 222-1108

San Dimas Forestry Unit
1910 N. Sycamore Canyon Road
San Dimas, CA 91773-1220
(909) 599-4615

Saugus Forestry Unit
28760 N. Bouquet Canyon Road
Saugus, CA 91390-1220
(661) 296-8558

Vegetation Management Unit
12605 Osborne Street
Pacoima, CA 91331-2129
(818) 890-5720