Hearing Officer Transmittal Checklist

Hearing Date
December 4, 2012
Agenda Item No.
8

Project Number: PROJECT NO. R2011-00457-(5)
Case(s): OAK TREE PERMIT NO. 201100012
Planner: Gretchen Siemers

- [x] Project Summary
- [x] Property Location Map
- [x] Staff Analysis
- [ ] Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- [x] Draft Findings
- [x] Draft Conditions
- [x] Burden of Proof Statement(s)
- [ ] Environmental Documentation (ND / MND / EIR)
- [ ] Correspondence
- [x] Photographs
- [x] Aerial Image(s)
- [x] Land Use/Zoning Map
- [ ] Tentative Tract / Parcel Map
- [ ] Site Plan / Floor Plans / Elevations
- [x] Exhibit Map
- [ ] Landscaping Plans
- [ ] _____
- [ ] _____
- [ ] _____

Reviewed By: _____

Department *of* Regional Planning
320 West Temple Street
Los Angeles, California 90012

PROJECT NUMBER
R2011-00457

HEARING DATE
December 4, 2012

REQUESTED ENTITLEMENTS
Oak Tree Permit No. 201100012
Environmental Assessment No. RENV201100072
Plot Plan No. RPP201200011

PROJECT SUMMARY

OWNER / APPLICANT
Mitch Robinson / Gary Williamson

PROJECT OVERVIEW

The applicant is requesting a retroactive Oak Tree Permit to authorize encroachment within the drip lines of 7 coast live oak trees (*Q. agrifolia*), in order to legalize accessory structures that were built without permits on the site. The legalization of the structures will be reviewed concurrently through Plot Plan No. 201200011. There will be no oak tree removals nor will any encroachments reach within six feet of any oak tree trunk. The site is located within the Angeles National Forest.

LOCATION
39885 San Francisquito Canyon, Green Valley, CA 91390

ACCESS
Via San Francisquito Canyon

ASSESSORS PARCEL NUMBER(S)
3234-003-030

SITE AREA
10 Acres

GENERAL PLAN / LOCAL PLAN
Antelope Valley Areawide Plan

ZONED DISTRICT
Bouquet Canyon

LAND USE DESIGNATION
N2 (Non-Urban 2—One Dwelling Unit Per Two Acres)

ZONE
A-1-1 (Light Agriculture, One Acre Minimum Required Lot Area)

PROPOSED UNITS	MAX DENSITY/UNITS	COMMUNITY STANDARDS DISTRICT
N/A	1	N/A

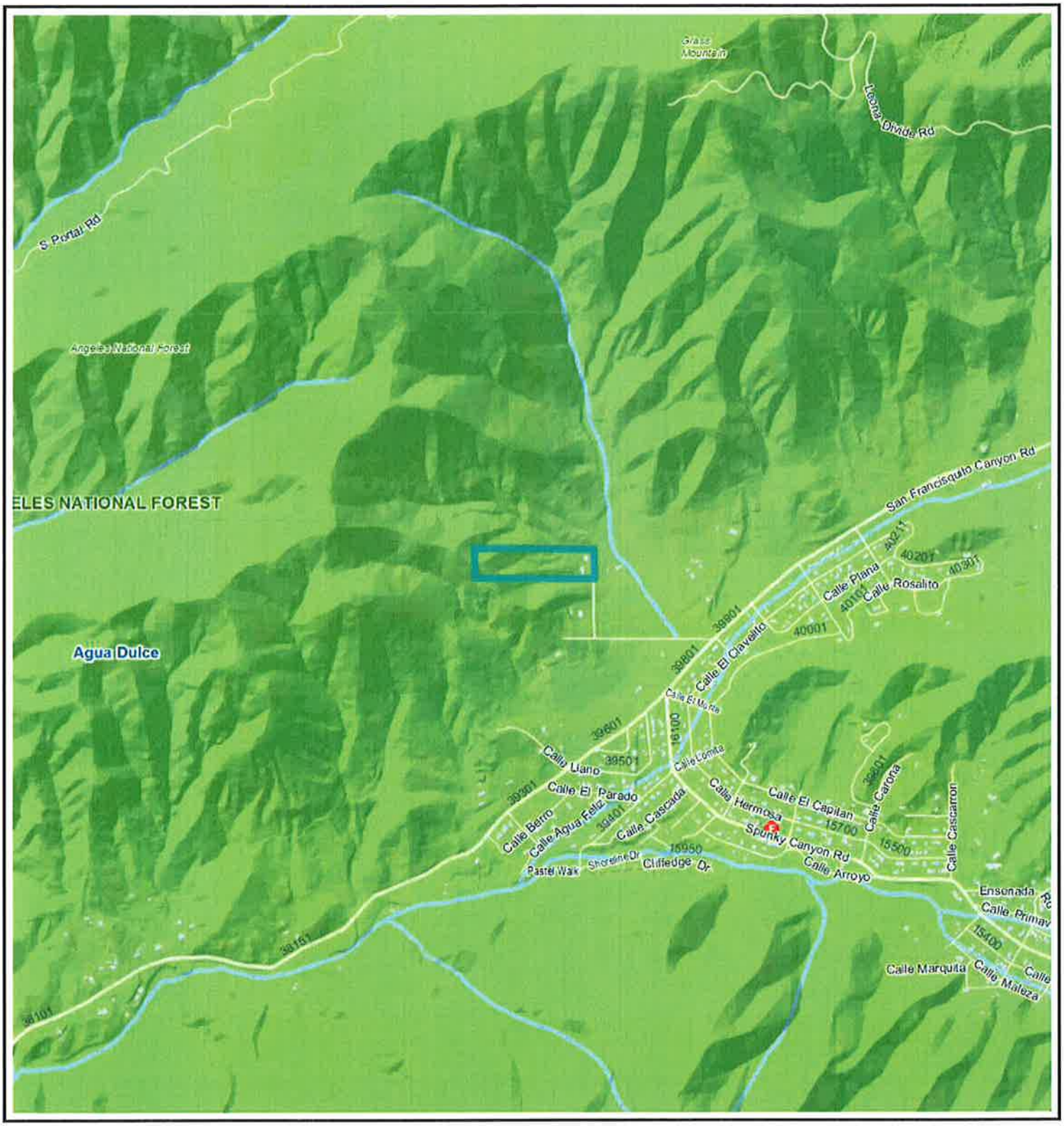
ENVIRONMENTAL DETERMINATION (CEQA)
Class 1 Categorical Exemption – Existing Facilities
Class 4 Categorical Exemption – Minor Alterations to Land

KEY ISSUES

- Consistency with the Los Angeles County General Plan
- Consistency with the Antelope Valley Areawide Plan
- Satisfaction of the following Parts of Title 22 of the Los Angeles County Code:
  - Part 16 of Chapter 22.56
  - Part 2 of Chapter 22.24

STAFF RECOMMENDATION
Approval

CASE PLANNER:	PHONE NUMBER:	E-MAIL ADDRESS:
Gretchen Siemers	(213) 974 - 6443	gsiemers@planning.lacounty.gov



R2011-00457

ROAK 201100012

Printed: Nov 20, 2012

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Feet

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ENTITLEMENT REQUESTED

The applicant is requesting an Oak Tree Permit ("OTP") 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 Agriculture – 1 Acre Minimum Required Lot Area) Zone pursuant to Part 16 of 22.56 of the Los Angeles County ("County") Code.

PROJECT DESCRIPTION

The project consists of the retroactive encroachment within the protected zone of seven oak trees that occurred due to earthwork and the construction of accessory structures without approval from County Regional Planning. The accessory structures are concurrently being processed retroactively through Plot Plan No. 201200011. Nine oak trees are located on the site, and the existing structures and previously completed earthwork encroach upon the protected zone of all but two of the existing trees.

The site plan depicts 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 paved, private road.

CONTEXT

The community of Green Valley is a secluded National Forest inholding area located along San Francisquito Canyon Road approximately two miles south of Elizabeth Lake Road in the Antelope Valley. The subject site is located north of San Francisquito Canyon Road in a wooded hillside area. In 1958, Zone Change Ordinance 3565 was adopted, creating the Bouquet Canyon Zoned District and zoning the property A-1-1. The existing single-family home was approved in 1992.

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)

Existing Land Uses

The subject property is developed with a single family home and 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

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, as are the single-family home, carport and barn. 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.

STAFF EVALUATION

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 Antelope Valley Areawide General 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 enhance the character of the existing community.

- 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 subsequent development of the single-family residence 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 and the subsequent development of the home will be 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 or the subsequent development of the single-family home. Furthermore, conditions will be added to the project to ensure protection of the affected trees.

<u>Zoning Ordinance and Development Standards Compliance</u>

The project is subject to both the standards applicable to single family residences and the OTP procedure. Although both permits are retroactive, only the OTP is subject to discretionary review. 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:

- *Height limits.*
  - *Every residence and every other building or structure in Zone R-1 shall have a height of not to exceed 35 feet above grade, except for chimneys and rooftop antennas.*

  The subject property complies with this regulation as the single-family home has a height of 15 feet; the existing barn has an elevation of 14 feet.

- *Yard requirements.*
  - *Each lot or parcel of land shall have a front yard of not less than 20 feet in depth.*

The subject property complies with this regulation as the front yard is 85 feet from the front property line.

- *Each lot or parcel of land shall have corner side yards of not less than:*
  - *10 feet on a reversed corner lot; or*
  - *Five feet on other corner lots.*

The subject property complies with this regulation since the corner side yards are at least 55 feet.

- *Each lot or parcel of land shall have interior side yards of not less than 5 feet.*

The interior side yard complies with this requirement since it is approximately 50 feet.

- *Each lot or parcel of land shall have a rear yard of not less than 15 feet in depth.*

The rear yard at the subject property is approximately 700 feet in depth.

In addition to the base zone standards, the minimum lot area is 1 acre pursuant to Part 2 of Chapter 22.52 of the County Code. Furthermore, 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 Los Angeles County in which oak trees are indigenous. The stated objective of the Oak Tree Permit 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.

Neighborhood Impact/Land Use Compatibility

The project, including the previous development of the single-family residence and accessory barn, 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 is in full

conformance with the standards in the zone and is typical of development in the area. The impact to the oak trees has been limited to the encroachment within the protected zone of the oak trees for excavation and paving with decomposed granite, and the development of a septic leach field. In summary, the burden of proof is met because no removals will occur. Therefore, the existing project is not, and will not be, a detriment to the surrounding community.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 21.56.2100 of the 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 because a) the construction occurred in the past, and b) there will be no removal or relocation of trees The Burden of Proof, as codified in Section 21.56.2100, is below:

A. In addition to the information required in the application by Section 22.56.2090, the application shall substantiate to the satisfaction of the director the following facts:
    1. That the proposed construction of proposed use will be accomplished without endangering the health of the remaining trees subject to this Part 16, if any, on the subject property; and
    2. That the removal or relocation of the oak tree(s) proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated; and
    3. That in addition to the above facts, at least one of the following findings apply:
        a. That the removal or relocation of the oak tree(s) proposed is necessary as continued existence at present location(s) frustrates the planned improvement or proposed use of the subject property to such an extent that:
            i. Alternative development plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive, or
            ii. Placement of such tree(s) precludes the reasonable and efficient use of such property for a use otherwise authorized, or
        b. That the oak tree(s) proposed for removal or relocation interferes with utility services or streets and highways, either within or outside of the subject property, and no reasonable alternative to such interference exists other than removal of the tree(s), or
        c. That the condition of the oak tree(s) proposed for removal with reference to seriously debilitating disease or danger or 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;

B. For purposes of interpreting this section, it shall be specified that while relocation is not prohibited by this Part 16, it is a voluntary alternative offering sufficient potential danger to the health of a tree as to require the same findings as removal.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

The County Forester and Fire Warden reviewed the permit application and cleared the project for hearing, with recommended conditions.

OTHER AGENCY COMMENTS AND RECOMMENDATIONS

The California Department of Housing and Community Development (HCD) has reviewed and approved the carport addition.

LEGAL NOTIFICATION

Pursuant to the provisions of Section 22.56.2130 B. of the County Code, the community was appropriately notified of the public hearing by newspaper and DRP website posting.

PUBLIC COMMENTS

Staff has not received any comments at this time.

FEES/DEPOSITS

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

STAFF RECOMMENDATION

Staff recommends approval of Project No. R2011-00457-(5), Oak Tree Permit No. 201100012, subject to the attached conditions. However, this 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.

SUGGESTED APPROVAL MOTIONS

"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"*

Prepared by Gretchen Siemers, AICP
Reviewed by Susan Tae, AICP, Supervising Regional Planner, Zoning Permits North Section

Attachments:
- Draft Findings
- Draft Conditions of Approval
- Applicant's Burden of Proof statement
- Arborist's Report
- Site Photographs
- Aerial Image
- Site Plan
- Land Use Map

SMT:GS
9/4/12

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 Agriculture – 1 Acre Minimum Required Lot Area) Zone pursuant to Part 16 of Chapter 22.56 of the Los Angeles County ("County") Code.

2. **HEARING DATE:** December 4, 2012

3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** [*To be inserted after public hearing(s) to reflect hearing proceedings.*]

4. **PROJECT DESCRIPTION.** The project consists of the retroactive encroachment within the protected zone of seven oak trees to permit accessory structures constructed without approval from County Regional Planning ("Regional Planning"). The accessory structures are concurrently being processed retroactively through Plot Plan No. 201200011. Nine oak trees are located on the site, and the existing structures and previously completed earthwork encroach upon the protected zone of all but two of the existing trees.

   The site plan depicts 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 enhance the character of the existing community.

- 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 subsequent development of the single-family residence 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 and the subsequent development of the home will be 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 or the subsequent development of the single-family home. 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. Although both permits are retroactive, only the OTP is subject to discretionary review. 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:

Height limits.

- *Every residence and every other building or structure in Zone R-1 shall have a height of not to exceed 35 feet above grade, except for chimneys and rooftop antennas.*

  The subject property complies with this regulation as the single-family home has a height of 15 feet; the existing barn has an elevation of 14 feet.

- *Yard requirements.*

  Each lot or parcel of land shall have a front yard of not less than 20 feet in depth.

  The subject property complies with this regulation as the front yard is 85 feet from the front property line.

- *Each lot or parcel of land shall have corner side yards of not less than:*

  10 feet on a reversed corner lot; or five feet on other corner lots.

  The subject property complies with this regulation since the corner side yards are at least 55 feet.

- *Each lot or parcel of land shall have interior side yards of not less than 5 feet.*

  The interior side yard complies with this requirement since it is approximately 50 feet.

- *Each lot or parcel of land shall have a rear yard of not less than 15 feet in depth.*

  The rear yard at the subject property is approximately 700 feet in depth.

In addition to the base zone standards, the minimum lot area is 1 acre pursuant to Part 2 of Chapter 22.52 of the County Code. Furthermore, 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 Los Angeles 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, including the previous development of the single-family residence and accessory barn, 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 is in full conformance 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 for excavation and paving with decomposed granite, and the development of a septic leach field. In summary, the burden of proof is met because no removals will occur. Therefore, 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. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** The California Department of Housing and Community Development (HCD) has reviewed and approved the carport addition.

14. **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, newspaper and property posting.

15. **PUBLIC COMMENTS.** No comments from the public have been received.

OAK TREE PERMIT-SPECIFIC FINDINGS

16. 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:

    No oak trees have been or will be removed or relocated for the single-family mobilehome with associated driveway and septic leach field, and such construction will be accomplished without endangering the health of the remaining trees on the subject property.

    The encroachment upon of the seven oak trees as required for the retroactive approval of the single-family home, carport and barn, will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated.

    The encroachment upon the oak trees is necessary as continued existence at present location frustrates the retroactive approval of the single-family home, carport and barn on the subject property to such an extent that alternative development plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive.

    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.

17. **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, as are the single-family home, carport and barn. 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.

18. **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 single-family home, carport and barn, and such construction was accomplished without endangering the health of the remaining trees on the subject property.

B. That the information submitted by the applicant and presented at the public hearing substantiates the required finding for a OTP as set forth in Section of the Los Angeles County Code (Zoning Ordinance).

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. 201200015 is approved subject to the attached conditions.

Action Date: December 4, 2012

SMT:GS
11/15/2012

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 permit shall not be effective until a plot plan is approved for the retroactive approval of the carport and barn, demonstrating the need to encroach upon the said trees.

2. 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's letter dated June 16, 2011.

3. 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.

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. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.

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 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.

6. 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.

7. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. **The permittee shall deposit with the County of Los Angeles the sum of $200.00.** The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for one (1) inspection. If additional 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 County Forester and Fire Warden ("Forester").

8. 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.

9. 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.

10. 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.

11. The permittee shall comply with all conditions and requirements contained in the County Forester, Forestry Division, letter dated June 16, 2011 (attached hereto), to the satisfaction of said Division, except as otherwise required by said Division.

12. 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.

13. 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

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.

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

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** 7 **Encroachment** 9 **To Remain** 9 **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 ATTACHED PAPER.

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.

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.

There are a total of 9 Oak trees on my property 7 with grading, Container and portable pipe corral issues within the drip line. The remaining 2 are in heavy brush areas that have never been touched and there is 75 years of growth surrounding them. Work that is recommended in the tree report will not endanger any of the trees on my property.

The work proposed in tree report will not result in any soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated.

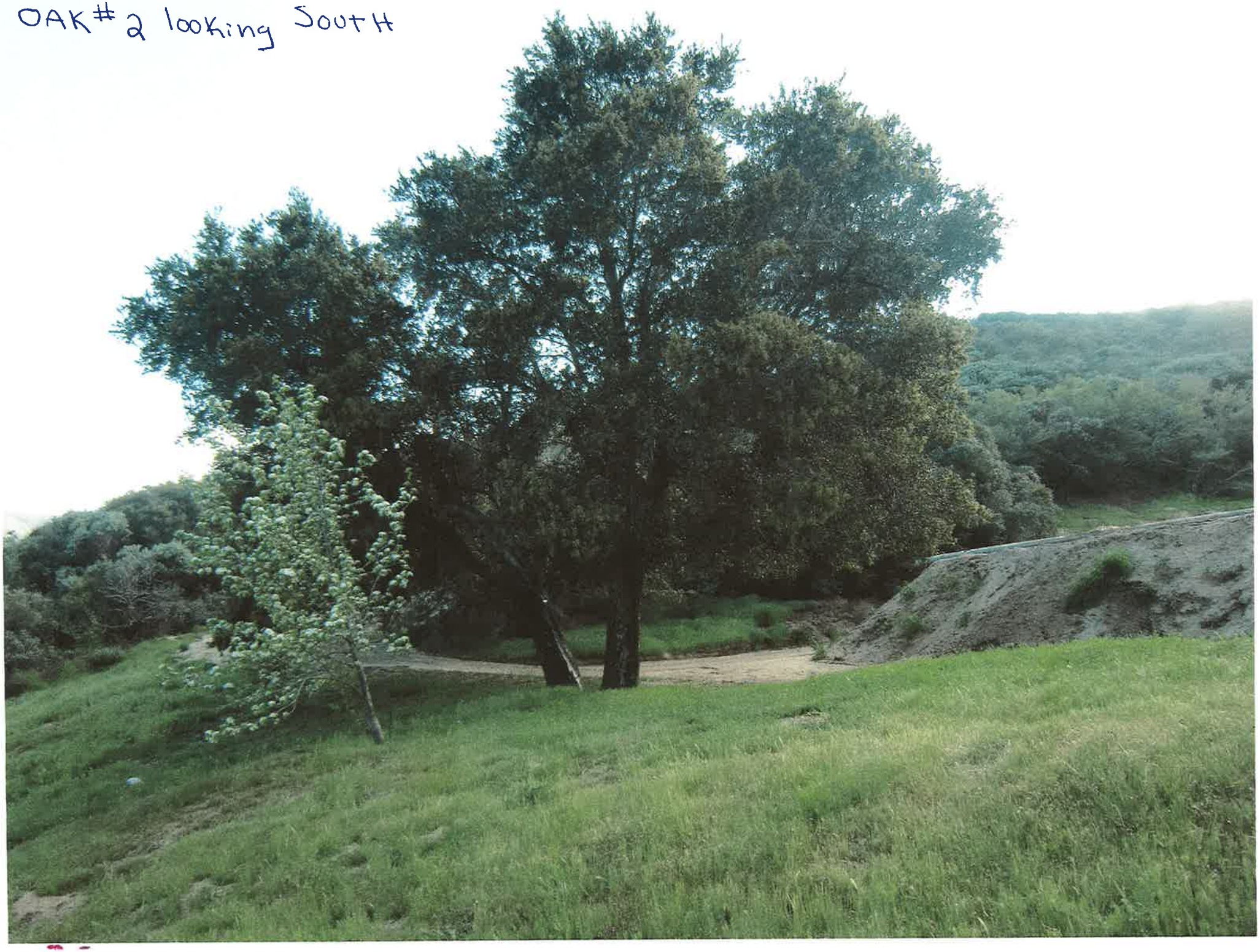
The proposed work in tree report is putting back soils that were removed, removing some soils where grading is too high and adding woodchips within drip line and removing containers that are within drip line. All work to be done by hand. (NO-MACHINERY)

There is no removal or any relocation of any trees. There has been no new grading done on my property in the past 6yrs and most of these grading issues have been here 15 to 20 yrs. with no adverse effect on any trees.

I do not agree with my arborist on some of the grading issues and I do not want to remove any trees that are on my property which he suggests I do.

OAK # 1 looking South

OAK # 2 looking South



OAK #3 looking South

OAK # 4 looking South

OAK # 5 looking NORTH

OAK # 6 looking EAST

OAK #7 looking EAST

R2011-00457

ROAK 201100012

Printed: Nov 20, 2012

N

0 100
Feet

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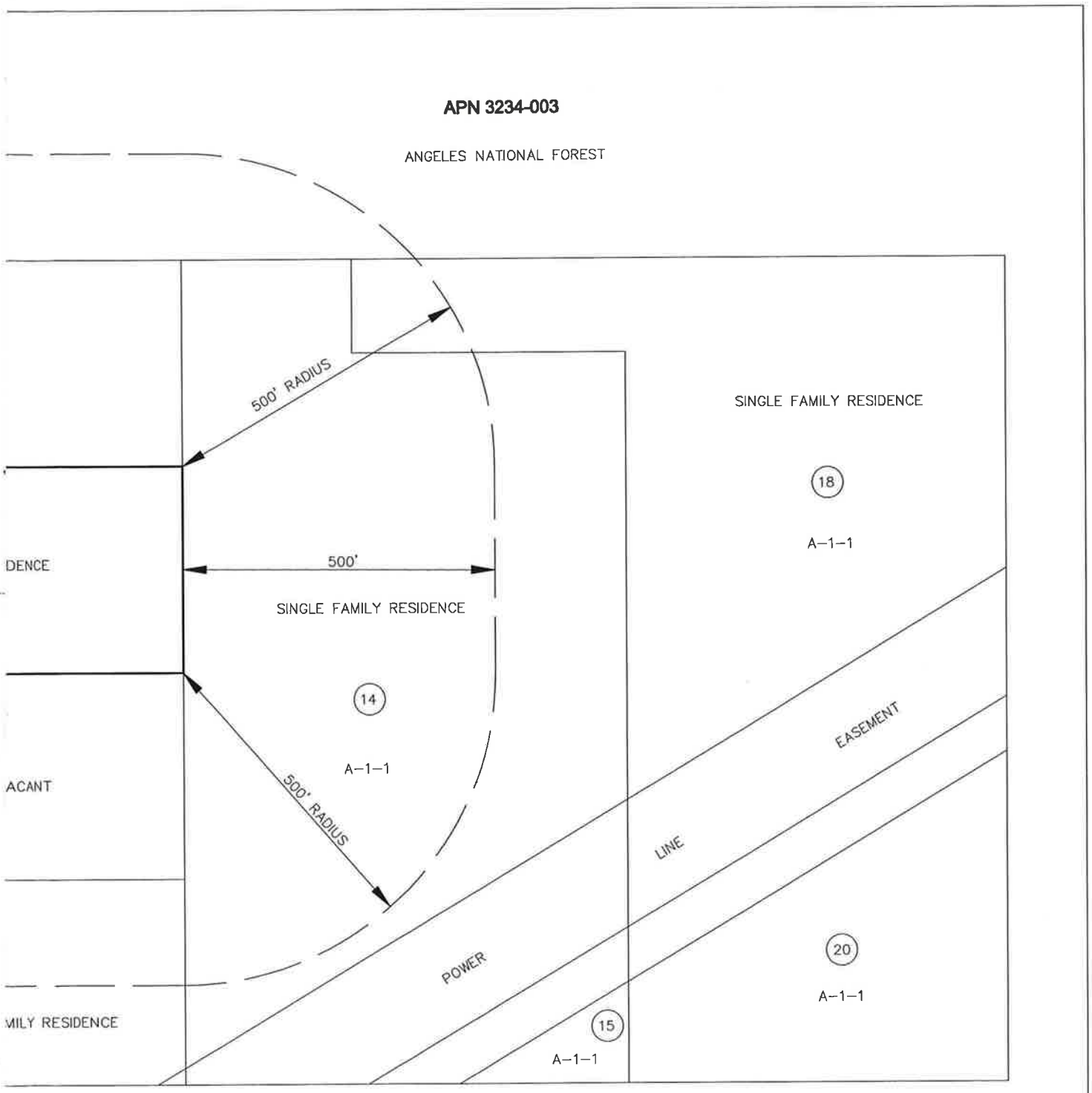

NO.	REVISION	BY	APPR.	DATE
1				
2				
3				

R 2011-00457 500' RADIUS MAP
MITCH D. ROBINSON
39885 SAN FRANCISQUITO CANYON ROAD
GREEN VALLEY, CA 91390

PROJECT NUMBER AV1054
SHEET 1 OF 1 SHEETS