



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

February 15, 2012

Perry S. Paul  
17041 Magnolia Blvd.  
Encino, CA 91316

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**REGARDING: PROJECT NO. R2011-01178-(3)  
OAK TREE PERMIT NO. 201100026  
29070 MULHOLLAND HIGHWAY, MALIBOU LAKE**

Dear Applicant:

The Regional Planning Commission, by its action of February 15, 2012, **APPROVED** the above described project and entitlements. The attached documents contain the Regional Planning Commission's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 2 requires that the permittee file an affidavit accepting the conditions before the grants becomes effective. The Regional Planning Commission action on this item is final.

Please **hand deliver** a notarized affidavit of acceptance form and any other required fees or materials to the planner assigned to your case (see attached instructions for more information). Please **make an appointment** with the case planner to ensure that processing will be completed expeditiously. If the required documents and fees are not received within 60 days of this final letter's date, this permit will be transferred to Zoning Enforcement for further action.

For additional information on appeal procedures or any other matter pertaining to these approvals, please contact Tyler Montgomery of the Zoning Permits West Section at (213) 974-6462 or e-mail at TMontgomery@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,  
DEPARTMENT OF REGIONAL PLANNING  
Richard J. Bruckner  
Director

Mi Kim, Supervising Regional Planner  
Zoning Permits West Section

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

c: DPW (Building and Safety); County Forester; Zoning Enforcement; Agent (Matt Richman)  
MK:TM

# FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

PROJECT NUMBER R2011-01178-(3)  
OAK TREE PERMIT NUMBER 201100026

REGIONAL PLANNING COMMISSION HEARING DATE:  
FEBRUARY 15, 2012

## SYNOPSIS:

Pursuant to Sections 22.56.2060 and 22.56.2070 of the Los Angeles County Planning and Zoning Code (Title 22), the applicant is requesting an oak tree permit to authorize the the construction of a new 4,300-square-foot single-family residence. A proposed driveway re-grading would remove three oak trees, while construction of the residence would encroach into the protected zone of three additional oak trees. The subject property is located on a lease-interest parcel within the Malibou Lake Mountain Club.

## PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:

### February 15, 2011 Public Hearing

A duly noticed public hearing was held before the Regional Planning Commission on February 15, 2011. Regional Planning staff gave a brief presentation recommending approval of the project. The applicant, Mr. Perry S. Paul, was sworn in and stated that he was available to answer any questions. There being no questions or discussion, the Commission subsequently closed the public hearing and approved the project.

### Findings

1. The subject property is located at 29070 Mulholland Highway, Malibou Lake, in The Malibu Zoned District and within the Santa Monica Mountains North Area Community Standards District ("CSD") of unincorporated Los Angeles County.
2. The property is an irregularly shaped parcel of approximately one-half acre. The property contains several slopes, although it generally slopes upward from north to south and from east to west. An existing unpaved driveway, approximately ten feet in width, runs uphill from Mulholland Highway to the southern portion of the property. This portion of the property contains an existing graded pad and the foundation of a previously existing residence. The site contains six oak trees, as well as other small trees and shrubs, most of which are located on the sloping portions of the property.
3. The subject property is zoned R-1-1 (Single Family Residence—One Acre Minimum Required Lot Area).
4. Surrounding properties within the 500-foot radius of the project are zoned as follows:  
North: R-1-20 (Single Family Residence—20-acre Minimum Required Lot Area)

South: R-1-1  
East: R-1-1  
West: R-1-1

5. Land uses within 500 feet of the subject property consist of the following:
  - North: Vacant land
  - South: Single-family residences, vacant land
  - East: Single-family residences, vacant land
  - West: Single-family residences, vacant land
6. The project site is designated as "N1—Rural Residential" in the Santa Monica Mountains North Area Plan. This designation allows for low-density residential uses, usually not to exceed one dwelling unit per acre. The existing parcel is approximately one-half acre in area. However, because it was legally created before the adoption of the Plan in 2003, it is not required to conform to current density standards. As a low-density residential use, the project is consistent with the N1 land use designation.
7. The site plan depicts a new two-story, 4,300-square-foot single-family residence and attached two-car garage located on the southern portion of a lease-interest parcel of approximately one-half acre within the Malibou Lake Mountain Club tract. An observation deck is also proposed immediately to the rear (south) of the residence. Associated structures and grading would encroach into the protected zone of three oak trees (numbered 637, 638, and 639). A 15-foot-wide driveway, bounded on the east and west by retaining walls between two and four feet in height, would extend 148 feet from the residence north to Mulholland Highway. A narrow driveway currently exists at the location, and three oak trees (numbered 634, 635, and 636) would be removed as part of the widening process. The residence would have a maximum height of 26'-6" above grade. The residence would have a minimum front yard setback of 148 feet, a minimum rear yard setback of 36 feet, and western and eastern side yard setbacks of 20 feet and 17 feet, respectively.
8. Sections 22.56.2060 and 22.56.2070 of the Los Angeles County Code require an oak tree permit for pruning of oak branches more than two inches in diameter and for the removal or the encroachment into the protected zone of any oak tree of more than 25 inches in circumference. An oak tree's protected zone is defined as that area within the dripline of an oak tree and extending from to a point at least five feet outside the dripline, or 15 feet from the trunks of a tree, whichever distance is greater. Because construction of the proposed residence would remove three qualifying oak trees and encroach into the protected zone of three additional oak trees, an oak tree permit is required. A plot plan is also required for approval of the single-family residence in the R-1-1 zone; however, this is not a discretionary permit.
9. The R-1-1 zone requires a minimum lot area of one acre. The existing parcel is approximately one-half acre in area. However, because the parcel was legally

created before the adoption of the existing zoning of the property in 2003, it is not required to conform to this standard in order to be developed with a single dwelling unit.

10. Per Section 22.20.120 of the County Code, a single-family residence in the R-1 zone requires a minimum front-yard setback of 20 feet, a minimum rear-yard setback of 15 feet, and minimum side-yard setbacks of five feet. Section 20.20.110 also sets a maximum height limit of 35 feet above grade. The proposed residence would comply with all of these standards. Section 22.52.1180 of the County Code requires every single-family residence to provide two on-site covered parking spaces. The proposed residence would provide these spaces with an attached garage.
11. The proposed residence would comply with all community-wide development standards of the Santa Monica Mountains North Area CSD (County Code Sec. 22.44.133), as it would provide only incidental outdoor lighting, would not be located near a significant ridgeline, and does not propose grading of more than 5,000 cubic yards of materials. The project site is not within any other specific zone or area identified for further regulations under the CSD.
12. This project has been determined to be categorically exempt under the environmental reporting procedures and guidelines of the California Environmental Quality Act (CEQA). The facility is located in an existing structure and qualifies for a Class 3, Existing Facilities, categorical exemption, as this exemption specifically applies to one single-family residence.
13. The Forestry Division of the Los Angeles County Fire Department was consulted regarding the oak tree permit, as required by Section 22.56.2140 of the County Code. The County Forester is of the opinion that the oak tree report, prepared by a certified arborist on June 21, 2011, accurately addresses the impacts to the oak resources on the site. The Forester recommends approval of the Oak Tree Permit, subject to the conditions and mitigation measures provided in the Forester's report of October 31, 2011. The County Forester also recommends that replacement oak trees be planted on a 2:1 basis for the three trees to be removed, with a minimum replacement tree size of 15 gallons and a one-inch diameter one foot above the base. This ratio would also apply should any oak tree die as a result of the proposed encroachments. In order to further ensure the future durability of the county's oak resources, the Commission shall also require that the permittee also plant one acorn of the same species for each mitigation tree planted.
14. 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, library posting and DRP website posting. The on-site posting of a notice of public hearing is not required for an oak tree permit. No comments were received from the public regarding the project.

15. The construction of a single-family residence in the R-1-1 zone is typically allowed by right, and such a project is consistent with the Rural Residential land use designation of the property. The proposed project is consistent with the Rural Residential land use designation, and it also meets all development standards of the underlying zone and CSD. Therefore, a single-family residence at this location would be compatible with the surrounding area.
  
16. The proposed encroachment into the protected zone of the three oak trees at the rear (southern) portion of the property (Nos. 637, 638, and 639) is consistent with the provisions and intent of the Los Angeles County Oak Tree Ordinance. The proposed location of the residence is the most reasonable site on the subject property, as it would be located on its most level portion in the approximate location of a previous residence. The location of the residence and observation deck at this location is also necessary to provide views of Malibou Lake, for which the underlying tract was originally created. While there will be additional grading of the existing building pad, the provided grading plans indicate that it is essentially cut and fill to create a more level surface for building. The placement of the residence and deck is also designed to avoid removal or significant encroachment of these oak trees, and the resulting encroachments are small intrusions into the five-foot dripline buffer area. Further, the Forester has reviewed these encroachments and determined that they do not pose a significant health hazard to the three oak trees, which are located several feet downhill from the proposed work.
  
17. The applicant also proposes to remove oak trees 634, 635, and 636 during the widening of the existing driveway and the installation of retaining walls on both sides. The County Forester has indicated that these three oaks have been stunted and are in poor health, likely due to construction of the existing driveway many years in the past. In addition, the widening of the driveway, as required by County Fire for emergency access, would have the effect of further cutting into their root structures. This would likely result in the further decline of the trees, and eventually to their deaths. Due to the narrow dimensions of this portion of the property, as well as its steep topography, the relocation or redesign of the driveway would not be feasible. Therefore, the Forester has recommended the planting of mitigation trees at a two-to-one ratio in a different location on the project site. This action will result in a greater enhancement to the county's oak resource over the long term, as it will allow six oaks to grow to their full potentials in different locations, rather than attempting to preserve three already-stunted trees. As the primary intent of the Oak Tree Ordinance is the overall preservation and enhancement of oak trees as "significant historical, aesthetic, and ecological resources," the removal of these trees is consistent with the ordinance's intent.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the proposed construction of the 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
- B. That the removal or relocation of the oak trees proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated; and
- C. That in addition to the above facts, at least one of the following findings apply:
  - a. That the removal or relocation of the oak trees proposed is necessary as continued existence at present locations 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 trees 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 trees, or
  - c. That the condition of the oak trees proposed for removal with reference to seriously debilitating disease or danger of falling is such that it cannot be remedied through reasonable preservation procedures and practices;
- D. That the removal of the oak trees proposed will not be contrary to or be in substantial conflict with the intent and purpose of the oak tree permit procedure.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for an oak tree permit as set forth in Sections 22.56.2100 of the Los Angeles County Code.

REGIONAL PLANNING COMMISSION ACTION:

1. The Regional Planning commission determines that the project is categorically exempt from the California Environmental Quality Act (CEQA). The project meets the criteria for a Class 3 – Existing Facilities categorical exemption as set forth in Section 15303 of the State CEQA Guidelines and the County Environmental Reporting Procedures and Guidelines, Appendix G as the project does not include any new construction or expansion of existing facilities and there will be negligible expansion of the existing use beyond that which existed at the time of this determination.

2. In view of the findings of fact and conclusions presented above, Oak Tree Permit No. 201100026 is **APPROVED**, subject to the attached conditions.

**VOTE: 4-0**

**Concurring: Pedersen, Modugno, Valadez, Louie**

**Dissenting: None**

**Abstaining: None**

**Absent: Helsley**

**Action Date: 02/15/2012**

c: Commission Services, BOS

MK:TM  
02/15/12

This grant authorizes the removal of three oak trees, identified as numbers 634, 635, and 636 on the applicant's site plan, and the encroachment into the protected zone of three additional oak trees, identified as numbers 637, 638, and 639, for the construction of a single-family residence, subject to the following conditions:

1. This permit shall not be effective until a plot plan (site plan review) is approved for construction of the proposed single-family residence, demonstrating the need to remove/encroach upon the said trees.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose and cannot be used until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of, and agree to accept, all conditions of this grant, and until all required fees have been paid pursuant to Condition No. 9 and the attached County Forester's letter dated October 31, 2011. Notwithstanding the foregoing, this condition (No. 2), and Conditions No. 4, 5, and 6 shall be effective immediately upon the date of final approval of this grant by the County.
4. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
5. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
6. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

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

7. This grant shall expire unless used within two (2) years from the date of final approval of the grant by the County. A single, one-year time extension may be requested, in writing and with payment of the applicable fee, before the expiration date.
8. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. **The permittee shall deposit with the County of Los Angeles the sum of \$200.00.** The deposit shall be placed in a performance fund, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for one (1) inspection. If additional Department of Regional Planning inspections are deemed necessary, required supplementary funds (at \$200 per inspection) shall be deposited with the Department of Regional Planning. Inspections shall be unannounced and may be coordinated with the County Forester.
10. If any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.
11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.

12. 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.
13. The permittee shall comply with all conditions and requirements contained in the County of Los Angeles Forester and Fire Warden, Forestry Division, letter dated October 31, 2011 (attached hereto and incorporated herein), to the satisfaction of said Division, except as otherwise required by said Division.
  - a. The permittee shall provide mitigation trees of the Oak genus at a rate of five to one (2:1) for each tree removed for a total of six (6) trees, per the Forester's letter dated October 31, 2011.
14. 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.
15. 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 conditions dated October 31, 2011.

MK:TM  
02/15/12



# 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

October 31, 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 2011-00026**  
**PROJECT NUMBER R2011-01178**  
**29070 MULHOLLAND DRIVE, MALIBU LAKE**

We have reviewed the "Request for Oak Tree Permit #2011-00026." The project is located at 29070 Mulholland Drive in the unincorporated area of Malibu Lake. 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 James Dean, the consulting arborist, dated June 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

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

AGOURA HILLS  
ARTESIA  
AZUSA  
BALDWIN PARK  
BELL  
BELL GARDENS  
BELLFLOWER  
BRADBURY

CALABASAS  
CARSON  
CERRITOS  
CLAREMONT  
COMMERCE  
COVINA  
CUDAHAY

DIAMOND BAR  
DUARTE  
EL MONTE  
GARDENA  
GLEN DORA  
HAWAIIAN GARDENS  
HAWTHORNE

HIDDEN HILLS  
HUNTINGTON PARK  
INDUSTRY  
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LA CANADA FLINTRIDGE  
LA HABRA

LA MIRADA  
LA PUENTE  
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LOMITA  
LYNWOOD

MALIBU  
MAYWOOD  
NORWALK  
PALMDALE  
PALOS VERDES ESTATES  
PARAMOUNT  
PICO RIVERA

POMONA  
RANCHO PALOS VERDES  
ROLLING HILLS  
ROLLING HILLS ESTATES  
ROSEMEAD  
SAN DIMAS  
SANTA CLARITA

SIGNAL HILL  
SOUTH EL MONTE  
SOUTH GATE  
TEMPLE CITY  
WALNUT  
WEST HOLLYWOOD  
WESTLAKE VILLAGE  
WHITTIER

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 REMOVAL AND ENCROACHMENT:**

7. This grant allows the removal of three (3) trees of the Oak genus identified as Tree Numbers 634, 635 and 636 on the applicant's site plan and Oak Tree Report. This grant allows encroachment within the protected zone of three (3) trees of the Oak genus identified as Tree Numbers 637, 638 and 639 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:**

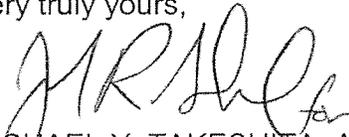
10. The permittee shall provide mitigation trees of the Oak genus at a rate of two to one (2:1) for each tree removed for a total of six (6) trees. The permittee shall provide mitigation trees of the Oak genus at a rate of two to one (2:1) for any tree specified above, that dies as a result of the approved 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