

# Hearing Officer Transmittal Checklist

Hearing Date  
6/4/2013  
Agenda Item No.  
8

Project Number: PROJECT NO. R2011-01754-(5)  
OAK TREE PERMIT NO. 201100044  
Planner: Gretchen Siemers

- Project Summary
- Property Location Map
- Staff Analysis
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (NOE from MRCA)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use/Zoning Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Letter authorizing State Sovereignty over DPW grading permits
- Oak Tree Report
- Gopher Canyon Mitigation Plan (MRCA)

Reviewed By: 



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

**PROJECT NUMBER**

R2011-01574

**HEARING DATE**

June 4, 2013

**REQUESTED ENTITLEMENTS**

Oak Tree Permit No. 201100044

# PROJECT SUMMARY

**OWNER / APPLICANT**

Mountains Recreation and Conservation Authority (MRCA)

**PROJECT OVERVIEW**

The applicant is requesting an Oak Tree Permit to allow for the encroachment within the protected zones of thirty (30) coast live oaks (*Q. agrifolia*). Encroachment is required for the Gopher Canyon Mitigation Plan, a phased creek and habitat restoration plan developed and implemented by the Santa Monica Mountains Conservancy. The project includes grading and debris removal around the oak trees, native plant installation, and exotic plant species removal.

**LOCATION**

West of Brown's Canyon, Oat Mountain

**ACCESS**

Via Brown's Canyon Road, north of the northern terminus of De Soto Avenue

**ASSESSORS PARCEL NUMBER(S)**

2821-008-901, 2821-019-904, 2821-019-905 , 2821-019-906, 2821-019-907, 2821-019-908, 2821-019-909

**SITE AREA**

173 Acres

**GENERAL PLAN / LOCAL PLAN**

Los Angeles County General Plan

**ZONED DISTRICT**

Chatsworth

**LAND USE DESIGNATION**

Open Space (O)

**ZONE**

A-2-2 (Heavy Agricultural—2 Acre Minimum Required Lot Area)

**PROPOSED UNITS**

N/A

**MAX DENSITY/UNITS**

N/A

**COMMUNITY STANDARDS DISTRICT**

None

**ENVIRONMENTAL DETERMINATION (CEQA)**

MRCA, the lead agency, has issued a Class 4 Categorical Exemption – Minor Alterations to Land

**KEY ISSUES**

- Consistency with the Los Angeles County General Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
  - 22.56.2011 (Oak Tree Permit Burden of Proof Requirements)
  - 22.24.170 (A-2 Zone Development Standards)

**STAFF RECOMMENDATION**

Approval

**CASE PLANNER:**

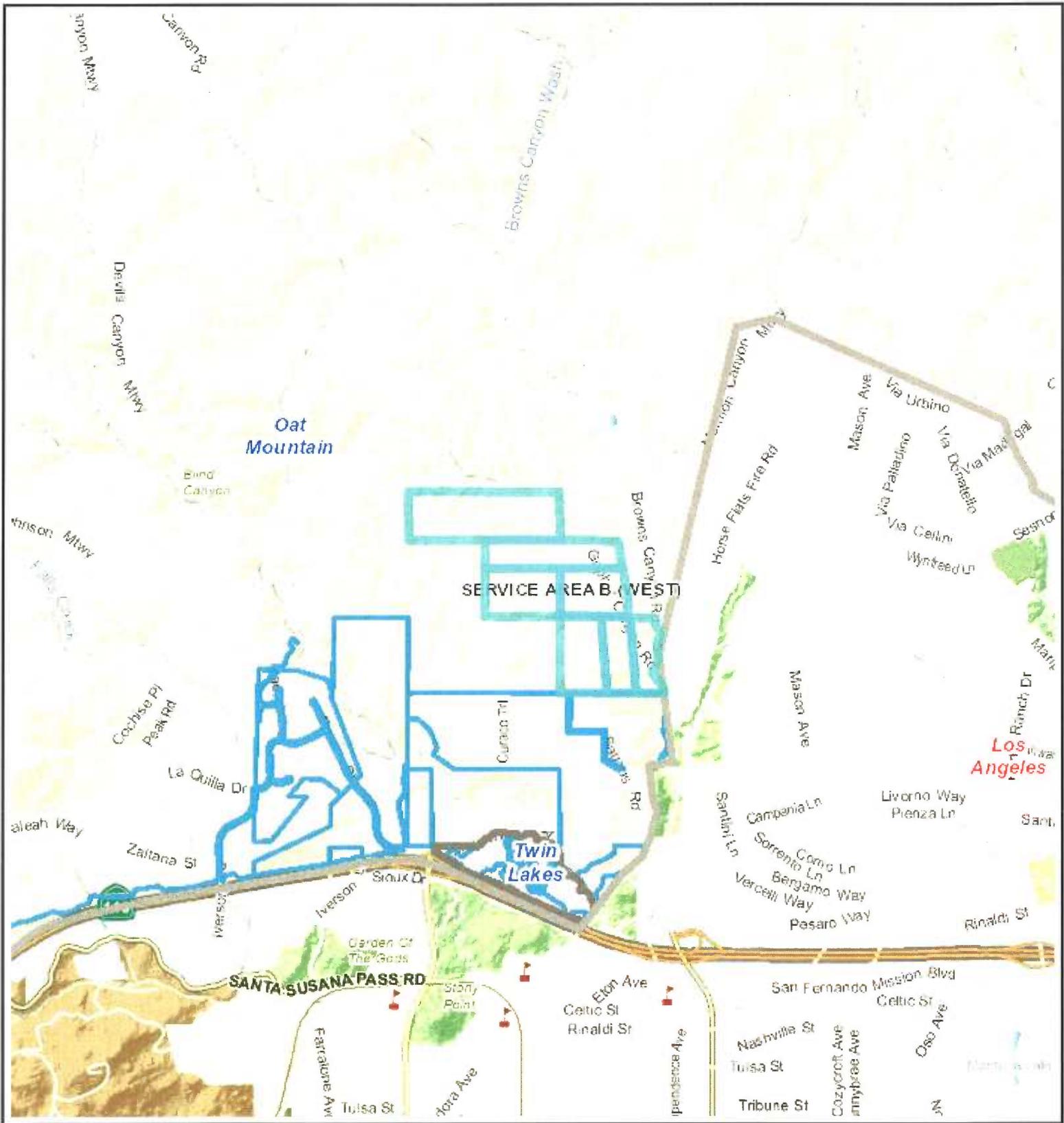
Gretchen Siemers, AICP

**PHONE NUMBER:**

(213) 974 - 6443

**E-MAIL ADDRESS:**

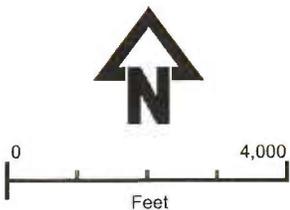
gsiemers@planning.lacounty.gov



**R2011-01574**

**Location Map**

Printed: Apr 24, 2013



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## ENTITLEMENT REQUESTED

Oak Tree Permit (OTP) to allow for the encroachment within the protected zones of thirty (30) Coast Live Oaks (*Q. agrifolia*) in the A-2-2 (Heavy Agricultural—2 Acre Minimum Required Lot Area) Zone pursuant to Part 16 of Section 22.56 of the Los Angeles County (“County”) Code. A portion of the project site is located within the Santa Susana Mountains Significant Ecological Area (SEA).

## PROJECT DESCRIPTION

The project consists of the encroachment within the protected zones of 30 Coast Live Oaks, as prescribed by the Gopher Canyon Mitigation Plan (“Mitigation Plan”), a phased creek and habitat restoration plan developed and implemented by the Mountains Recreation and Conservation Authority (“MRCA”). The Mitigation Plan will occur in three phases, and includes approximately 12,000 cubic yards of grading, debris removal around the oak trees, wetland construction, native plant installation, and exotic plant species removal. To date, work has been done within the protected zone of trees no. 1, 2, 3, 4, 11 and 12; therefore the project includes the retroactive approval of these encroachments.

## CONTEXT

The project is within the Michael D. Antonovich Regional Park at Joughin Ranch, located on the southern slopes of the Santa Susana Mountains between Chatsworth and Simi Valley, in the unincorporated community of Oat Mountain. Also known as Gopher Canyon, the area is traversed by Brown’s Creek, a tributary of the Los Angeles River. The site is owned and operated by the MRCA, as a part of a 9,000 square-foot contiguous open space holding. Access to the site is via Brown’s Canyon Road, a County-maintained 30-foot wide paved road. The project site abuts Brown’s Canyon Park, a 53-acre City of Los Angeles park to the east. The subject properties are currently used for recreational purposes and conserved in perpetuity.

Gopher Canyon contains extensive oak and walnut woodland and riparian corridors with year-round surface water. The vegetation of the subject parcels includes grasslands, chaparral and woodlands of oak, ash, walnut, sycamore and big-cone Douglas fir. Several threatened plant species, such as the slender mariposa lily and the Santa Susana tarplant, are present. The surrounding area provides foraging and nesting habitat for raptors, including golden eagles, great horned owls, northern harriers and red-tailed, prairie and Copper’s hawks.

## Existing Zoning

The subject property is zoned A-2-2, in the Chatsworth Zoned District. Surrounding properties are zoned as follows:

North: A-2-2  
South: R-1-6,000 (Single-Family Residential—6,000 Square Foot Minimum Required Lot Area) Zone  
East: City of Los Angeles OS (Open Space) Zone and RE (Residential Estate) Zone  
West: A-2-2

### **Existing Land Uses**

The subject properties are undeveloped except for trails, horse staging areas, and an engineered wetland. Surrounding properties are developed as follows:

North: Open space  
South: Open space, graded vacant land  
East: Horse ranches, open space, single-family residences  
West: Open space

### **PREVIOUS CASES/ZONING HISTORY**

Zone Change Ordinance 3565 was adopted on July 1, 1958, creating the Chatsworth Zoned District and zoning designating the property with A-2-2 zoning. The MRCA was notified of the requirement to obtain the OTP mid-project, via Regional Planning Notices of Violation Nos. 10-0013382 and 10-0013386, dated June 1 and June 3, 2010, respectively. At that time, restoration work ceased in the protected zones of the existing native Coast Live Oaks.

### **Background**

The site was previously mined for gravel; many tons of rock were excavated for the San Pedro breakwater. Subsequently, the site was used as a location to create and ship road base material. Left on the site were metal, rock, plastic, brick, cement, and asphalt, and various equipment such as a truck scale, conveyor belt systems, and fuel and water tanks. An approximately 270-foot long section of Brown's Creek was diverted from the historic stream channel onto the paved Brown's Canyon Road, east of the creek. The site has burned twice since 2006.

In Fall of 2008, the Santa Monica Mountains Conservancy ("SMMC") signed a Memorandum of Agreement with the California Department of Transportation ("Caltrans"), the Army Corps of Engineers, and the Federal Highway Administration to perform in-lieu fee mitigation in Gopher Canyon to compensate for Caltrans impacts made within Alamos Canyon in Simi Valley. The SMMC received the funds in December of 2008 and subsequently granted the funds to the MRCA in June of 2009.

The Gopher Canyon Restoration Plan has already commenced and is ongoing. The work has included grading and debris removal around the oak trees, wetland construction, native plant installation, and exotic plant species removal. Metal, brick, asphalt, and PVC pipe were removed, including many of the six-foot diameter cement culverts that were removed from the streambed with heavy equipment. Source rocks are being placed in the stream bottom where there is extensive down-cutting.

No irrigation system has been constructed, and a water truck is used to water the area. As part of a recorded agreement between MRCA and developers of the 300-acre Deerlake Ranch property, approved under Regional Planning Project No. 99-239-(5), the Deerlake developers are required to provide a two-inch water pipe feed with meter to the first restored area of Gopher Canyon. This has not yet occurred.

### **ENVIRONMENTAL DETERMINATION**

The MCRA, as the lead agency for this project, has filed a Notice of Exemption with the State Clearinghouse. The project qualifies for a Class 4 Categorical Exemption, pursuant to Public Resources Code Section 15304. Los Angeles County ("County") Staff concurs with the MRCA's determination as it is consistent with the County environmental guidelines.

### **STAFF ANALYSIS**

#### **General Plan/Community Plan Consistency**

The project site is located within the Open Space ("O") Category of the Los Angeles County General Plan ("General Plan"). The O land use designation is intended for conservation areas, and active and passive recreational uses. The existing recreation area is consistent with the permitted uses of the O Category, and is therefore consistent with the land use policy map of the General Plan.

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

- Conservation and Open Space Element, Policy No. 22: Protect significant ecological areas and marine habitats, and maintain hillside areas, water courses, flood plains and ecological area buffer zones in open space and low-intensity non-urban uses.

The oak tree encroachments, as well as the greater restoration project, is fully compatible with the surrounding environment. 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 or otherwise harmed through this project. Furthermore, conditions will be added to the project to ensure protection of the affected trees.

- Land Use Element Policy, Policy No. 30: Promote improved inter-jurisdictional coordination of land use policy matters between the County, cities, adjacent counties, special districts, and regional and sub-regional agencies.

The subject OTP represents the coordinated effort of multiple agencies to improve the natural environment. The project's proponent, MRCA, is a Joint Powers Authority that works in cooperation with the Santa Monica Mountains Conservancy (SMMC). SMMC is a State agency that preserves and enhances wildlife and recreational opportunities. The project is utilizing State CalTrans funds to provide improvements in a regionally accessible park.

### **Zoning Ordinance and Development Standards Compliance**

The project is subject to the standards applicable to the discretionary OTP procedure, which are established in Part 16 of Chapter 22.56 of the County Code. 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 30 oak trees.

In addition, the site is otherwise regulated by the standards of the A-2-2 Zone. The agricultural zones are established to permit a comprehensive range of agricultural use in areas particularly suited for agricultural activities. Permitted uses are intended to encourage agricultural pursuits and such other uses required for, or desired by, the inhabitants of the community. An area so zoned may provide the land necessary to permit low-density single-family residential development, and outdoor recreational and needed public and institutional facilities. The A-2-2 Zone specifically allows for "parks, playgrounds and beaches, with all appurtenant facilities customarily found in conjunction therewith," as well as, "campgrounds, picnic areas, trails with overnight camping facilities, including fishermen's and hunters' camps, but not including structures for permanent human occupancy." The subject property, a regional park, is consistent with both aforementioned uses.

The County Code also establishes procedures for development within SEAs in order to protect resources contained in SEAs and in hillside management areas, as delineated in the County General Plan. Section 22.56.215 of the County Code provides an additional level of review and analysis of potential impacts to biological resources. The procedure is not intended to preclude development within these areas but to ensure, to the extent possible, that such development maintains, and where possible enhances, the remaining biotic resources of the significant ecological areas, and the natural topography, resources, and amenities of the hillside management areas, while allowing for limited controlled development therein.

However, the subject OTP and associated repair and enhancement of the natural environment as planned in the MRCA's Gopher Canyon Mitigation Plan, is not subject to an SEA analysis. The SEA procedure specifically applies in advance of obtaining a building permit, grading permit, or where any construction or enlargement of any building or structure will occur. The Gopher Canyon Mitigation Plan does not propose any structures; the grading associated with the project has been authorized through the SMMC (a State agency)'s sovereign immunity from local regulations. Therefore, the MRCA will not seek a grading permit; thus not prompting an SEA analysis. Notwithstanding, the Gopher Canyon Mitigation Plan is intended to restore the natural topography and watercourses that existed prior to the human disturbance of the area due to the historical use of the land as a rock quarry.

### **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 area will be minimal. The impact to the oak trees has been limited to the encroachment within the protected zone of the oak trees for excavation and removal of debris, in order to preserve the long-term health of the oak trees and enhance the natural environment. Therefore, the existing project is not, and will not be, a detriment to the surrounding community.

### **Site Visit**

A site visit confirmed that the affected trees in the vicinity are healthy and as described in the Oak Tree Report, and that the previous debris removal under trees no. 1, 2, 3, 4, 11 and 12 has not had a detrimental effect to those oak trees or other native vegetation in the floodplain of the creek.

**Burden of Proof**

The applicant is required to substantiate all facts identified by Section(s) 22.56.2011 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.

**COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS**

At this time, staff has received a recommendation of approval with conditions from the County Forester and Fire Warden.

**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 newspaper and DRP website posting.

**PUBLIC COMMENTS**

Staff has not received any written comments at this time. One phone call from a concerned property owner was received.

**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 Number R2011-01574-(5), OTP No. 201100044, subject to the attached conditions. 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 MOTION**

I move that the Hearing officer approve Oak Tree Permit No. 201100044 with findings and conditions.

Prepared by Gretchen Siemers, AICP

Reviewed by Susan Tae, AICP, Supervising Regional Planner, Zoning Permits North

SMT:GS

**DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2011-01574-(5)  
OAK TREE PERMIT NO. 201100044**

1. **ENTITLEMENT REQUESTED.** The applicant, Mountains Recreation Conservation Authority (“MRCA”), is requesting an Oak Tree Permit (“OTP”) to authorize the encroachment within the protected zone of 30 oak trees (*Quercus agrifolia*, commonly known as Coast Live Oak Trees), with no removal of oak trees, in the A-2-2 (Heavy Agricultural – 2 Acre Minimum Required Lot Area) Zone pursuant to Part 16 of Chapter 22.56 of the Los Angeles County (“County”) Code.
2. **HEARING DATE:** June 4, 2013.
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** [*To be inserted*]
4. **PROJECT DESCRIPTION.** The project consists of the encroachment within the protected zones of 30 Coast Live Oaks, as prescribed by the Gopher Canyon Mitigation Plan, a phased creek and habitat restoration plan developed and implemented by the SMMC. The Mitigation Plan will occur in three phases, and includes approximately 12,000 cubic yards of grading, debris removal around the oak trees, wetland construction, native plant installation, and exotic plant species removal. To date, work has been done within the protected zone of trees no. 1, 2, 3, 4, 11 and 12; therefore the project includes the retroactive approval of these encroachments.
5. **LOCATION. No Address.** West of Brown’s Canyon, Oat Mountain.
6. **Assessor Parcel Numbers:** 2821-008-901, 2821-019-904, 2821-019-905 , 2821-019-906, 2821-019-907, 2821-019-908, 2821-019-909
7. **EXISTING ZONING.** The subject property is zoned A-2-2, in the Chatsworth Zoned District. Surrounding properties are zoned as follows:
  - North: A-2-2
  - South: R-1-6,000 (Single-Family Residential—6,000 Square Foot Minimum Required Lot Area)
  - East: City of Los Angeles OS (Open Space) and RE (Residential Estate) Zones
  - West: A-2-2
8. **EXISTING LAND USES.** The subject properties are undeveloped except for trails, horse staging areas, and an engineered wetland. Surrounding properties are developed as follows:

North: Open space

South: Open space, graded vacant land

East: Horse ranches, open space, single-family residences

West: Open space

9. **PREVIOUS CASES/ZONING HISTORY.** Zone Change Ordinance 3565 was adopted on July 1, 1958, creating the Chatsworth Zoned District and zoning designating the property with A-2-2 zoning. The MRCA was notified of the requirement to obtain the OTP mid-project, via Regional Planning Notices of Violation Nos. 10-0013382 and 10-0013386, dated June 1 and June 3, 2010, respectively. At that time, restoration work ceased in the protected zones of the existing native Coast Live Oaks.
10. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the Open Space ("O") Category of the Los Angeles County General Plan ("General Plan"). The O land use designation is intended for conservation areas, and active and passive recreational uses. The existing recreation area is consistent with the permitted uses of the O Category, and is therefore consistent with the land use policy map of the General Plan.

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

- Conservation and Open Space Element, Policy No. 22: Protect significant ecological areas and marine habitats, and maintain hillside areas, water courses, flood plains and ecological area buffer zones in open space and low-intensity non-urban uses.

The oak tree encroachments, as well as the greater restoration project, is fully compatible with the surrounding environment. 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 or otherwise harmed through this project. Furthermore, conditions will be added to the project to ensure protection of the affected trees.

- Land Use Element Policy, Policy No. 30: Promote improved inter-jurisdictional coordination of land use policy matters between the County, cities, adjacent counties, special districts, and regional and sub-regional agencies.

The subject OTP represents the coordinated effort of multiple agencies to improve the natural environment. The project's proponent, MRCA, is a Joint

Powers Authority that works in cooperation with the Santa Monica Mountains Conservancy (SMMC). SMMC is a State agency that preserves and enhances wildlife and recreational opportunities. The project is utilizing State CalTrans funds to provide improvements in a regionally accessible park.

11. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The project is subject to the standards applicable to the discretionary OTP procedure, which are established in Part 16 of Chapter 22.56 of the County Code. 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 30 oak trees.

In addition, the site is otherwise regulated by the standards of the A-2-2 Zone. The agricultural zones are established to permit a comprehensive range of agricultural use in areas particularly suited for agricultural activities. Permitted uses are intended to encourage agricultural pursuits and such other uses required for, or desired by, the inhabitants of the community. An area so zoned may provide the land necessary to permit low-density single-family residential development, and outdoor recreational and needed public and institutional facilities. The A-2-2 Zone specifically allows for "parks, playgrounds and beaches, with all appurtenant facilities customarily found in conjunction therewith," as well as, "campgrounds, picnic areas, trails with overnight camping facilities, including fishermen's and hunters' camps, but not including structures for permanent human occupancy." The subject property, a regional park, is consistent with both aforementioned uses. The County Code also establishes procedures for development within SEAs in order to protect resources contained in SEAs and in hillside management areas, as delineated in the County General Plan. Section 22.56.215 of the County Code provides an additional level of review and analysis of potential impacts to biological resources. The procedure is not intended to preclude development within these

areas but to ensure, to the extent possible, that such development maintains, and where possible enhances, the remaining biotic resources of the significant ecological areas, and the natural topography, resources, and amenities of the hillside management areas, while allowing for limited controlled development therein.

However, the subject OTP and associated repair and enhancement of the natural environment as planned in the MRCA's Gopher Canyon Mitigation Plan, is not subject to an SEA analysis. The SEA procedure specifically applies in advance of obtaining a building permit, grading permit, or where any construction or enlargement of any building or structure will occur. The Gopher Canyon Mitigation Plan does not propose any structures; the grading associated with the project has been authorized through the SMMC (a State agency)'s sovereign immunity from local regulations. Therefore, the MRCA will not seek a grading permit; thus not prompting an SEA analysis. Notwithstanding, the Gopher Canyon Mitigation Plan is intended to restore the natural topography and watercourses that existed prior to the human disturbance of the area due to the historical use of the land as a rock quarry.

12. **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 area will be minimal. The impact to the oak trees has been limited to the encroachment within the protected zone of the oak trees for excavation and removal of debris, in order to preserve the health of the trees and enhance the natural environment. Therefore, the existing project is not, and will not be, a detriment to the surrounding community.
13. **OAK TREE REPORT.** The applicant submitted an Oak Tree Report prepared by a licensed Arborist. The report was reviewed and deemed accurate and complete.
14. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** The County Forester and Fire Warden reviewed the permit application and Oak Tree Report and cleared the project for hearing, with recommended conditions.
15. **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 newspaper.
16. **PUBLIC COMMENTS.** No written comments from the public have been received. One phone call from a concerned property owner was received.

## OAK TREE PERMIT-SPECIFIC FINDINGS

17. 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. The project is an OTP for the encroachment upon 30 trees for the restoration of a natural area. The intent of the Mitigation Plan is to improve the long-term health of the trees and enhance the natural environment. 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. A goal of the Mitigation Plan is to restore the water course of Brown's Creek into its natural course, as it had been diverted historically onto the adjacent road due to the remnants from the previous use of the area as a rock quarry. The encroachment upon the oak trees to remove the debris within the creek will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated, as the MRCA is exercising best practices in erosion control.
  - c. In the case of trees no. 1, 2, 3, 4, 11 and 12, the encroachments were necessary to remove the debris that was placed within the protected zones of those trees and restore the natural grade. The encroachments are not permanent and there will be no structures within the protected zones of any of the subject oaks. The Mitigation Plan calls for the restoration of natural grade and habitat to improve the long-term viability of the oak trees. 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. Specifically, the use of the land is a restored natural wildlife parkland, and the existence of debris and broken culverts which may further damage the natural area, is in conflict with the Mitigation Plan.
  - 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 Mitigation Plan and the encroachments called for therein are directly supportive of the OTP procedure. The protected zones of the oak trees were and will be encroached upon in order to improve the health and long-term viability of the trees, and no removals or relocations were made or are proposed.

18. **ENVIRONMENTAL DETERMINATION.** The MCRA, as the lead agency for this project, has filed a Notice of Exemption with the State Clearinghouse. The project qualifies for a Class 4 Categorical Exemption, pursuant to Public Resources Code Section 15304. The Hearing Officer concurs with the MRCA's determination as it is consistent with the County environmental guidelines.
  
19. **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, 13<sup>th</sup> 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 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; and
  - d. The encroachments are not contrary to or in substantial conflict with the intent and purpose of the oak tree permit procedure.

**HEARING OFFICER ACTION:**

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

SMT:GS  
5/23/2013

c: Zoning Enforcement; Forester and Fire Warden



**DRAFT CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2011-01574-(5)  
OAK TREE PERMIT NO. 201100044**

**Project Description.** The project proposes the encroachment within the protected zone of 30 oak trees (*Quercus agrifolia*, commonly known as Coast Live Oak Trees), with no removal of oak trees, in the A-2-2 (Heavy Agricultural – 2 Acre Minimum Required Lot Area) Zone pursuant to Part 16 of Chapter 22.56 of the Los Angeles County (“County”) Code. To date, work has been done within the protected zone of trees no. 1, 2, 3, 4, 11 and 12; therefore the project includes the retroactive approval of these encroachments.

1. 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. 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 Los Angeles County (“County”) Department of Regional Planning (“Regional Planning”) their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant, and until all required fees have been paid pursuant to the attached County Forester and Fire Warden’s (“Forester”) letter dated March 6, 2012. Notwithstanding the foregoing, this Condition No. 2 and Conditions Nos. 4, 5, and 9 shall be effective immediately upon the date of approval of this grant by the County.
3. Unless otherwise apparent from the context, the term “date of final approval” shall mean the date the County’s action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. 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.
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 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.

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.

At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein. Additionally, 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. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. This grant shall expire unless used within two (2) years from the date of final approval 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.
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.

If inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all enforcement efforts necessary to bring the subject property into compliance. The amount charged for inspections shall be \$200.00 per inspection, or the current recovery cost at the time any inspections are required, whichever is greater.

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13, of the County Code.

11. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
12. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
13. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
14. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

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

16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the plans are required as a result of instruction given at the public hearing, **four (4) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

#### OAK TREE PERMIT-SPECIFIC CONDITIONS

17. This grant authorizes the encroachment within the protected zone of 30 oak trees (*Quercus agrifolia*, commonly known as Coast Live Oak Trees), with no removal of oak trees, in the A-2-2 (Heavy Agricultural – 2 Acre Minimum Required Lot Area) Zone pursuant to Part 16 of Chapter 22.56 of the Los Angeles County ("County") Code.

18. The permittee shall comply with all conditions and requirements contained in the County Forester letter dated March 6, 2012 to the satisfaction of said Division, except as otherwise required by said Division.
19. All replacement trees, if required, 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 **March 6, 2012**.



# COUNTY OF LOS ANGELES

FIRE DEPARTMENT

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

DARYL L. OSBY  
FIRE CHIEF  
FORESTER & FIRE WARDEN

March 6, 2012

Susan Tae, Supervising Regional Planner  
Department of Regional Planning  
Zoning Permits North Section  
320 West Temple Street  
Los Angeles, CA 90012

Dear Ms. Tae:

**OAK TREE PERMIT NUMBER 2011-00044**  
**PROJECT NUMBER R2011-01574-(5)**  
**GOPHER CANYON, CHATSWORTH**

We have reviewed the "Request for Oak Tree Permit #2011-00044." The project is located at Gopher Canyon, north of the Ronald Reagan (State Highway 118) freeway in the unincorporated area of Chatsworth. 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 Jan Scow, the consulting arborist, dated July 28, 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  
ARTESIA  
AZUSA  
BALDWIN PARK  
BELL  
BELL GARDENS  
BELLFLOWER  
BRADBURY

CALABASAS  
CARSON  
CERRITOS  
CLAREMONT  
COMMERCE  
COVINA  
CUDAHY

DIAMOND BAR  
DUARTE  
EL MONTE  
GARDENA  
GLENORA  
HAWAIIAN GARDENS  
HAWTHORNE

HIDDEN HILLS  
HUNTINGTON PARK  
INDUSTRY  
INGLEWOOD  
IRWINDALE  
LA CANADA FLINTRIDGE  
LA HABRA

LA MIRADA  
LA PUENTE  
LAKEWOOD  
LANCASTER  
LAWNDALE  
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

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 ENCROACHMENT:**

7. This grant allows encroachment within the protected zone of thirty (30) trees of the Oak genus identified as Tree Numbers 401-430 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. This permit also allows the clearance pruning for access that may exceed two-inches in diameter.

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.

Susan Tae, Supervising Regional Planner

March 6, 2012

Page 4

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    <30 Encroachment    >30 To Remain    >30 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.

Arborist report confirms. No construction.

Debris removal will not damage trees.

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.

No removal or relocation.

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.

No removal or relocation.

**Notice of Exemption**

To:  State Clearinghouse  
P.O. Box 3044  
Sacramento, California 95812-3044

From: Mountains Recreation and Conservation Authority  
5810 Ramirez Canyon Road  
Malibu, CA 90265

County Clerk  
County Clerk of Los Angeles  
Environmental Filings  
12400 Imperial Highway, Room 2001  
Norwalk, California 90650



2011088243

Project Title: Browns Canyon Restoration Project

Project Location - Specific: Gopher Canyon tributary - Browns Canyon - Chatsworth

Project Location - County: Los Angeles

Description of Project: Riparian habitat restoration of creek and surrounding areas in old quarry site.  
APNs 2821-019-905, 909, and 2821-008-901. Includes minor creek grading and extraction of inert debris.

Name of Public Agency Approving Project: Mountains Recreation and Conservation Authority

Name of Person or Agency Carrying Out Project: Mountains Recreation and Conservation Authority

**Exempt Status:** (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number Sections 15304
- Statutory Exemptions. State code number:

Reasons why project is exempt: Minor alterations in the condition of the land, such as grading, gardening, and landscaping,  
that do not affect sensitive resources.

Lead Agency: Mountains Recreation and Conservation Authority  
Contact Person: Paul Edelman Area Code/Telephone/Extension: 310-589-3230, ext. 128

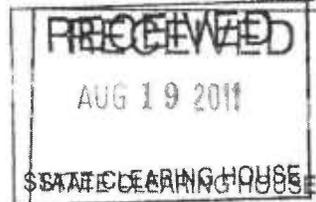
If filed by applicant:

- 1. Attach certified document of exemption finding.
- 2. Has a notice of exemption been filed by the public agency approving the project?  Yes  No

Signature: [Signature] Date: 8/15/11 Title: Chief of Natural Resources and Planning

- Signed by Lead Agency Date received for filing at OPR:
- Signed by Applicant

Revised October 1989





1.) Subject violation oak trees (oaks 1-4) prior to debris removal. Looking west.



2.) Subject violation oak trees (oaks 1-4) after debris removal. Looking west.



3.) Downstream area. Oaks 5 (closest) to 12 (furthest). Looking south.



4.) Downstream area. Oaks 5 (closest) to 15 (furthest). Looking south.



5.) Concrete rubble to be removed from area west of trees 11 and 12. Looking west.



6.) Downstream area. Oaks 13-15.

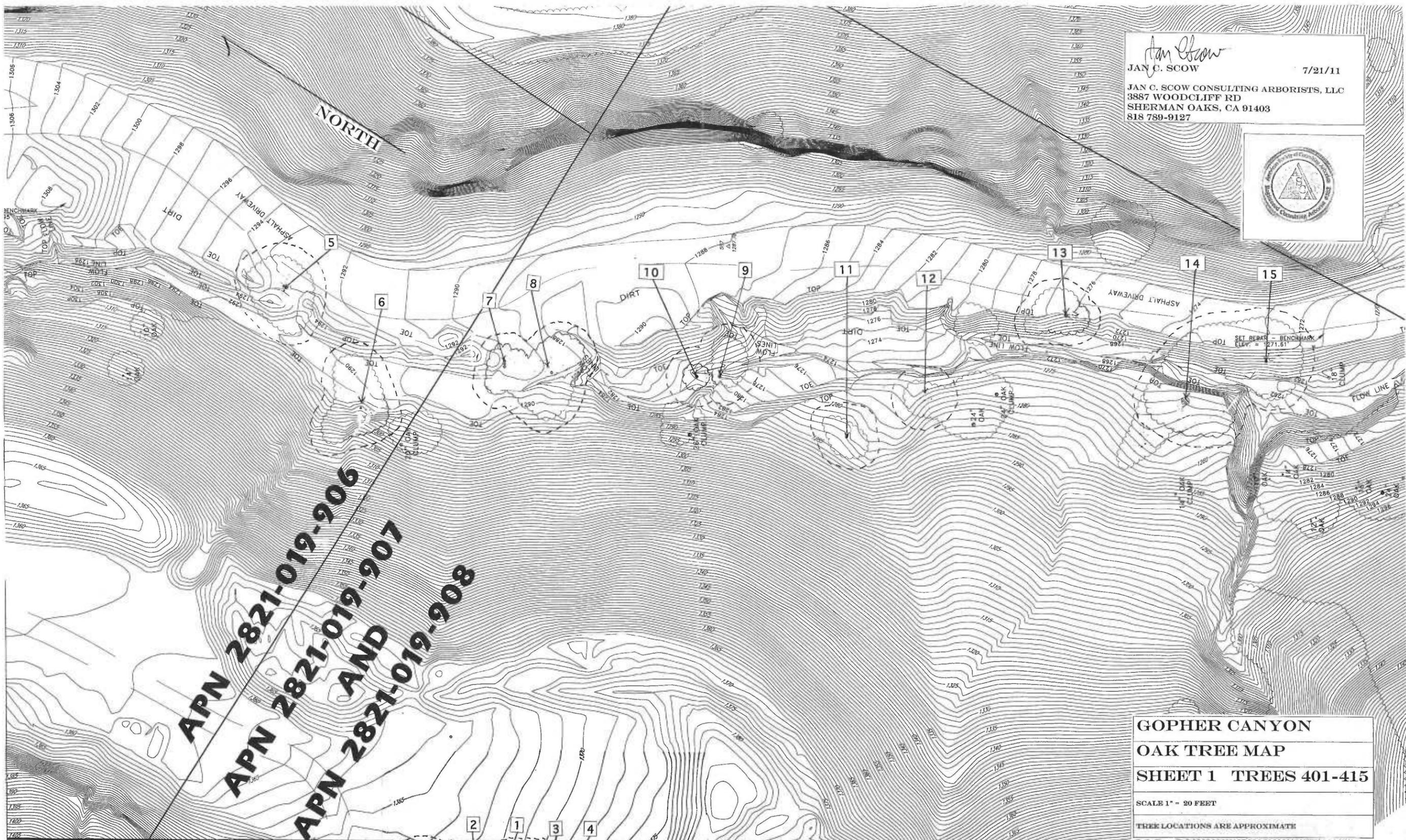


7.) Upstream area. Oaks 16-22. Looking north.



8.) Concrete rubble to be removed from under oaks 16 and 17. Looking south.

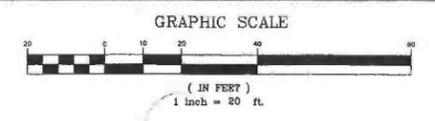
*Jan C. Scow*  
JAN C. SCOW  
7/21/11  
JAN C. SCOW CONSULTING ARBORISTS, LLC  
3887 WOODCLIFF RD  
SHERMAN OAKS, CA 91403  
818 789-9127



**GOPHER CANYON**  
**OAK TREE MAP**  
**SHEET 1 TREES 401-415**  
SCALE 1" = 20 FEET  
TREE LOCATIONS ARE APPROXIMATE

SHEET 3 OF 3 SHEETS  
**2821-008-901, APN 2821-019-904,**  
**2821-019-906, APN 2821-019-907**  
**AND 2821-019-908**  
CALIFORNIA

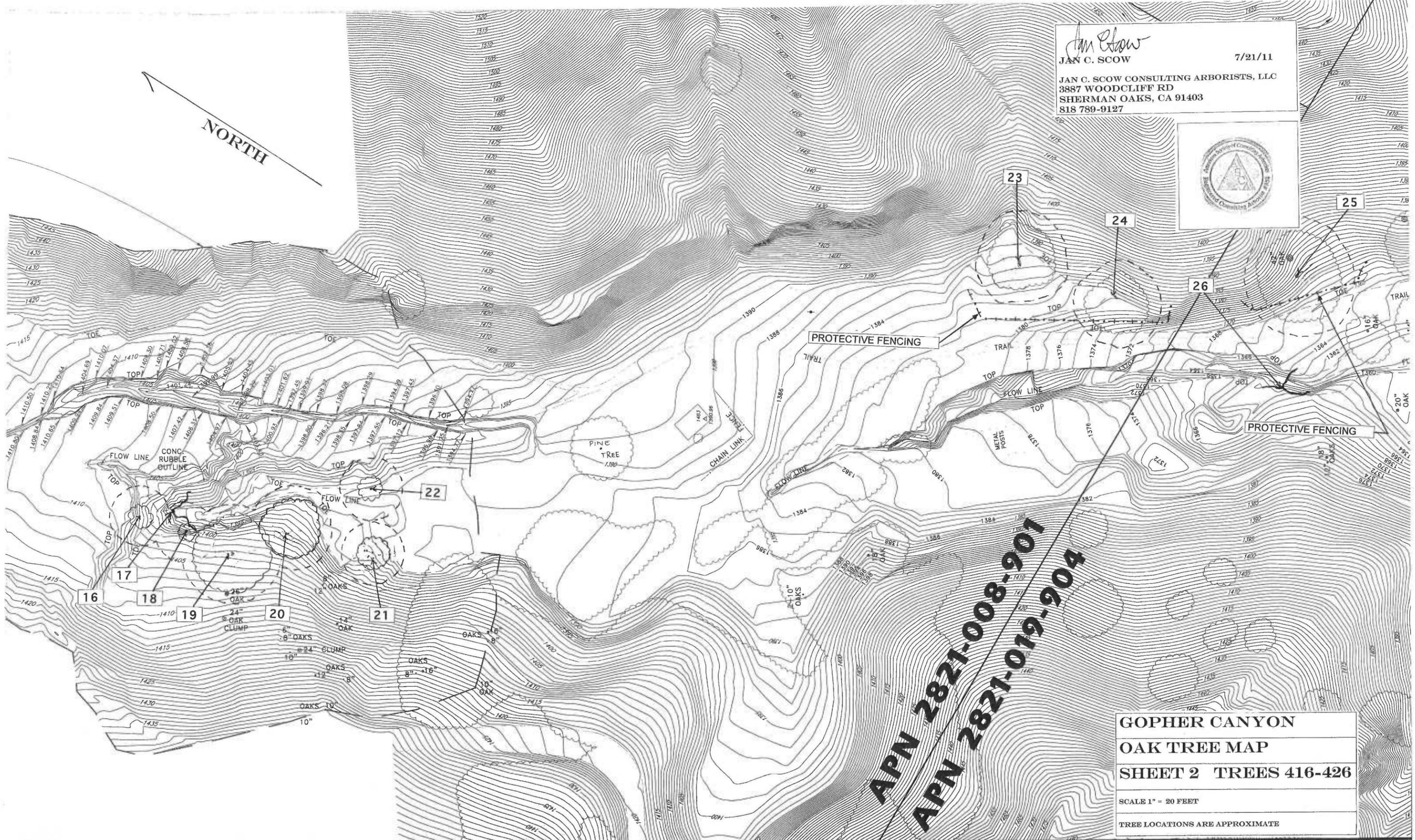
SURVEYOR'S SEAL:  
*David F. Grimes*  
DAVID F. GRIMES



*Jan C. Scow*  
 JAN C. SCOW  
 7/21/11  
 JAN C. SCOW CONSULTING ARBORISTS, LLC  
 3887 WOODCLIFF RD  
 SHERMAN OAKS, CA 91403  
 818 789-9127



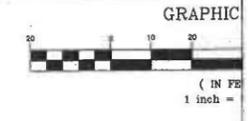
NORTH



GOPHER CANYON  
 OAK TREE MAP  
 SHEET 2 TREES 416-426  
 SCALE 1" = 20 FEET  
 TREE LOCATIONS ARE APPROXIMATE

DESCRIPTION: SHEET 2 OF 3 SHEETS  
 'N 2821-008-900, APN 2821-008-901, APN 2821-019-904,  
 PN 2821-019-905, APN 2821-019-906, APN 2821-019-907  
 & APN 2821-019-908  
 ES COUNTY CALIFORNIA

SURVEYOR'S SEAL:  
*David F. Grimes*  
 DAVID F. GRIMES L.S. 3774



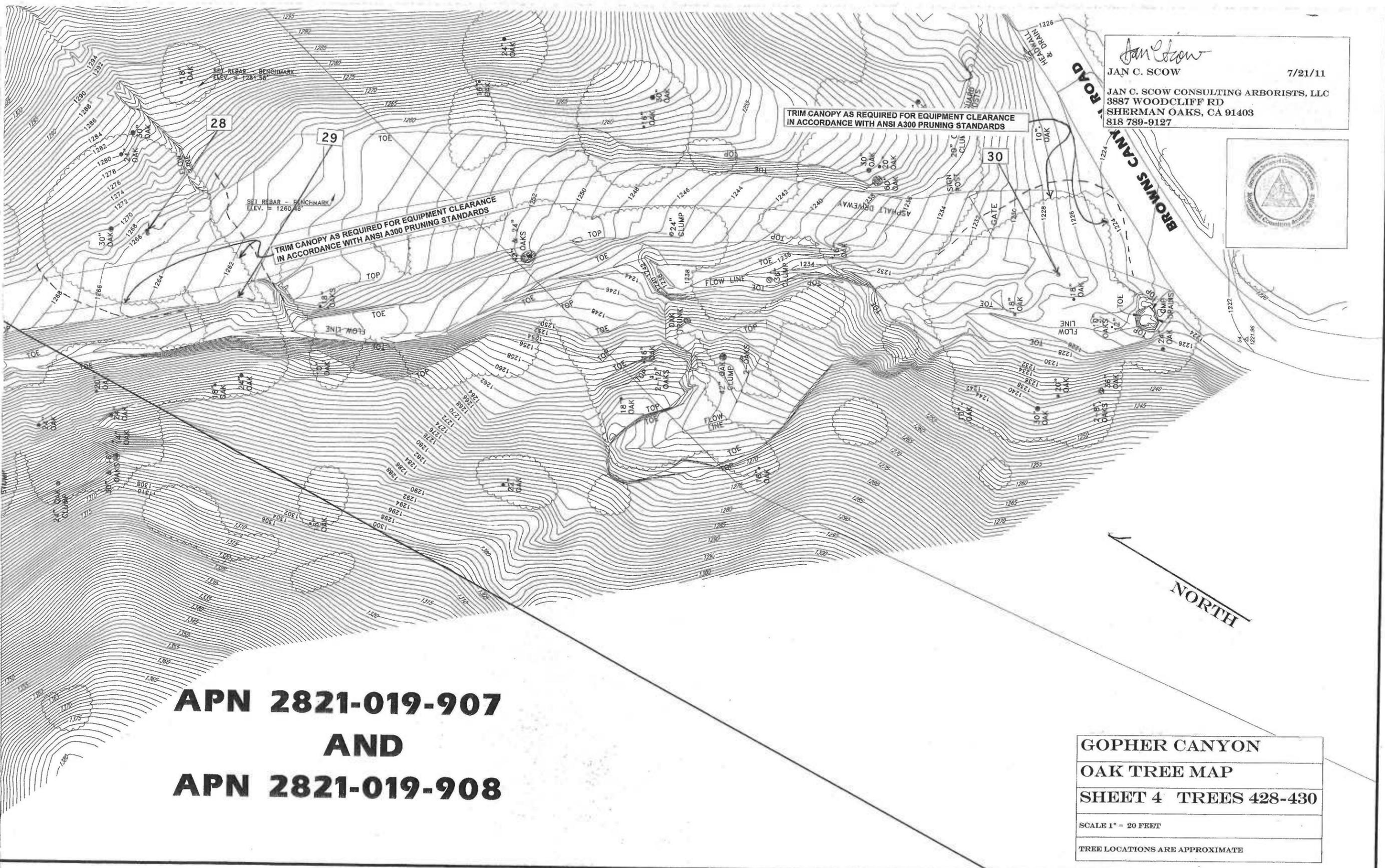


*Jan C. Scow*  
JAN C. SCOW 7/21/11  
JAN C. SCOW CONSULTING ARBORISTS, LLC  
3887 WOODCLIFF RD  
SHERMAN OAKS, CA 91403  
818 780-9127



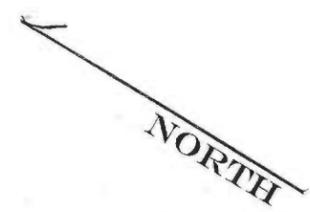
TRIM CANOPY AS REQUIRED FOR EQUIPMENT CLEARANCE  
IN ACCORDANCE WITH ANSI A300 PRUNING STANDARDS

TRIM CANOPY AS REQUIRED FOR EQUIPMENT CLEARANCE  
IN ACCORDANCE WITH ANSI A300 PRUNING STANDARDS



**APN 2821-019-907  
AND  
APN 2821-019-908**

**GOPHER CANYON  
OAK TREE MAP  
SHEET 4 TREES 428-430**  
SCALE 1" = 20 FEET  
TREE LOCATIONS ARE APPROXIMATE



**SANTA MONICA MOUNTAINS CONSERVANCY**

RAMIREZ CANYON PARK  
5750 RAMIREZ CANYON ROAD  
MALIBU, CALIFORNIA 90265  
PHONE (310) 589-3200  
FAX (310) 589-3207



August 31, 2012

RaChelle Burke, Regional Grading and Drainage Engineer  
Kevin Petrowsky, Assistant Office Manager  
County of Los Angeles Department of Public Works  
Building and Safety Division  
26600 Agoura Road, Suite 110  
Calabasas, California 91302

Phillip Smith, Planner  
Zoning Enforcement West Section  
County of Los Angeles Department of Regional Planning  
320 West Temple Avenue  
Los Angeles, California 90012

**Notice of Exercise of State Sovereignty  
Browns Canyon Habitat Restoration Project  
APNS 2821-019-904, 905, 906, 908 and 909  
2821-008-900 and 901**

Dear Ms. Burke and Messrs. Petrowsky and Smith:

With this letter the Santa Monica Mountains Conservancy (Conservancy) hereby informs your offices that the Conservancy shall exercise its State sovereignty on the permitting of its multi-acre habitat restoration project on the above-listed, State of California agency-owned, APNs in an unincorporated area of Chatsworth.

Grading permit application GR 110915001 shall not be pursued, but the project work shall be completed in accordance with the plans submitted to the County. The removal of salvage, junk and miscellaneous debris addressed in Regional Planning's RFS Nos. 10-0013382/EF101060 and 10-0013386/EF101059 shall continue and Zoning Enforcement and Public Health will be notified when the work is complete in less than one year. A public hearing on the project's Oak Tree Permit application (R2011-01574 and 2011-00044) should occur shortly to tie up that process.

Our staff appreciates the direction and focus provided by you and your staffs.

Ms. Burke and Messrs. Petrowsky and Smith  
Los Angeles County Departments  
Conservancy Exercise of State Sovereignty on Permitting Browns Canyon Restoration  
August 31, 2012  
Page 2

Please address any future correspondence to me at the above letter head address, by phone at (310) 589-3200 ext. 128, or by email at edelman@smmc.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Edelman', with a long horizontal flourish extending to the right.

PAUL EDELMAN  
Deputy Director  
Natural Resources and Planning

cc: Chris Mastro, Los Angeles County Department of Public Health

**Oak Tree Report  
for  
Stream Restoration Work  
at  
Gopher Canyon  
Chatsworth, CA 91313**

Prepared for :  
Chris Trumpy  
Mountains Recreation and Conservation Authority (applicant)  
5750 Ramirez Canyon Rd.  
Malibu, CA 90265

Prepared by:  
Jan C. Scow, RCA #382  
Jan C. Scow Consulting Arborists, LLC  
3887 Woodcliff Rd.  
Sherman Oaks, CA 91403

July 28, 2011

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### Enclosures

OAK TREE MAP Sheet 1 (24" x 36")	Trees 401-415
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Compact Disk: "Gopher Cyn Oak Tree Maps: Sheets 1-4"

# Jan C. Scow Consulting Arborists, LLC

Disease and Pest Diagnosis, Hazard Evaluation, Restorative Pruning Advice, Value Assessment

3887 Woodcliff Rd.  
Sherman Oaks, CA 91403  
(818) 789-9127

7/28/11

Chris Trumpy  
Mountains Recreation and Conservation Authority (applicant)  
5750 Ramirez Canyon Rd.  
Malibu, CA 90265

**Subject:** Preliminary Oak Tree Report, Brown Cyn Park: Gopher Canyon

## **BACKGROUND**

The applicant is proposing grading and stream restoration work in Gopher Canyon. There are native oaks on the site, requiring an oak tree permit from Los Angeles County to proceed.

We visited the site on 7/6/11 to meet with MRCA personnel and again on 7/13/11 to inventory the oaks on or near the construction areas. During those visits, we examined the oak trees, did impact evaluations, and discussed plans with the applicant.

All information below is based on observations made during our site visits, and from discussing the proposed work with the applicant.

## **OBSERVATIONS**

**Site Description:** The site of this proposed project is Gopher Canyon, in Brown's Canyon Park, north of the northern terminus of De Soto Avenue at the 118 freeway. It is a natural area within MRCA's jurisdiction that has been highly disturbed in past years for a variety of purposes, including gravel mining. The area is a north/south oriented riparian zone between steep ridges. The riparian zone has a lot of debris in it, and the natural hydrology has been altered by some pretty substantial grading changes associated with past uses. The entire area has also recently burned in a wildfire. The returning vegetation is native primarily, intermixed with exotics. There are abundant oak trees in the area, and most are fire damaged. There is also some restoration work being undertaken in this general area. There are housing developments to the east of the site.

**Project Description:** The proposed project involves two primary elements that could impact oaks in the vicinity. There will be some grading in the areas adjacent to oaks to restore the stream bed to a more natural grade and remove soil piled near oaks. In addition to this work, and closely associated with it, in several locations large pieces of concrete, culvert pipe, and other debris will be physically removed from the area. These project elements will require the use of

heavy equipment which will be driven up the access road to access the site. A third element, restoration planting, should not have significant impact on the oaks as long as the mitigation requirements below are followed.

The project will stay on the near side of the creek in all cases except where large debris will be dragged across the creek in a few locations.

**Tree Description:** The thirty oaks inventoried are all coast live oaks (*Q. agrifolia*). None of the oaks qualify as heritage oaks, but all of the oaks are probably afforded additional protection as part of a resource conservation district. Overall, the protected oaks are in fair to poor condition, and most have been damaged to some extent by recent fires. There are a few dead trees, and a number of "stump sprouts" where the main trunk is dead but shoots are re-growing from the root crown. Although we did not perform a risk assessment on the oaks, we did not notice any trees that were in immediate risk of failure.

All of the oaks that we have considered to be at some risk of encroachment were assessed and the data for each tree is available in the attached Oak Inventory sheets. In addition, all oaks are mapped in the accompanying Oak Tree Map Sheets (1-4). Oak trees are referred to by numbers 1-30. These correspond to the physical tree tags placed on these trees numbered 401- 430.

#### **CAUTIONS**

**Tree safety:** We have not evaluated trees on this property for safety. Without a thorough and focused "hazard evaluation," it is difficult to estimate the likelihood that a tree may fail and cause damage to life or property. Even with such an evaluation, there are no guarantees that a tree will not fail unexpectedly. Trees are dynamic living organisms subject to many influencing factors. All trees are potentially hazardous, regardless of their apparent health and vigor. It is impossible to be certain that a tree is absolutely safe.

***Some of these trees are dead, or have dead limbs and trunks which could fall during adjacent activity. It is strongly suggested that safety precautions to protect workers during all activities around such trees be considered carefully.***

**Ownership:** We are not surveyors and cannot be sure that these trees actually belong to this property. Prior to impacting any oak trees, I strongly urge the applicant to survey all boundaries and establish tree ownership with certainty. If trees are shared with an adjacent property, we suggest that the owners discuss the work with neighboring properties before beginning. We cannot be responsible for establishing ownership of trees and ARE NOT recommending the removal or damage of trees that do not belong to the applicant.

#### **IMPACTS**

**Impact assumptions:** It is assumed that the contractor can and will follow all instructions specified under "specific mitigation steps" and that if questions arise,

the Arborist of Record (AOR) will be brought into the discussion at appropriate times to resolve any conflicts between the work and the tree protection needs.

**Grading around oaks:** Impacts resulting from grading in the immediate vicinity of oaks could result in 1) root damage by direct contact from equipment, 2) collision/impact damage to oak trunks and limbs, and 3) soil compaction caused by equipment working under oaks. These impacts could occur to oaks 5-9, 16-18, and possibly 22. These impacts are considered *minor* as long as mitigation measures are followed carefully.

**Debris removal around oaks:** Debris removal will include removing small to large pieces of concrete and other debris from the immediate vicinity of oaks with bobcats and backhoes. This could result in root damage caused by dislodging and digging for debris, or trunk/branch damage from direct equipment collision/impact. Large debris removal may include dragging of debris with cables and heavy equipment from a distance. This is most likely to cause damage due to the cables and/or debris actually hitting trunks of oaks, and may be hard to predict and control. It is thought that these impacts can be limited to *minor or rarely moderate* levels as long as all measures are followed and adequate contractor oversight is present.

**Restoration planting:** The planting of various native plant species in the graded area, and the irrigation required for establishment could potentially have a negative impact on the oak trees. As long as the cautions below are heeded, this should *not be a significant impact*.

**Secondary impacts:** These impacts include 1) soil compaction as a result of equipment operation and parking near the road and trail, and 2) the potential for impact to low clearance oak canopies above the road as equipment is transported from the park gate to the actual work sites. Both of these impacts will be *minor* with recommended mitigation measures in force.

## MITIGATION OF IMPACTS

**Specific Mitigation Measures:** The work being done around these oaks is generally going to benefit the oaks, as well as the oak woodland ecosystem, by design. This is an atypical project for that reason and the mitigation measures call for a different approach than the usual. Below we have listed several actions that should be undertaken in various situations.

**Protective fencing** (trees 23, 24, 25, and 27)- A few oaks are located near the roadway in the vicinity of proposed work. These trees will be tempting locations for parking equipment and storing materials. To avoid unnecessary soil compaction under these trees, orange snow fencing will be installed as shown on Oak Tree Map, Sheets 2 and 3. Fencing will be installed prior to any on-site operations beginning, it will be held in place with steel stakes driven into the ground, and it will stay in place throughout the entire duration of the project.

**Access clearance pruning** (trees 27, 28, 29, and 30)- *[As stated previously, the equipment driving up the road to the construction site could impact low canopies. We did not physically measure the clearance, but it appeared that there were a few trees that were at least in the vicinity of the highest equipment.]* The following precautionary steps will be taken:

A1. Prior to bringing equipment on site all canopies will be measured to see if there will be any clearance problems when equipment is driven onto the site. The following equipment dimensions have been supplied, so it would appear that all foliage and limb structure must be **at least fifteen feet above the road bed**.

Excavator 10.5'w x 13.6't  
Dozer 10.6'w x 11't  
Trackloader 8.5'w x 10't  
Bobcat 4'w x 6't

All pruning done for clearance will be done in accordance with ANSI A300 pruning standards.

A2. All equipment will be offloaded from trailers on Gopher Canyon Road or below (as appropriate) and no equipment trailers will be driven through the gate to the park.

**Equipment ground observer and spotter** (trees 1-18, and 22)- Grading and debris removal operations comprise the majority of the work on this project, and it will be necessary for heavy equipment to work directly under oak trees due to the very nature of the work. The following measures will be followed at all times when grading or removing debris within the root protection zones of oak trees:

G1. Use of large excavators to dig around oaks should be discouraged, as they are so powerful and cumbersome that it is difficult to exercise the needed amount of "finesse" or caution to protect oaks. A small backhoe or a bobcat with a backhoe attachment may be much safer for the work directly under the oaks.

G2. When soil is being removed from beneath oak trees to alter grading (trees 5-9, 16-18, 22?) a ground observer with shovel in hand will be present at all times to work with the equipment operator (EO) and keep an eye out for oak roots. When the first roots are encountered, equipment will be pulled back and all subsequent digging from that point forward will be carried out using hand tools only.

G3. If any roots are crushed, broken off, shattered, split, or otherwise damaged, the roots will be cut to remove the damaged section of root. Cuts should be made cleanly with a sharp saw or pruning tool, far enough behind the damage that all split and cracked root portions are removed. The cut should be made at right angles to the root so that the wound is no larger than necessary. When practical,

cut roots back to a branching lateral root. No pruning wound treatment (e. g. "Tree Seal") should be applied.

G4. When debris is being removed from beneath oak trees using a power hoe (backhoe, bobcat, excavator, etc.), a ground observer with shovel in hand will be present at all times to work with the EO and keep an eye out for oak roots. When roots are encountered, and throughout such operations, the ground observer will assist the EO in limiting the amount of damage done by the use of such equipment to oak roots, trunks, and overhead branches.

G5. Trees 3 and 4 are posed on a steep cliff above the work area. It is possible that all the work was already completed here prior to recognizing the need for a permit. Extreme caution will be exercised if any additional soil or debris is to be done in the area below these trees. Any work on the cliff face could destabilize these trees.

G6. Use of steel cables may be required to pull large chunks of debris from well beyond the oak trees in some cases. Aside from the obvious dangers to personnel, use of cables could cause deep cable burns and cuts in trees, and large pieces of debris could smash into oaks if great care is not exercised. We cannot advise the contractor on means and methods of how to do this work, but the work must be done with great caution, considering all potential outcomes prior to initiating any such action. If actions damage oak trees, the AOR should be contacted to advise on additional mitigation.

**Restoration planting-** Any restoration planting done within the dripline of any protected oaks will be limited to species and planting methods that do not require supplemental summer/fall irrigation, except that watering by hand, or by manually activated drip irrigation is tolerable. Excess watering on these highly stressed oaks could be a serious detriment to their recovery. No summer watering by water truck soaking should be done under any of these oaks.

***General Mitigation Steps:*** The following general measures should be applied to all oaks near construction as they apply. If there is a conflict between these instructions and those specific steps outlined above, the specific steps above take precedence.

1. All work conducted in the ground within the protection zone of any protected tree should be accomplished with hand tools only, to the extent practical. (The protection zone is defined as the area within a circle with a radius 5 feet greater than the maximum distance of the dripline from the trunk).

2. Any required digging which has options as to the scoop path should be set up in such a manner as to minimize root damage. Radial trenching (radial to the tree trunk) is less harmful than tangential trenching because it runs parallel to tree roots rather than diagonal or perpendicular to them. If roots can be worked around, cutting of roots should be avoided.

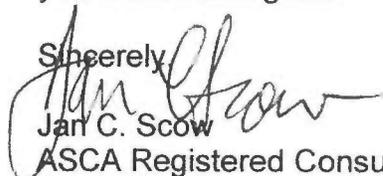
3. "Natural" or pre-disturbance grade should be restored for as great a distance from the trunk of each tree as construction permits. At no time during or after construction should new soil be placed in contact with the trunk of the tree above natural grade.
4. In areas where grade will be lowered, some root cutting may be unavoidable. Cuts should be made cleanly with a sharp saw or pruning tool, far enough behind the damage that all split and cracked root portions are removed. The cut should be made at right angles to the root so that the wound is no larger than necessary. When practical, cut roots back to a branching lateral root. No pruning wound treatment (e. g. "Tree Seal") should be applied.
5. When removing pavement, as little disruption of soil as necessary should result.
6. Pruning of oaks should be limited to the removal of dead wood and the correction of potentially hazardous conditions, as evaluated by a qualified arborist. Pruning oaks excessively is harmful to them. Removal or reduction of major structural limbs should be done only as required for actual building clearance or safety. If limbs must be removed, cuts should be made perpendicular to the branch, to limit the size of the cut face. The branch bark collar should be preserved (i. e. no "flush cuts"), and cuts should be made in such a way as to prevent the tearing of bark from the tree. All pruning should be done in accordance with accepted pruning standards (e. g. ISA, ANSI). No pruning wound treatment (e. g. "Tree Seal") should be applied.
7. Keep all activity and traffic to a minimum within the protection zone of the trees to minimize soil compaction.
8. It is important that the protection zone not be subjected to flooding incidental to the construction work, or to disposal of construction debris such as paints, plasters, or chemical solutions. No equipment fueling or chemical mixing should be done within the root protection zone.
9. In general, it is best to minimize the amount of environmental change which trees will be subjected to. This includes drastic changes in watering practices from the present, especially drastic increases.
10. Care should be exercised not to physically damage the tree's bark or crown during construction.

### **CONCLUSIONS**

The proposed project will not require the removal of any protected oaks. As long as due care is exercised, and the contents of this report are carefully adhered to, the benefits of this work will far outweigh any negative impacts.

Please let me know if I can be of any further assistance or if you have any additional questions. My goal is to satisfy my clients and help them to better care for their trees in the most effective way possible. I look forward to working with you toward that goal!

Sincerely,



Jan C. Scow

ASCA Registered Consulting Arborist #382

ISA Certified Arborist # WC1972



Attached:   Photos  
              Arborist Disclosure Statement  
              Oak Inventory Sheets  
              Site location Map

Enclosed:   Oak Tree Maps (sheets 1-4)

**Severe fire damage is common**



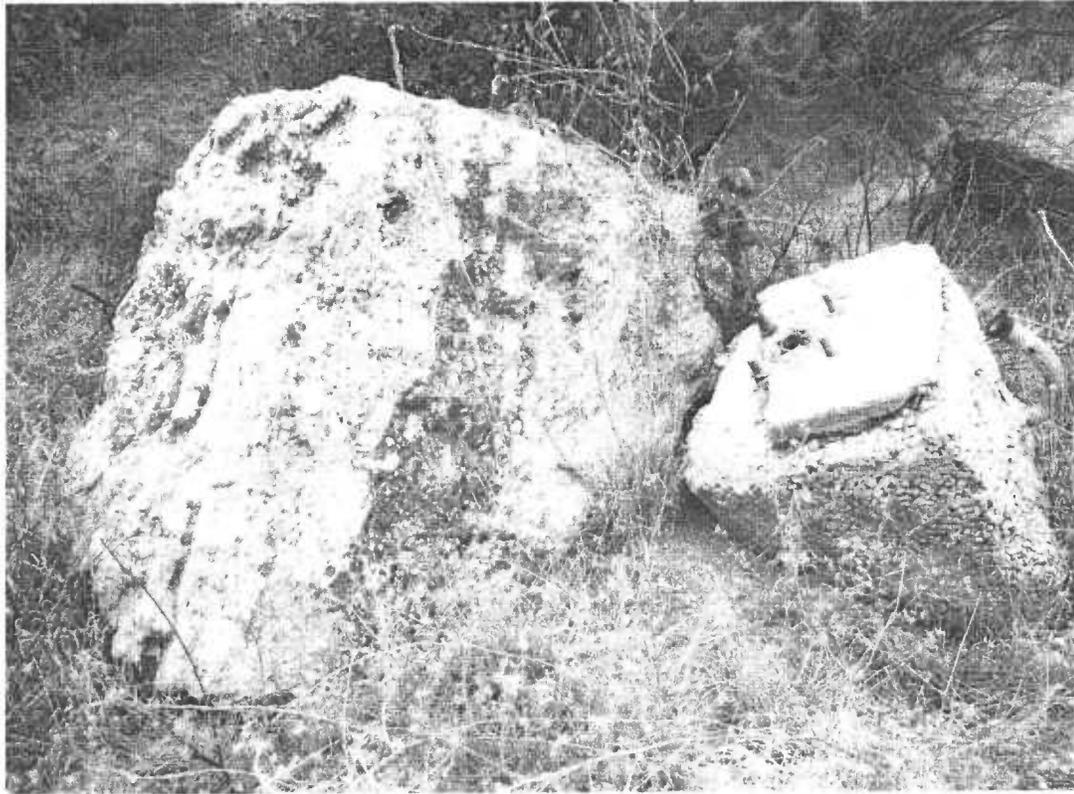
**Piles of soil under trees...**



**will be removed to restore grade.**



**Debris comes in many shapes...**



**and many sizes.**



## **ARBORIST DISCLOSURE STATEMENT**

Arborists are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, landlord-tenant matters, etc. Arborists cannot take such issues into account unless complete and accurate information is given to the arborist. The person hiring the arborist accepts full responsibility for authorizing the recommended treatment or remedial measures.

Trees can be managed, but they cannot be controlled. To live near a tree is to accept some degree of risk. The only way to eliminate all risks is to eliminate all trees.

Please note the following important considerations:

- You should never authorize or do any work on any tree unless you are certain of that tree's ownership, and you have confirmed that you solely own the tree, or that anyone else having a claim to the tree has given you permission in writing authorizing your proposed action.
- Before removing a tree, be sure it is your tree to remove.
- Trees on property lines belong to both properties.
- Working on trees hanging into or over your yard that belong to a neighbor may result in "unreasonable damage" to their tree and could expose you to litigation.

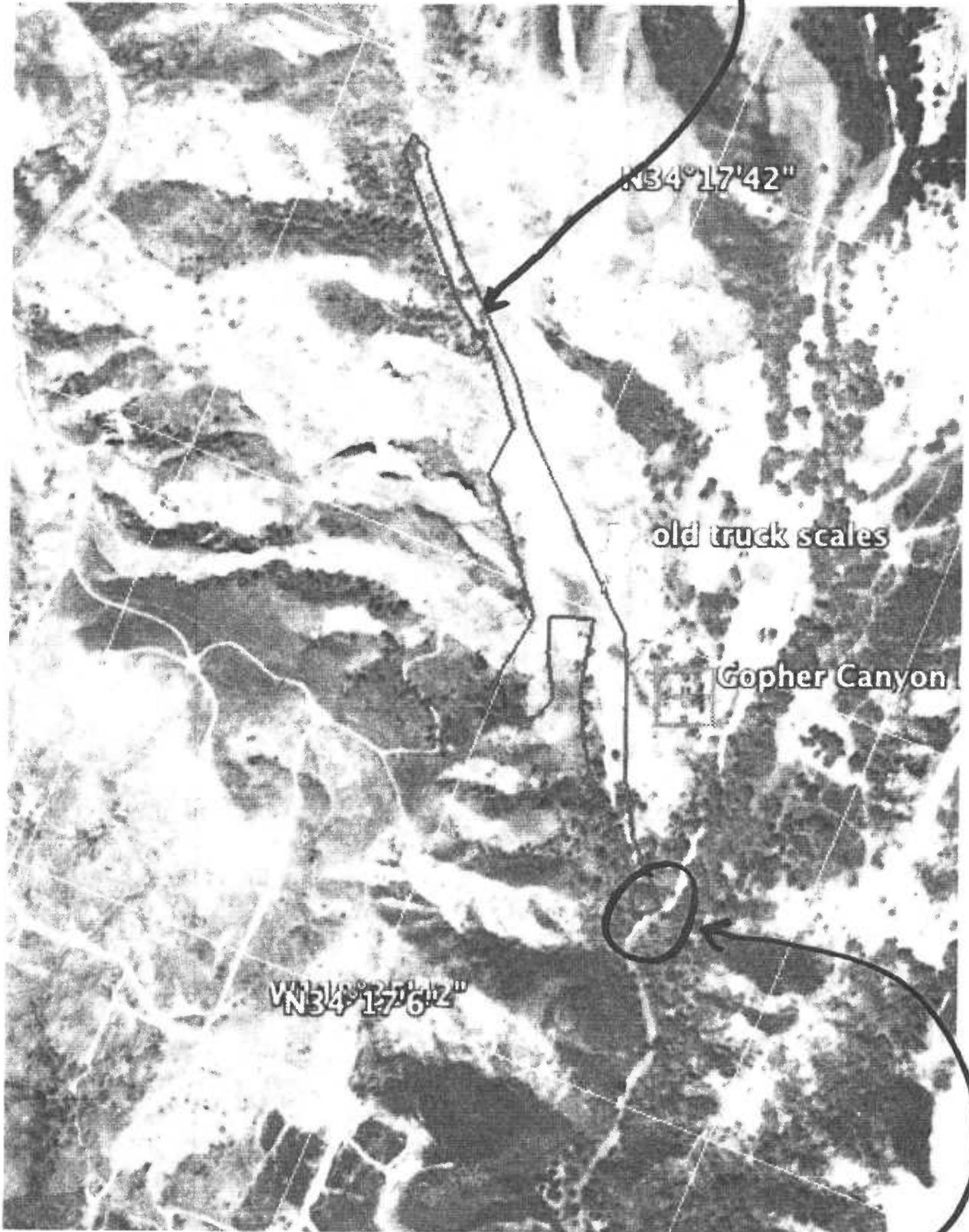
tree #	species	dsh * (inches)	hertg RCD	SER	n	e	s	w	photo
401	Quercus agrifolia	29	yes	E	10	33	35	—	yes
402	Quercus agrifolia	~18 (leans over pond)	yes	E	~30	—	—	—	yes
403	Quercus agrifolia	~26, 18, 8 (poison oak)	yes	E	~15	~15	15	~18	yes
404	Quercus agrifolia	~10 @ 2' (cliff)	yes	S	~3	~10	~12	~4	yes
405	Quercus agrifolia	20, 14	yes	E	14	13	17	21	yes
406	Quercus agrifolia	13, 13, 7 (2 or 3 trees?)	yes	E	13	13	15	~10	yes
407	Quercus agrifolia	20 (shell), 19, 17	yes	E	6	4	15	~15	yes
408	Quercus agrifolia	19, 13 (shell)	yes	E	10	20	8	~30	yes
409	Quercus agrifolia	~20 (poison oak)	yes	E	~5	~30	~12	~8	yes
410	Quercus agrifolia	~25 (bees)	yes	E	5	5	5	5	yes
411	Quercus agrifolia	~21 (shell)	yes	E	~12	~12	~6	~12	yes
412	Quercus agrifolia	8, 8 (two trees?)	yes	E?	8' radius				yes
413	Quercus agrifolia	19, 8	yes	E?	12	7	11	~10	yes
414	Quercus agrifolia	48 @ 12"	yes	E?	~20	~30	~25	15	yes
415	Quercus agrifolia	24 @ 2'	yes	E?	16	~18	20	~25	yes
416	Quercus agrifolia	11 (shell)	yes	E	3	3	3	3	yes
417	Quercus agrifolia	15	yes	E	—	12	12	2	yes
418	Quercus agrifolia	~18, 12 (cliff)	yes	E	4' radius				yes
419	Quercus agrifolia	13, 13, 11, 11	yes	S	20' radius				yes
420	Quercus agrifolia	~18, 11, 11	yes	S	~15	~20	~15	~10	yes
421	Quercus agrifolia	11, 10, 9, 8, 7, 6, 6, 6, 5	yes	S	7' radius				yes
422	Quercus agrifolia	10 (shell)	yes	E	4' radius				yes
423	Quercus agrifolia	25, 16 @ 2'	yes	S	18	16	16	15	yes
424	Quercus agrifolia	17, 15	yes	S	20	11	~12	14	yes
425	Quercus agrifolia	~42, 26	yes	E	20' radius				yes
426	Quercus agrifolia	~16	yes	S	snag				yes
427	Quercus agrifolia	29, 20	yes	E?	20	15	22	35	yes
428	Quercus agrifolia	no data	yes	E?					yes
429	Quercus agrifolia	no data	yes	E?					yes
430	Quercus agrifolia	no data	yes	E?					yes

tree #	aesthetics					structural		problems	
	symmetry	breakage	balance	branching	total	remedies	disease	insect	cultural
401	1	3	1	2	7	not applicable	none observed	none observed	fire damage
402	1	2	1	2	6	not applicable	none observed	none observed	none observed
403	3	3	3	3	12	not applicable	none observed	none observed	none observed
404	3	3	2	3	11	not applicable	none observed	none observed	none observed
405	2	2	1	2	7	not applicable	none observed	none observed	fire damage
406	2	1	1	1	5	not applicable	none observed	none observed	severe fire dmg
407	1	1	1	1	4	not applicable	none observed	none observed	severe fire dmg
408	2	1	2	1	6	not applicable	none observed	none observed	severe fire dmg
409	dead tree					not applicable	dead tree	dead tree	fire mortality
410	stump sprout					not applicable	none observed	bees in trunk	fire damage
411	2	1	2	1	6	not applicable	none observed	none observed	severe fire dmg
412	2	3	3	2	10	not applicable	none observed	none observed	fire damage
413	2	2	2	2	8	not applicable	none observed	none observed	fire damage
414	3	2	3	2	10	not applicable	none observed	none observed	fire damage
415	3	3	3	3	12	not applicable	none observed	none observed	fire damage
416	1	1	1	1	4	not applicable	none observed	none observed	severe fire dmg
417	dead tree					not applicable	dead tree	dead tree	fire mortality
418	dead tree (resprouting from R/C)					not applicable	none observed	none observed	fire mortality
419	2	2	2	2	8	not applicable	none observed	none observed	fire damage
420	1	1	2	1	5	not applicable	none observed	none observed	severe fire dmg
421	1	1	1	1	4	not applicable	none observed	none observed	severe fire dmg
422	stump sprout					not applicable	none observed	none observed	severe fire dmg
423	2	2	2	2	8	not applicable	none observed	none observed	fire damage
424	2	3	3	2	10	not applicable	none observed	none observed	fire damage
425	1	2	2	1	6	not applicable	none observed	none observed	fire damage
426	dead snag					not applicable	dead tree	dead tree	fire mortality
427	2	2	3	3	10	raise canopy as needed	none observed	none observed	fire damage
428	no data					raise canopy as needed			
429	no data					raise canopy as needed			
430	no data					raise canopy as needed			

tree #	vigor rating	health rating	health recommendations	construction impacts	suggested mitigation or maintenance	anticipated effectiveness
401	7	C	not applicable	debris removal	See BMP's in report	good
402	10	B	not applicable	debris removal	See BMP's in report	good
403	10	B	not applicable	debris removal	See BMP's in report	good
404	11	B	not applicable	debris removal	See BMP's in report	good if cautious
405	9	B	not applicable	debris removal, grading	See BMP's in report	fair
406	9	B-	not applicable	debris removal, grading	See BMP's in report	fair
407	5	D	not applicable	debris removal, grading	See BMP's in report	fair
408	5	D	not applicable	debris removal, grading	See BMP's in report	fair
409	dead	F	not applicable	debris removal, grading	See BMP's in report	good
410	st. sprout	C	not applicable	debris removal	See BMP's in report	good
411	5	C	not applicable	debris removal	See BMP's in report	good if cautious
412	9	B-	not applicable	debris removal	See BMP's in report	good if cautious
413	7	B-	not applicable	debris removal	See BMP's in report	good if cautious
414	6	B-	not applicable	debris removal	See BMP's in report	good if cautious
415	10	B	not applicable	debris removal	See BMP's in report	good
416	7	D+	not applicable	debris removal, grading	See BMP's in report	fair
417	dead	F	not applicable	debris removal, grading	See BMP's in report	good
418	st. sprout	C	not applicable	debris removal, grading	See BMP's in report	good if cautious
419	7	C+	not applicable	none	stay out of creek	high
420	4	C-	not applicable	none	stay out of creek	high
421	7	C+	not applicable	none	stay out of creek	high
422	st. sprout	B-	not applicable	debris removal, grading?	See BMP's in report	good
423	9	B	not applicable	none if fenced	protective fencing	high
424	10	B	not applicable	none if fenced	protective fencing	high
425	6	C+	not applicable	none if fenced	protective fencing	high
426	dead	F	not applicable	none- dead tree	safety- stay away	high
427	7	C+	not applicable	possible road clearance	protective fencing, prune IAW standards---	high
428				possible road clearance	prune IAW standards	high
429				possible road clearance	prune IAW standards	high
430				possible road clearance	prune IAW standards	high



# APPROXIMATE SITE AREA



ACCESS ROAD

PARK GATE

# **Restoration Plan**

**For habitat restoration in Gopher Canyon,  
Santa Susana Mountains**

**Mitigation implemented for impacts made by  
California Department of Transportation (Caltrans)  
in Alamos Canyon,  
Santa Susana Mountains**

As required by:  
Army Corps of Engineers Nationwide Permit Number 2004-00766-MDC  
California Regional Water Quality Control Board File Number 04-053

**Prepared by:**  
Santa Monica Mountains Conservancy

### **Background:**

The Santa Monica Mountains Conservancy (Conservancy) signed a Memorandum of Agreement in Fall 2008, with the California Department of Transportation (Caltrans), Army Corps of Engineers, and the Federal Highway Administration to perform In-Lieu Fee Mitigation to compensate for Caltrans impacts made within Alamos Canyon, Simi Valley. Army Corps of Engineers (ACOE) issued Nationwide Permit number 2004-00766-MDC. California Regional Water Quality Control Board (CRWQCB) issued File Number 04-053.

The Conservancy received the funds from Caltrans in December of 2008, then granted the funds to the MRCA in June 2009.

### **Site Location:**

The restoration site, Gopher Canyon, is located north of the De Soto Avenue exit of Highway 118 in unincorporated Chatsworth. It is owned and operated by the Mountains Recreation and Conservation Authority (MRCA). Gopher Canyon is a tributary of Brown's Canyon watershed. MRCA acquired the site in 2004. It is part of a 9,000-acre contiguous MRCA open space holding. Site map attached.

### **Site History and Status:**

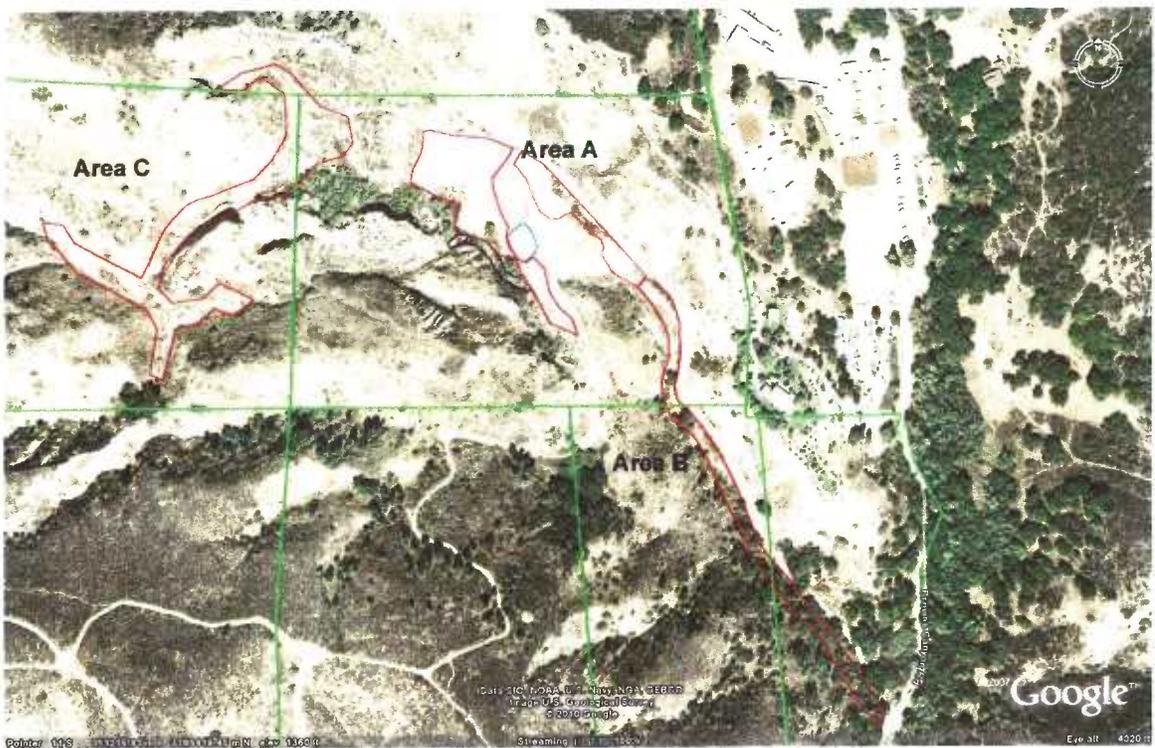
The previous owners of the property mined it as a rock quarry, apparently for the San Pedro breakwater. Many tons of rock were excavated and removed from the area. Subsequently the site was used as a location to create and ship road base. Metal, rock, plastic, brick, cement, and asphalt materials were left on site. This base creation and shipping operation ravaged the site. An approximately 270-foot long section of blue line streambed was filled and culverted. Debris was piled and abandoned. Because the makeshift stream culverts were filled with sediment, the stream did not run within the historic stream channel. Instead, the water flowed onto the paved road east of the creek. The site has burned twice since 2006. All aerial photography and maps are prior to these burn events.

As part of the recorded agreement between MRCA and owners of the 300 acre Deerlake Ranch property (south of the Gopher Canyon property), the developers are required to provide a two-inch water pipe feed with meter to the first restored area of the restoration site. This has not yet occurred, however the signed agreement required the MRCA to begin restoration work on the site in Fall 2009.

Why?  
MDA  
Where is Jodphur Canyon



Location of the Gopher Canyon mitigation site in Chatsworth.



Restoration areas. Details of Areas A, B, and C to follow.

SMMC - MRCA Restoration Plan for  
Caltrans - Alamos Canyon impacts  
Gopher Canyon, Santa Susana Mountains

## **Restoration Plan:**

### **Phase One/ Area A**

The subject project is separated into three phases. The intent of Phase One was to clean up and restore the primary quarry disturbance area. Metal, brick, asphalt, and small amounts of plastic PVC pipe all needed to be removed from the site prior to stream restoration activity. This phase has already commenced and is ongoing.

Presently, no irrigation system has been constructed. A water truck currently is used to water this large restoration area.

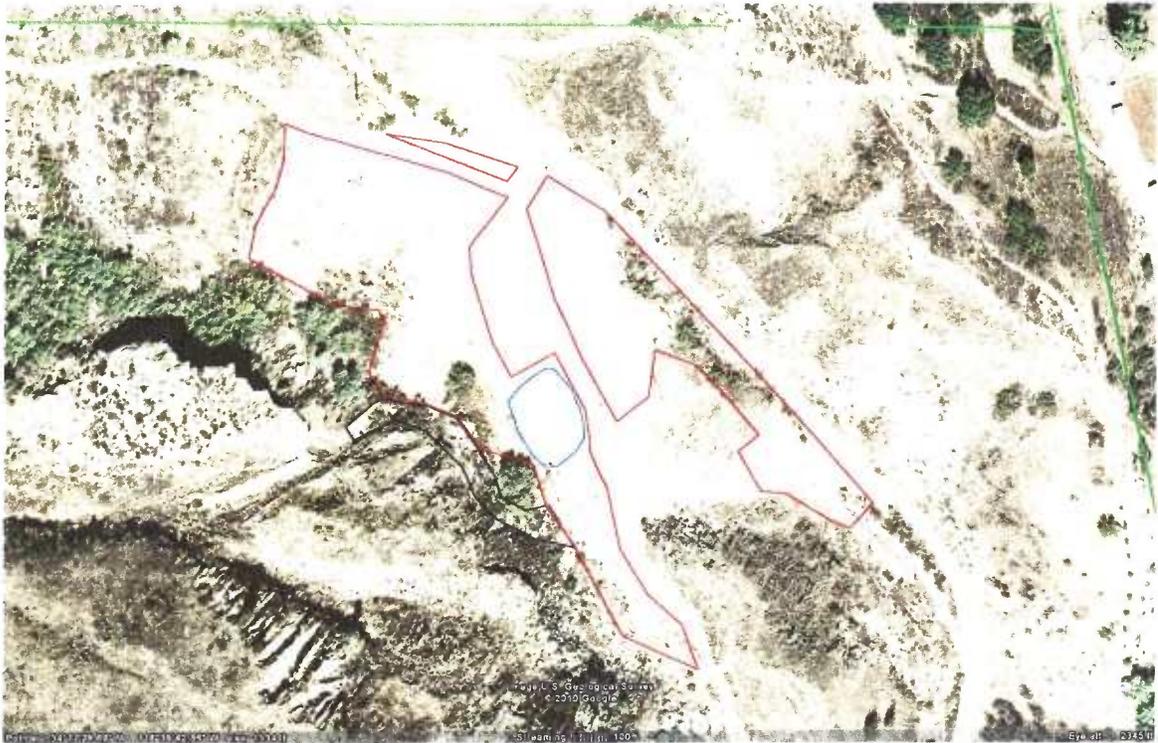
Average rainfall (not delivered in episodic events) caused scattered rill erosion over the entire site. Areas with more focused erosion damage occurred in the main channel of Phase One. That damage has been subsequently addressed with the placement of riprap, rocks, and stones. Such erosion control measures will continue.

A major feature of Phase One was the creation of a large depression to detain and infiltrate runoff from areas both inside and outside of Phase One. Release from this depression is through a channel with an approximately 2.5% grade that runs approximately 200 feet to join the main channel.

Virtually ninety percent of this Phase One mitigation work constitutes some form of habitat creation as opposed to simple restoration. Approximately 1/8 acre in Phase One within or adjacent to a contoured depression (the pond) is expected to qualify as wetland creation.

There is still additional work, both grading and non-grading to be done on site. Those additional areas for work are addressed in the Phase Two and Phase Three sections of this plan. It is critical to rip the densely compacted gravel base of these areas to allow for infiltration and root penetration. Historic aerial photos will show an extremely slow progression of colonization of these core Phase One areas by mulefat. There is minimal organic material in the soil.

The site has had over 110 cubic yards of mulch distributed on the site. Fill was compacted along a cut-quarry face at the southwest edge of the Phase One work area. The southern boundary of Phase One area received excavated dirt as well.



Approximate restoration areas of Phase One. Red polygons represent restoration areas. Blue polygon represents the pond that was created from an existing depression. Black polygon represents the hill slope stabilized with dirt excavated from the stream banks.

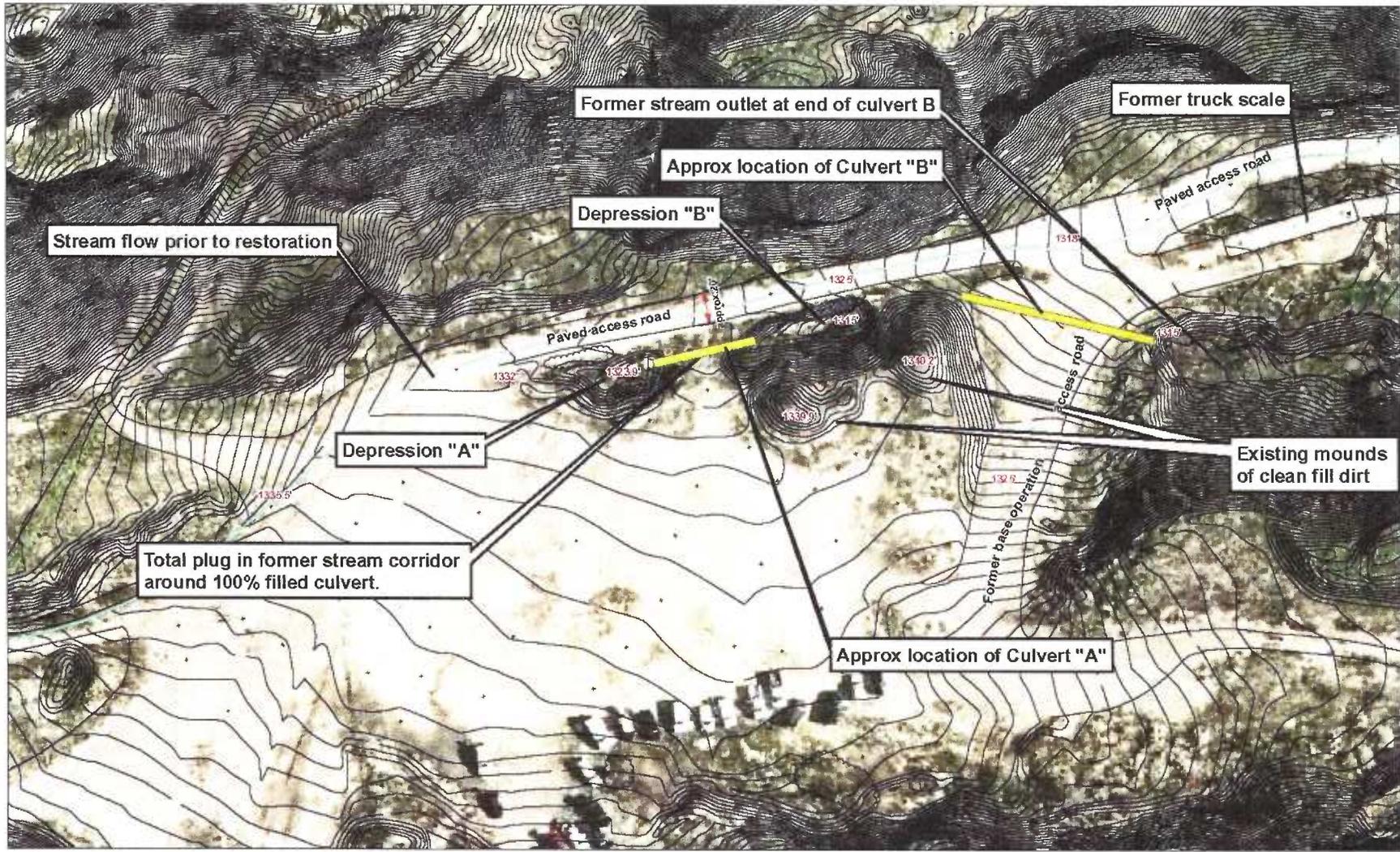
The primary objectives of Phase One via earth movement are as follows:

- Maximize square footage of low elevation and high water table area surface for riparian vegetation
- Maximize topographic capture and infiltration of rainfall and small tributary flow
- Restore main stream channel configuration
- Provide parking area for operations and limited public use
- Cover exposed debris in man-made cut face with clean soil material
- Establish a self-sustaining habitat in the stream and wetland areas



These pre-restoration aerial photos (2006) of the Phase One section show the primary blue line stream of Gopher Canyon was displaced from historic channel, and instead flowed onto the paved road on the western edge of Phase One. See following topographic figure on next page.





Conditions Prior to MRCA Restoration  
 Google Earth aerial 8/2008

SMMC - MRCA Restoration Plan for  
 Caltrans - Alamos Canyon impacts  
 Gopher Canyon, Santa Susana Mountains

When restoration activities began throughout this reach of Gopher Canyon, the only remnants of the blue line stream channel (in map above) were in the two Depressions. During phase one activities excavation occurred between the two Depression areas, and on both ends of the Depression areas. Fill had historically been pushed into the main blue line stream of Gopher Canyon. Beside and around these depression areas, this fill was pulled away from the main channel to broaden the width of the floodplain. The west banks of these sections were pulled back to increase the receiving capability of the channel. This particular grading activity avoided existing clumps of *Baccharis* and *Sambucus*, maintaining the riparian plant base present in the subject area. A combination of culvert removal and excavation of historic fill, reestablished the blue line stream flow into a channel that parallels the paved access road. This excavation and widening of the creek channel created a continuous channel through the site. The above figure shows pre-grading elevation levels in red.

### **Restoration Activities:**

Debris was removed from Gopher Canyon in the following manner. Plastic materials were removed and disposed in Conservancy waste bins off site. The metal was given to a scrap metal collector. Rock, brick, and cement were deposited in rock bins and taken to an appropriate disposal center. Asphalt larger than the size of a small rock was also removed. Dirt, small rocks, and small asphalt (inert fill) were incorporated into the cut-quarry faces resulting in increased slope stabilization. No chemical or petroleum containers were found onsite. As soil settling, rainfall, foot traffic, and restoration activities uncover new debris, it will be removed from the site by MRCA or Conservancy staff members and placed in waste bins at King Gillette Ranch in Calabasas.

To date, a variety of native plants have been installed from either one-gallon or five-gallon containers in the Phase One restoration area of Gopher Canyon. These plants include Arroyo Willow (*Salix lasiolepis*), Western Sycamore (*Platanus racemosa*), Cottonwood (*Populus fremontii*), Mulefat (*Baccharis salicifolia*), Coast Live Oak (*Quercus agrifolia*), Valley Oak (*Quercus lobata*), Rose (*Rosa californica*), Mexican Elderberry (*Sambucus mexicana*), Giant Wild Rye (*Leymus condensatus*), and Mugwort (*Artemisia douglasiana*). At a minimum, the plants listed above will be used, with additional native species at the discretion of restoration crew.

Prior to the planting in January 2010, 90% of the graded Phase One area was hand seeded with a seed mix containing sagebrush (*Artemisia californica*), buckwheat (*Eriogonum fasciculatum*), needlegrass (*Nassella pulchra*), foothill needlegrass (*Nassella lepida*), and fescue (*Vulpia microstachys*). The survival rate of the plants varied from 1% for the needlegrass, to 30% for the fescue.

No water quality tests have been conducted at this time, nor are anticipated. Rainwater is absorbed within 24 hours after precipitation, with the exception of the pond.

### **Timing and Maintenance:**

Initial restoration work for Phase One at the Gopher Canyon site has begun, and is expected to be complete by July of 2010.

The site will be monitored for a minimum period of five years. Success criteria will be measured by survival rate and percent ground cover. All plantings shall have a minimum of 80% survival, by species, for the first year and 100% survival thereafter and/or shall attain 75% cover after 3 years and 90% cover after 5 years, as indicated in the agreements with the regulatory agencies. Should any installed plants die, replacements will immediately be planted, and measures taken to ensure survival.

### **Future Activity:**

The installed planting area will continue to be watered and caged to protect herbivory. Removal of invasive plant species will prevent establishment of non-native competitors.

Phases Two and Three will commence once all permitting requirements have been met.

### **Phase Two/ Area B**

The planned second phase will be to restore the Gopher Canyon tributary from the Phase One restoration area to its confluence with Browns Creek. These channel activities will begin once approval is granted by regulatory agencies. If permitted, all debris will be removed from the streambed with heavy equipment. Six-foot diameter cement culverts will be removed.

If permitted, source rocks will be placed in stream bottom where there is extensive down cutting. Native plants will be installed, protected, and monitored for a period of five years or longer if necessary in order to establish a self-sustaining riparian habitat.

Expected restoration space for Phase Two will include but not be limited to the outlined polygon on the following map.



Approximate restoration area of Phase Two. Lower Gopher Canyon. Red polygon represents area of potential riparian habitat restoration. Actual restoration areas will be determined according to need, once assessed.

The primary objectives of Phase Two are as follows:

- Maximize square footage of low elevation and high water table area surface for riparian vegetation.
- Maximize topographic capture and infiltration of rainfall and small tributary flow.
- Restore stream channel configuration and stability.
- Remove debris if present.
- Establish a self-sustaining riparian habitat within the stream channel

### **Phase Three/ Area C**

The planned third phase would cover areas upstream from the Phase One section. Restoration will be implemented in a similar method as the first and second phases. Both of the two tributaries upstream from Phase One (see map below) will be permitted and restored together. More debris is present in the forms listed in the Phase One section of this plan. Water flow in this portion is currently unknown, and will be addressed once the area has been analyzed. Spot grading to restore channel function and reduce erosion is likely to occur within the Phase Three area. The exact locations of those remediation activities will be addressed in a Streambed Alteration Agreement with the California Department of Fish and Game.

Expected restoration space for Phase Three will include but not be limited to the outlined polygon on the following map.



Approximate restoration area of Phase Three. Upper Gopher Canyon. Proximity to Phase One is shown.

The primary objectives of Phase Three are as follows:

- Maximize square footage of low elevation and high water table area surface for riparian vegetation.
- Maximize topographic capture and infiltration of rainfall and small tributary flow.
- Restore stream channel configuration and stability.
- Remove debris if present.
- Establish a self-sustaining habitat within the subject area

The Conservancy addressed the quarry portion as the first phase, in order to identify the unknown elements of the site. Restoration crews found the soil to be full of gravel and rock, which needed to be addressed before planting. This information about the condition of the site will be used to effectively plan the subsequent phases of the project.

**Pictures: Gopher Canyon**



Creek condition prior to restoration activities. Looking southwest. October 2007.



Creek condition prior to restoration activities. Looking north. October 2007.



Creek condition prior to restoration activities. Looking north, October 2007.



Rock debris pile against cliff slopes. Looking west. October 2007.



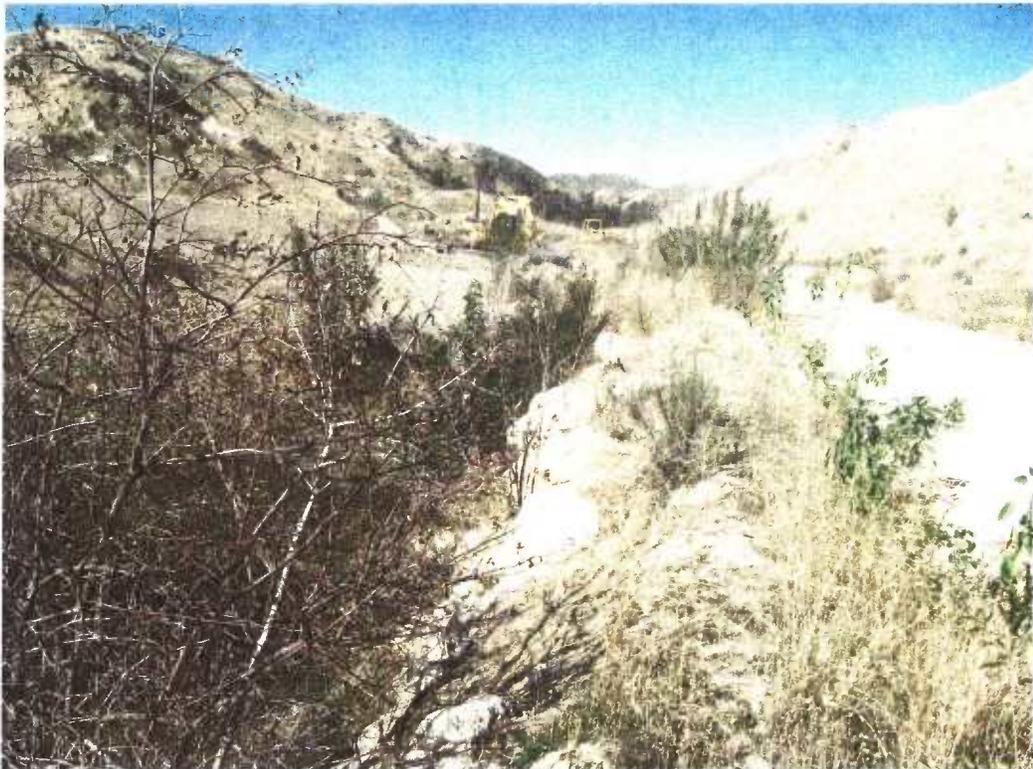
The stream channel now runs under where these cars are parked, connecting the previously disjointed creek. Looking east. October 2007.



Looking north from pond area. October 2007.



Rock debris along the old quarry-cut slopes. October 2007. Willow tree on slope remains.



Creek channel in foreground, with excavators in the background reconnecting the northern part of the channel. Looking north. November 2009.



Rebar pile (picture center) and excavators. Looking north. November 2009.



Extraction of culvert A from creek bed. Looking east. December 2009.



Extraction of culvert A from creek bed. Looking south. December 2009.



Phase One stream channel and pond. Looking north. March 2010.



Newly contoured stream channel. Looking south. February 2010.



Newly contoured stream channel with mulch and plantings. Looking south. May 2010.