



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

April 9, 2014

TO: Hearing Officer *Jn*  
FROM: Jeantine Nazar  
Zoning Permits East Section  
SUBJECT: **Project No. R2013-00430-(5)**  
**Oak Tree Permit No. 201300008**  
**HO Meeting: April 15, 2014**  
**Agenda Item: 10**

The above-mentioned item is a request to authorize a retroactive oak tree permit for one oak tree removal and seven encroachments associated with a grading project. This item is scheduled for a denial due to inactivity. Please find attached findings requesting to continue the hearing to the May 20, 2014, Hearing Officer meeting.

If you need further information, please contact Jeantine Nazar at (213) 974-6435 or [jnazar@planning.lacounty.gov](mailto:jnazar@planning.lacounty.gov). Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

MM:JN  
Enclosure: Findings

**DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2013-00430-(5)  
OAK TREE PERMIT NO. 201300008**

1. **ENTITLEMENT REQUESTED.** The applicant, Jin Hae Lew, is requesting an Oak Tree Permit to authorize the removal of one oak tree and seven oak encroachments associated with a retroactive grading in the R-1-40,000 (Single-Family Residence-40,000 Square Foot Minimum Required Lot Area) zone. This project proposes three retaining walls in order to mitigate the impacts of the grading on the oak trees. Pursuant to Los Angeles County ("County") Code Section 22.56.2060 a person shall not cut, destroy, remove, relocate, inflict damage or encroach into a protected zone of any tree of the oak genus, unless an oak tree permit is first obtained.
2. **MEETING DATE.** April 15, 2014
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** *To be inserted after the public meeting to reflect meeting proceedings.*
4. **LOCATION.** The project is located at 2831 Eaton Canyon Drive in the community of Kinneloa Mesa and in the Northeast Pasadena Zoned District within the unincorporated Los Angeles County.
5. The Department of Regional Planning, Zoning Enforcement Section, issued a violation letter on July 2, 2009 and a final notice of violation in October 2010 for damaging oak trees without first obtaining an Oak Tree Permit.
6. The project was filed in February 2013 for an administrative Oak Tree Permit for the removal of one oak tree and a plot plan for the construction of retaining walls in the hillside areas with the Department of Regional Planning. Since the application was filed, staff of the County Department of Regional Planning ("staff") has asked the applicant for additional materials needed to proceed with the project. Recently, staff sent letters to the applicant requesting additional materials on August 28, 2013 and January 27, 2014. In addition, staff attempted to reach the applicant by phone and email in January and March, 2014.
7. In August 2013 and February 2014, the County Fire Department, Forestry Division, verified that the administrative oak tree application is inaccurate and the project involves damages to more than one tree.
8. The Building and Safety Division of the Department of Public Works referred this case to the District Attorney's office in April 2011 for illegal grading and erosion. The case was last heard at the criminal court hearing on March 28, 2014 and was continued to June 6, 2014. At the criminal hearing on March 28, Mr. Lew was instructed to submit revised plans for the retaining walls prior to the next hearing date of June 6<sup>th</sup>. Mr. Lew was also instructed that the revised plans shall minimize the damages or encroachment upon oak trees.

9. This project requires the preparation of an initial study in order to assess the negative impacts of the project. Staff is unclear why the owner initiated the unpermitted grading. The owner stated that he intends to build a second dwelling. The applicant shall provide an accurate scope of work and shall obtain the necessary permits from Regional Planning prior to initiating improvements. At this time, the project is on hold for future improvements until the negative impacts of the grading have been mitigated.
10. Staff sent a letter to the applicant dated January 27, 2014 informing the applicant that pursuant to Section 22.56.060 (denial for lack of information) of the County Code, the case would be scheduled before a Hearing Officer for denial due to inactivity within 30 days of the letter.
11. The applicant has contacted staff and filed for an initial study in April 2014 and stated that the project involves more than one oak tree.

THEREFORE, in view of the findings of fact and conclusions presented above, staff requests that this case be continued to the May 20, 2014 Hearing Officer meeting to allow time to complete the initial study and for the applicant to provide a complete scope of the project and to provide staff with additional materials.

MM: JN  
APRIL 9, 2014



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Director

August 28, 2013

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Jin Hae Lew  
2831 Eaton Canyon Drive  
Pasadena, CA 91107

**SUBJECT: REQUEST FOR REVIEW MATERIALS**

**Project: R2013-00430 (5)**

**Case: ROAK201300008**

**Address: 2831 Eaton Canyon Drive, Pasadena**

Dear Applicant:

The Department of Regional Planning is currently reviewing the project identified above and has determined that the project file is incomplete and additional materials or information is required before we can proceed further. Please provide the following items.

1. Please contact the Forestry Division at 818-890-5719 to set up an appointment at the site to help identify the trees impacted. Please provide a revised oak tree report accurately depicting the oak tree encroachments or removals.
2. The Burden of Proof shall demonstrate the Oak Tree Permit Specific Findings. Please answer part B and C of the burden of proof questionnaire and demonstrate the following:
  - a. That the removal and/or encroachment of oak trees would not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated.
  - b. What alternatives were considered for the project, and why they were infeasible and thus you are recommending to remove and or encroach upon oak trees.
3. The proposed/retroactive retaining walls encroach upon more than one oak tree, however, the application indicates there is one encroachment. Please note a public hearing is required for an Oak Tree Permit when more than one tree is involved. Please contact the Land Development Coordinating Center (LDCC) at (213) 974-6411 to file an Oak Tree Permit with public hearing and pay the appropriate fees.



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4. Please include the following information on the plans:
  - a. Label the proposed/retroactive retaining walls, fences and the setbacks on the site plan.
  - b. Show the existing and proposed grade lines.
  - c. Indicate the cut and fill, the back cut slopes, the import/export amounts as a result of the excavation and building the retaining wall on a tabulation chart.
  - d. Provide the project information on sheet 1 of 3.
  - e. Submit plans showing details of the retaining walls and a wall description to include material, height, thickness, natural and finished grade levels etc. Is the retaining wall topped with walls or fences?
  
5. Our records do not show that a plot plan has been approved for the construction of the single-family dwelling by Regional Planning and the existing retaining wall(s). Therefore we need the following additional information:
  - a. Please provide a copy of the final building permits and the occupant load final approvals from Building and Safety office for the single family dwelling. The contact information for the local Building and Safety office is at 125 S Baldwin Avenue, in Arcadia.
  - b. Do you have a septic system? If so, please provide a copy of the approval from the Public Health Department.
  - c. The property is located in a very high fire hazard area. Please provide approval from the Fire Department for the construction of the single-family dwelling.
  - d. You may submit a copy of the plans that were approved by the Building and Safety Division. Please include the site plan, elevations, floor plans, roof plan and landscape plans.
  
6. The grading plan, sheet 2 of 3, is stamped by MTC Engineering geotechnical report dated September 9, 2011 but is not signed and dated. Please provide the signature by the engineering company as well as submit a copy of the geotechnical report. Also, page 1 of 3 does not include the owner or authorized agent of the owner's signature.

We can not review a project without a complete and accurate application, plans sealed by a professional engineer and an oak tree report prepared by a professional arborist. Therefore, we request that you provide a complete application package.



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Failure to disclose all pertinent information for consideration in the review of this case could result in delays, continuation of public hearings, new environmental analysis or additional costs. Additional materials may be required pending the outcome of consultation with other agencies.

Any zoning violations on the property discovered after the filing of this case may affect the scheduling of a public hearing pursuant to the "Clean Hands" provisions of the County Code in Section 22.04.110.

We request that you expeditiously comply with the above requirements. If no activity occurs within 30 days of this letter, your case may be scheduled before a Hearing Officer for denial pursuant to Section 22.56.060 of the County Code.

If you have any questions regarding this matter, please contact Jeantine Nazar at (213) 974-6443, from 7:30 a.m. to 5:30 p.m., Monday through Thursday or via email at [jnazar@planning.lacounty.gov](mailto:jnazar@planning.lacounty.gov). Our offices are closed on Fridays.

Sincerely,

Richard J. Bruckner  
Director

Jeantine Nazar, Regional Planning Assistant II  
Zoning Permits II Section

MM:JN