



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

February 26, 2014

**TO:** Esther L. Valadez, Chair  
Laura Shell, Vice Chair  
David W. Louie, Commissioner  
Curt Pedersen, Commissioner  
Pat Modugno, Commissioner

**FROM:** Rudy Silvas   
Principal Regional Planning Assistant  
Zoning Permits West

**SUBJECT:** Project Number R2013-01846-(3)  
Conditional Use Permit No. 201300093  
Oak Tree Permit No. 201300019  
Environmental Assessment No. 201300158  
RPC Meeting: March 5, 2014  
Agenda Item: 5

Attached please find a letter from the County Forestry Division dated December 19, 2013, inadvertently omitted from your hearing package. The letter addresses the conditions for approval for the removal of the 14 oak trees and the additional encroachment of 8 oak trees.

Also attached are several comment letters from the public voicing support for the project, and one letter in opposition. Should you have any questions on this project please feel free to contact me at (213) 974-6462.

RS



# 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

December 19, 2013

Rudy Silvas, Planner  
Department of Regional Planning  
Zoning Permits Section  
320 West Temple Street  
Los Angeles, CA 90012

Dear Mr. Silvas:

**OAK TREE PERMIT NUMBER 2013-00019**  
**PROJECT NUMBER R2013-01846-(3)**  
**540 THRIFT ROAD, MALIBU**

We have reviewed the "Request for Oak Tree Permit #2013-00019." The project is located at 540 Thrift Road in the unincorporated area of Malibu. 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 Richard Ibarra, the consulting arborist, dated September 30, 2013.

**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  
LAWDALE  
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 chainlink fencing, not less than four (4) feet in height, to secure the protected zone of all remaining Oak trees on site, as necessary. The fencing shall be installed prior to grading or tree removal, and shall not be removed without approval of the County Forester. The term "protected zone" refers to the area extending five (5) feet beyond the dripline of the Oak tree (before pruning), or fifteen (15) feet from the trunk, whichever is greater.
6. Copies of the Oak Tree Report, Oak tree map, mitigation planting plan and conditions of approval, shall be kept on the project site and available for review. All individuals associated with the project as it relates to the Oak resource shall be familiar with the Oak Tree Report, Oak tree map, mitigation planting plan and conditions of approval.

**PERMITTED OAK TREE REMOVAL AND ENCROACHMENT:**

7. This grant allows the removal of Fourteen (14) trees of the Oak genus (*Quercus agrifolia*) identified as Tree Numbers 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 on the applicant's site plan and Oak Tree Report. This grant allows encroachment within the protected zone of eight (8) trees of the Oak genus identified as Tree Numbers 5, 16, 18, OP-1, OP-2, OP-4, OP-6 and OP-7 on the applicant's site plan and Oak Tree Report. Trenching, excavation, or clearance of vegetation within the protected zone of an Oak tree shall be accomplished by the use of hand tools or small hand-held power tools. Any major roots encountered shall be conserved and treated as recommended by the consulting arborist.
8. In addition to the work expressly allowed by this permit, remedial pruning intended to ensure the continued health of a protected Oak tree or to improve its appearance or structure may be performed. Such pruning shall include the removal of deadwood and

stubs and medium pruning of branches two-inches in diameter or less in accordance with the guidelines published by the National Arborist Association. Copies of these guidelines are available from the County of Los Angeles Fire Department, Forestry Division. In no case shall more than 20% of the tree canopy of any one tree be removed.

9. Except as otherwise expressly authorized by this grant, the remaining Oak trees shall be maintained in accordance with the principles set forth in the publication, "Oak Trees: Care and Maintenance," prepared by the County of Los Angeles Fire Department, Forestry Division. A copy of the publication is enclosed with these conditions.

**MITIGATION TREES:**

10. The permittee shall provide mitigation trees of the Oak genus at a rate of two to one (2:1) for each tree removed for a total of twenty-eight (28) trees. The permittee shall provide mitigation trees of the Oak genus at a rate of two to one (2:1) for any tree specified above that dies as a result of the approved encroachments.
11. Each mitigation tree shall be at least a 15-gallon specimen in size and measure one (1) inch or more in diameter one (1) foot above the base. Free form trees with multiple stems are permissible provided the combined diameter of the two (2) largest stems of such trees measure a minimum of one (1) inch in diameter one (1) foot above the base.
12. Mitigation trees shall consist of indigenous varieties of Quercus agrifolia, grown from a local seed source.
13. Mitigation trees shall be planted within one (1) year of the permitted Oak tree removals. Mitigation trees shall be planted either on site or at an off-site location approved by the County Forester. Alternatively, a contribution to the County of Los Angeles Oak Forest Special Fund may be made in the amount equivalent to the Oak resource loss. The contribution shall be calculated by the consulting arborist and approved by the County Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."
14. The permittee shall properly maintain each mitigation tree and shall replace any tree failing to survive due to a lack of proper care and maintenance with a tree meeting the specifications set forth above. The two-year maintenance period will begin upon receipt of a letter from the permittee or consulting arborist to the Director of Regional Planning and the County Forester, indicating that the mitigation trees have been planted. The maintenance period of the trees failing to survive two (2) years will start anew with the new replacement trees. Subsequently, additional monitoring fees shall be required.
15. All mitigation Oak trees planted as a condition of this permit shall be protected in perpetuity by the Los Angeles County Oak Tree Ordinance once they have survived the required maintenance period.

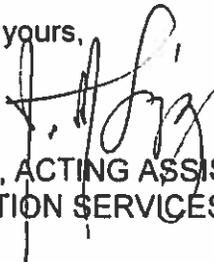
**NON-PERMITTED ACTIONS AND VIOLATIONS:**

16. Encroachment within the protected zone of any additional tree of the Oak genus on the project site is prohibited.
17. Should encroachment within the protected zone of any additional tree of the Oak genus on the project site not permitted by this grant result in its injury or death within two (2) years, the permittee shall be required to make a contribution to the Los Angeles County Oak Forest Special Fund in the amount equivalent to the Oak resource damage/loss. Said contribution shall be calculated by the consulting arborist and approved by the County Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."
18. No planting or irrigation system shall be installed within the dripline of any Oak tree that will be retained.
19. Utility trenches shall not be routed within the protected zone of an Oak tree unless the serving utility requires such locations.
20. Equipment, materials and vehicles shall not be stored, parked, or operated within the protected zone of any Oak tree. No temporary structures shall be placed within the protected zone of any Oak tree.
21. Violations of the conditions of this grant shall result in immediate work stoppage or in a notice of correction depending on the nature of the violation. A time frame within which deficiencies must be corrected will be indicated on the notice of correction.
22. Should any future inspection disclose that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be held financially responsible and shall reimburse the County of Los Angeles Fire Department, Forestry Division, for all enforcement efforts necessary to bring the subject property into compliance.

To schedule a County Forester inspection, please contact the Environmental Review Unit at (818) 890-5719.

If you have any additional questions, please contact this office at (818) 890-5758.

Very truly yours,



J. LOPEZ, ACTING ASSISTANT CHIEF, FORESTRY DIVISION  
PREVENTION SERVICES BUREAU

JL:jl

Enclosure

10/11/13

To: Mr. Rudy Silvas  
Principal Regional Planning Assistant  
County of Los Angeles  
Department of Regional Planning  
320 West Temple Street  
Los Angeles, CA 90012

From: Mr. Dave Teel  
520 Thrift Road  
Malibu, CA 90265  
Email: dave@teelphotography.com

CC: Eddie Makabi  
eddiemakabi@hotmail.com

Dear Mr. Silvas,

I am writing on behalf of Eddie Makabi and his family. It is Eddie's wish to build a house for his family here in our Malibu Highlands community, next door to our home.

It is my position that Mr. Makabi has addressed all of the issues regarding the oak trees within LA County. In addition, Mr. Makabi has assured us that he will honor the integrity of the building landscape in this community. As Mr. Makabi stated, "I will be removing and replanting double the amount of the Oak Trees in the Middle of my Lot to a nearby park." He has assured us that he intends to respect the environment that we love and value in this community and he understands the reasons the people in our community moved here.

I believe that Mr. Makabi and his family would be a welcome asset to our community and we hope that you will allow him to move forward with his project.

Sincerely,



Dave Teel

**RECEIVED**  
OCT 15 2013  
BY: \_\_\_\_\_

## Rudy Silvas

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**From:** Eddie Makabi [eddiemakabi@hotmail.com]  
**Sent:** Monday, February 03, 2014 11:00 AM  
**To:** Rudy Silvas  
**Subject:** FW: Letters to LA County regarding 540 Thrift Rd

Rudy,

this is from the neighbor above me, and he also owns the empty lot to the west of my lot.

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**Subject:** Re: Letters to LA County regarding 540 Thrift Rd  
**From:** [jcrocker73@gmail.com](mailto:jcrocker73@gmail.com)  
**Date:** Tue, 24 Sep 2013 12:02:49 -0700  
**To:** [eddiemakabi@hotmail.com](mailto:eddiemakabi@hotmail.com)

Here you go Eddie

Dear Mr. Silvas,

I am a home owner at 31435 Birdella Road in Malibu. I have a new neighbor (Eddie Makabi) who wants to build a new home on the property adjacent to my lot. He seems like a good guy who wants to increase the value of our neighborhood by building a nice home and raising a family here. Thank you for your time.

Josh Crocker  
310-455-6713

On Sep 23, 2013, at 10:17 AM, Eddie Makabi <[eddiemakabi@hotmail.com](mailto:eddiemakabi@hotmail.com)> wrote:

Hi Josh,

hope all is well. Did you have the chance to put together a letter for me?

I look forward to hearing from you.

Sincerely,

Eddie

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**Date:** Tue, 20 Aug 2013 14:57:21 -0700  
**Subject:** Re: FW: Letters to LA County regarding 540 Thrift Rd  
**From:** [jcrocker73@gmail.com](mailto:jcrocker73@gmail.com)  
**To:** [eddiemakabi@hotmail.com](mailto:eddiemakabi@hotmail.com)

Hi Eddie,

Could you get me a email for Rudy? And whats your lot address?

Josh

Rudy Silvas  
Principal Regional Planning Assistant  
County of Los Angeles  
Department of Regional Planning  
320 West Temple Street  
Los Angeles, CA 90012

Dear Mr. Silvas,

Our future neighbors Eddie and Myra Makabi are trying to build their home on their lot at 540 Thrift Road in Malibu. They are very nice people and have already become an asset to the community. We look forward to being able to greet them every day. Anything that you can do to expedite their plans would be appreciated by all of us.

Sincerely,

Susan and Donald Sands  
411 Thrift Road  
Malibu, CA 90265-2780

Mr. Rudy Silvas  
Department of Regional Planning  
320 W. Temple St.  
Los Angeles, Ca. 90012

February 2, 2014

Regarding: Application R2013-01846, 540 Thrift Road, Malibu

Dear Mr. Silvas

I am a Licensed Architect and Planner; I reside at 31336 Birdella Road, around the corner from the subject property. Our home is on one of the many oak tree lots in our community.

**This application sets a very disturbing precedent;** it appears that the County's intent of oak tree conservation has been completely ignored. The applicant proposes to create a large level building pad. Developing this building pad requires; large numbers of oak trees be removed, excavation of the southern base of the slope and placement of retaining walls ( 10' max in ht.), placement of retaining walls on the eastern portion of the site to support the re-compacted fill dirt required to make the level pad. In all trees numbered 3,4,5,13,14,15,16 are un-necessarily removed for the purpose of developing a flat pad with re-compacted fill dirt. A (re-compacted), building pad is an inexpensive alternative to foundation piles, re-compaction around oak trees kills the root structure. This Urban approach is accomplished at the environmental expense of removing the trees.

**This application, if approved, sets a precedent for the remaining oak filled properties that are located in the neighborhood.** The value, of those properties, has been less expensive for purchase, due to their structural and environmental (oak tree) constraints. If approved, the project will open the door to other property owners seeking simple destructive solutions that result in degrading our neighborhood.

**I am very concerned about the way this application is being mitigated.** The applicant is removing 14 trees and the bulk of the trees that qualify for

replacement are being located outside of our neighborhood because the applicant cannot accommodate all of the trees on site. Our tract still suffers from bad development practices that occurred in the 1980's, such as; removal of oak trees, drastic landform alteration and creation of building pads that to this day sit vacant support no growth and will not handle effluent, and a failed communal septic system that has finally been re-constructed. I question why our neighborhood is not being restored with the new "replacement trees"? Our tract is very visible from Latigo Road, a scenic drive destination for many, part of the "Santa Monica National Recreation Area". **Instead we are presented with enhancing another portion of the mountains at the cost of degrading our neighborhood.**

**Our neighbors on Birdella, who live on the oak tree sites, have fought hard when we hear a chain saw start up, we followed the rules, poured lots of money into our foundation systems, did not level our sites into pads to make extra room for a pool and designed our homes around the trees, why is the applicant not asked to do the same?**

**For the reasons listed above I oppose granting the permit,** as a Licensed Architect I see many more creative possibilities that were not explored by the drafting service that prepared the building plans. I support the applicant's right to build a home, but the design of the home must respond to the existing environmental constraints, not obliterate them.

Thank you,

Lisa Niles Architect  
31336 Birdella Road  
MALIBU, CA.  
[lisanilesarchitect@verizon.net](mailto:lisanilesarchitect@verizon.net)  
(818) 991-6876