



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



December 16, 2014

Richard J. Bruckner
Director

Shelley Coulson
21223 Pacific Coast Hwy
Malibu, CA 90265

**REGARDING: PROJECT NO. R2014-00024-(3)
OAK TREE PERMIT NO. 201400001
21590 ENCINA ROAD, TOPANGA (APN 4445-013-035)**

Hearing Officer Alex Garcia, by his action of **December 16, 2014**, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **December 30, 2014**. **Appeals must be delivered in person.**

Appeals: To file an appeal, please contact:
Regional Planning Commission, Attn: Commission Secretary
Room 1350, Hall of Records
320 West Temple Street, Los Angeles, CA 90012
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Shaun Temple of the Zoning Permits West Section at (213) 974-6462, or by email at stemple@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner


Mi Kim, Supervising Regional Planner
Zoning Permits West Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)

c: DPW (Building and Safety)

MKK:sct

**FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2014-00024-(3)
OAK TREE PERMIT NO. 201400001**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Oak Tree Permit No. 201400001 ("CUP") on December 16, 2014.
2. The permittee, Doug and Brooke Freund ("permittee"), requests the Oak Tree Permit to authorize the removal of one oak tree and the encroachment into the protected zones of two other oak trees in conjunction with improvements to an existing single-family residence ("Project") on a property located at 21590 Encina Road in the unincorporated community of Topanga ("Project Site") pursuant to Los Angeles County Code ("County Code") section 22.56.2060.
3. The Project Site is 15,210 gross square feet (14,010 net square feet) in size and consists of one legal lot. The Project Site is irregular in shape with sloping topography and is developed with a single-family residence.
4. The Project Site is located in the Malibu Zoned District and is currently zoned Rural Coastal (R-C-20000)(One Dwelling Unit per 20,000 square feet).
5. The Project Site is located within the Rural Village land use category of the Santa Monica Mountains Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius is Rural Coastal (R-C-20000)(One Dwelling Unit per 20,000 square feet) in all directions.
7. Surrounding land uses within a 500-foot radius include single-family residences in all directions.
8. The property has been developed with a single-family residence since 1977. In 2002, Plot Plan 47798 was approved for a 123SF addition to the home. In 2007, Zoning Conformance Review 2007-01904 was approved for a new swimming pool, spa, and pool equipment area. In 2014, the Santa Monica Mountain Local Coastal Program was adopted by the Los Angeles County Board of Supervisors and certified by the California Coastal Commission, which gives Los Angeles County coastal permitting authority for the Santa Monica Mountains Coastal Zone of which this parcel is located within. With the passage of the Local Coastal Program, the subject property was rezoned to R-C-20000 from R-1-10000, which had been the underlying zone since 1957.
9. The Project is exempt from the provision of the Santa Monica Mountains Local Implementation Program per County Code Section 22.44.820.A. as it is an improvement to an existing lawfully established single-family residence and does not involve a risk of adverse environmental impact.

10. An emergency oak tree permit was issued by Forestry Division for weight reduction and pruning for four of the oak trees on the property on June 18, 2012
11. The site plan depicts the Project Site with an existing 2,560SF single-family residence located in the south-west portion of the property. A detached garage is located to the east of the house going up a slope toward Encina Road. Six oak trees are located between the house and the detached garage. The proposed improvements are located on the east side of the home. The improvements include a proposed new roof addition and remodel, a proposed entry porch, and a proposed wood deck. The protected zone of the oak trees is shown through a dashed line. As can be seen on the site plan, the proposed work encroaches into the protected zone of the oak trees. The two 15-gallon mitigation oak trees are shown on the south portion of the oak tree cluster, depicted by dotted lines.
12. The Project Site is accessible via Encina Road.
13. One detached two-car garage provides the required covered parking for the single-family residence.
14. The County of Los Angeles Forester and Fire Warden reviewed the project and verified the accuracy and completeness of the Oak Tree Report. In their letter, dated September 30, 2014, the Forester has issued a grant, allowing the removal of one oak tree and the encroachment into the protected zone of two other oak trees as specified in the Oak Tree Report with conditions, which are included in the Project's conditions.
15. The Project is exempt under Class 4, Minor Alterations to Land, categorical exemption pursuant to the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the impacts to the oak trees are limited to the encroachment into the protected zone of two oak trees and the removal of one oak tree, which will be replaced by two mitigation oak trees.
16. Pursuant to the provisions of section 22.56.2130 of the Zoning Code, the community was appropriately notified of the Project's public hearings by newspaper, mail to the courtesy list, library posting and DRP website posting.
17. Staff has not received any comments from the public.
18. A duly noticed public hearing was held on December 16, 2014 before the Regional Planning Hearing Officer. The applicant's representative was present for the hearing, but did not present testimony. There was also no testimony presented by the public. The Hearing Officer asked the applicant's representative if she had read the conditions and if she agreed to them. The applicant's representative stated that the applicant did agree to the conditions. The Hearing Officer closed the public hearing and approved Project R2014-00024-(3) with conditions.

19. The Hearing Officer finds that the improvements to a single-family residence resulting in the removal of one oak tree and the encroachment into the protected zone of two other oak trees is a use and activity consistent within the Rural Village land use category of the Santa Monica Mountains Land Use Plan.
20. The Hearing Officer finds that the Project is exempt from the provisions of the Santa Monica Mountains Local Implementation Program per County Code Section 22.44.820.A and that the replacement of two mitigation oak trees for the one oak tree removed satisfies the requirement of County Code Section 22.56.2180 for an oak tree removal and therefore the project is consistent with the Zoning Code.
21. The Hearing Officer finds that approval of this Oak Tree Permit, requiring adherence to the conditions of this permit, as well as the Forester's conditions, will ensure that the proposed improvements will be accomplished without endangering the health of the five oak trees not to be removed.
22. The Hearing Officer finds that pursuant to County Code Section 22.56.2140, a copy of the applicant's oak tree report as required by Section 22.56.2090 was sent to the County Forester to review the accuracy of the statements contained therein, and to inspect the project site. The County Forester concurred with the oak tree report submitted by the applicant, which was completed by a certified arborist, and supports the approval of the Oak Tree Permit, subject to conditions. Therefore, the proposed construction of the proposed improvements and the proposed removal of the subject oak tree will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated.
23. The Hearing Officer finds that pursuant to the oak tree report submitted by the applicant and verified by the County Forester that the oak tree requested for removal, tree 220, leans over the existing residence and the canopy is unbalanced with all of the foliage concentrated at the top of the tree and the tree will continue to grow over the residence posing a long term threat of failure onto the structure. Therefore, the oak tree proposed for removal with reference to danger of falling is such that it cannot be remedied through reasonable preservation procedures and practices.
24. The Hearing Officer finds that pursuant to County Code Section 22.56.2180, the removed oak tree shall be replaced by two indigenous oak trees of at least a 15-gallon size and shall measure at least one inch in diameter one foot above the base. Therefore, the proposed removal of the oak tree is not contrary to or in substantial conflict with the intent and purpose of the oak tree permit procedure.
25. The Hearing Officer finds that pursuant to County Code Section 22.56.2130, the community was properly notified of the public hearing by newspaper and mailings to the Malibu Zoned District and the oak tree courtesy lists. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of Topanga community. On November 5, 2014, a

total of 20 Notices of Public Hearing were mailed to all listees as identified on the Malibu Zoned District and oak tree courtesy lists.

26. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits West Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. That the proposed use with the attached conditions will be consistent with the adopted General Plan and the Santa Monica Mountains Local Coastal Plan.
- B. 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.
- C. That the removal or relocation of the oak tree proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated.
- D. That the oak tree proposed for removal, with reference to danger of falling, is such that it cannot be remedied through reasonable preservation procedures and practices.
- E. That the removal of the oak tree proposed will not be contrary to or be in substantial conflict with the intent and purpose of the oak tree permit procedure.

THEREFORE, THE HEARING OFFICER:

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15304 of the State CEQA Guidelines (Class 4, Minor Alterations to Land categorical exemption); and
- 2. Approves Oak Tree Permit 201400001, subject to the attached conditions.

ACTION DATE: December 16, 2014

MKK:sct
12/16/2014

c: Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2014-00024-(3)
OAK TREE PERMIT NO. 201400001**

PROJECT DESCRIPTION

The project is a request for an Oak Tree Permit to authorize the removal of one oak tree and the encroachment into the protected zone of two other oak trees in conjunction with improvements to an existing single-family residence, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 8 shall be effective immediately upon the date of final 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 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably 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 reasonably 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 make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

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

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee 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 of the grant. 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.
10. 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 additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.
11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("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.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.

13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code 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").
15. 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.
16. 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.

PERMIT SPECIFIC CONDITIONS – OAK TREE PERMIT

17. This permit shall not be effective until a site plan is approved for the improvements to the single-family residence to include the reframing on the existing roof, an interior remodel and the additions of a main level deck and front entry porch, demonstrating the need for removal of oak tree 220 and the encroachment into the protected zones of oak trees 218 and 221.
18. The permittee shall comply with all conditions and requirements contained in the County of Los Angeles Forester and Fire Warden, Forestry Division, letter dated September 30, 2014 (attached hereto), to the satisfaction of said Division, except as otherwise required by said Division.
19. 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 two (2) trees. The permittee shall plant one healthy acorn of the same species of oak (*Quercus agrifolia*) as the tree removed for each mitigation tree planted. The acorns shall be planted at the same time as and within the watering zone of each mitigation tree.
20. All replacement trees shall be planted on native undisturbed soil and shall be the same species of oak (*Quercus agrifolia*) as the removed tree. The location of the

replacement tree shall be in the vicinity of other oak trees of the same species. 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 zones.

21. When replacement trees are planted on disturbed soil or are not in the vicinity of the same species of oak (*Quercus agrifolia*) as the removed tree, planting shall incorporate a mycorrhizal product, either as amendment or in the first two irrigations or watering of planted trees (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 zones.

Attachments:

Forester and Fire Warden Department Letter dated September 30, 2014
Oak Trees: Care and Maintenance Guide