



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

April 14, 2016

TO: Hearing Officer

FROM: Kristina Kulczycki *KK*
Zoning Permits North Section

**SUBJECT: Project No. R2014-02411-(5)
Minor Conditional Use Permit No. 201400014, Oak Tree Permit No.
201400035, and Environmental Assessment No. 201400194
HO Meeting: April 19, 2016
Agenda Item: 5**

The above-mentioned item is a request to construct a single-family residence on a hillside within the Altadena Community Standards District and includes one oak tree removal and additional encroachments into the protected zone of nine other oak trees.

Please find enclosed comment letters for the above referenced item that were submitted after the April 5, 2016 hearing.

If you need further information, please contact Kristina Kulczycki at (213) 974-6443 or kkulczycki@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:KK

Enclosures: Comment letters



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Mitchell M. Tsai
Attorney At Law

1055 E. Colorado Boulevard
Suite 500
Pasadena, California 91106

VIA ELECTRONIC & U.S. MAIL

April 11, 2016

Kristina Kulczycki
LOS ANGELES COUNTY DEPARTMENT OF REGIONAL PLANNING (DRP)
320 West Temple Street
Los Angeles, California 90012
Em: kkulczycki@planning.lacounty.gov

RE: Canyon Crest Conservancy Comment Letter Regarding Project No. R2014 – 02411-(5), ROAK 201400035, and RMCP 201400014.

Dear Ms. Kulczycki,

On behalf of Canyon Crest Conservancy (“**Conservancy**” or “**CCC**”), my Office is providing comments to the County of Los Angeles (“**County**”) regarding Project No. R2014 – 02411-(5), ROAK 201400035, and RMCP 201400014 (“**Project**”). These comments are intended to supplement comments already provided to the County on March 23 and April 5, 2016.

CCC is a group of concerned Altadena residents who are dedicated to open spaces and quality of life in the Canyon Crest area.

On April 5, 2016, the County conducted a public hearing on the Project (“**Hearing**”) as Agenda Item No. 10 (“**Item**”). At the Hearing, the County opted to continue the Item until April 19, 2016 at 9:00 a.m. for the Project’s applicant, Steven Kuhn (“**Applicant**”), to submit additional information regarding the Project’s arborist report.

CCC supports the County’s decision to continue the Item and give additional consideration to this Project as CCC believes that there are serious factual issues surrounding the Project. However, CCC believes that the April 19, 2016 date is insufficient to allow the County sufficient time to review the factual issues. Instead, CCC requests that the County require the Applicant to submit additional documents by April 19, 2016 and give the public time to review the documentation and hear the Project on or about May 10, 2016.

Moreover, CCC believes that in addition to an amended arborist report, the County should request that the applicant erect story poles to demonstrate that their Project will be able to comply with the conditions of the County Fire Department permit as well as Oak Tree Permit and submit an Oak Woodlands report to demonstrate that the Project will not have a significant impact on oak woodlands.

The public has raised serious concerns about the factual accuracy and credibility of the Project's application materials. In particular, at the Hearing, the Applicant admitted on the record that the Project's arborist and geotechnical report were based upon outdated building plans. Moreover, testimony and a written report submitted by professional arborist Rebecca Latta demonstrated that there are serious factual inaccuracies and omissions in the Project's arborist report, enough to prompt the County to continue the Hearing to allow for additional fact-finding on the Item.

CCC believes that based upon these concerns, that the County has not adequately evaluated the Project's impact on fire safety, oak woodlands, as well as compliance with local building and zoning codes. CCC believes that the County should reevaluate whether the Project will be able to comply with the County Fire Department's proposed Conditions of Approval and the County's proposed Oak Tree Permit as conflicting conditions between the two proposed permits appear to make compliance impossible, reevaluate the Project's proposed Oak Tree Permit as it appears that the Oak Tree Permit is based upon an inaccurate and outdated arborist and geotechnical report, and reevaluate the Project's compliance with the Altadena Community Standards, Co. Code § 22.44.3127.

I. THE COUNTY SHOULD REEVALUATE THE COUNTY FIRE DEPARTMENT'S CONDITIONS OF APPROVAL.

On February 3, 2015, the County Fire Department imposed a number of conditions of approval on the Project. Fire Prevention Division, County of Los Angeles Fire Department: (2015) Conditions Of Approval ("Fire Conditions"). Condition No. 4 provides that the Project must "[p]rovide a minimum unobstructed width of 20 feet . . . and an unobstructed vertical clearance 'clear to sky' Fire Department vehicular access to within 150 feet of all portions of the exterior walls of the first story of the building . . .," with the exception of protected tree species which only require a "minimum vertical clearance of 13 feet 6 inches." Fire Conditions at 1.

Professional arborist Rebecca Latta testified at the Hearing that it would be difficult for the Project to comply with these Fire Conditions without either removing significantly more than just 1 oak tree or pruning more than 20% of the oak canopy and branches more than 2 inches in width, all conditions of the Project's proposed oak tree permit. The Project's proposed rooftop comes well within 13 feet of the oak canopy of the Project Site.

The County should require the Applicant to demonstrate that they can realistically go forward with this Project without violating either the County Fire Code or Oak Tree Permit. CCC requests in particular that the Applicant be required to place "story poles" on the Project Site to demonstrate where and how the Project will interact and require removal and pruning of the oak canopy and demonstrate that the Project will be able to comply with the proposed County Fire Code and Oak Tree Permit. Given the serious factual inaccuracies and omissions in the arborist report, the County should not approve this Project without adequate proof that the Project will be able to comply with the conditions of approval.

II. THE COUNTY SHOULD REEVALUATE THE PROJECT'S PROPOSED OAK TREE PERMIT.

The County should reevaluate the Project's proposed oak tree permit as it is based upon an inaccurate arborist and geotechnical report. At the Hearing, the Applicant admitted on the record that the Project's arborist as well as geotechnical were prepared based upon different building plans than is now proposed. The County should request that the Applicant resubmit a new arborist and geotechnical report based upon the current building plans.

Moreover Ms. Latta's testimony and accompanying report at the Hearing shows that there are a number of significant inaccuracies and omissions in the Project's arborist report. In particular, Ms. Latta noted that the Project's arborist report analyzes a different, much smaller project, fails to analyze all oaks within 200 feet of the construction area, does not note the location of surface drainage system, does not address proposed changes in grade and their impact on protected oaks, and does not analyze the impact of the Project's fill compaction, pilings, grading, and installation of non-permeable surfaces, including concrete transition slab installation, will have on oak trees. Letter from Rebecca Latta to Kristina Kulczycki, Senior Regional Planning Assistant, LA County Regional Planning (Mar. 30, 2016). Ms. Latta concludes that in her opinion the Project does not meet the burden of proof required by the County's Oak Tree Protection Ordinance, Co. Code § 22.56.2050 ("**Oak Tree Protection Ordinance**" or "**Ordinance**"). The County should do a thorough reevaluation and verify the accuracy of the Project's arborist report before potentially moving forward with the Project.

III. THE COUNTY SHOULD REEVALUATE THE PROJECT UNDER THE COUNTY'S OAK WOODLANDS CONSERVATION MANAGEMENT PLAN.

The Project's environmental documents and mitigation plans do not evaluate the Project's impact to Oak Woodlands. While the County has considered and proposed an oak tree permit under the County's Oak Tree Protection Ordinance, the Project has not been evaluated for consistency with the County's Oak Woodlands Conservation Management Plan. County of Los Angeles (2014) Oak Woodlands Conservation Management Plan Guide ("**Oak Woodlands Conservation Plan**" or "**Conservation Plan**"). A Project may be subject to the differing mandates of both the County Oak Tree Ordinance and Conservation Plan at the same time. Conservation Plan at 3.

The Oak Woodlands Conservation Plan applies to Projects that will encroach upon two or more oak trees of at least five inches in diameter within an oak woodland. Conservation Plan at 4. The Conservation Plan defines an oak woodland at "an oak stand, including its understory, which consists of two or more oak trees of at least five inches in diameter measured at 4.5 feet above mean natural grade with greater than 10 percent canopy cover . . ." The County admits that the Project Site is on an oak woodland. County of Los Angeles (2016) Staff Analysis 1 ("**Staff Analysis**"). The staff's conclusion that the Project is proposed within an oak woodland is verified by Ms. Latta's testimony at the Hearing and accompanying report.

However, the Project does not comply with the Oak Woodlands Conservation Plan process. The Conservation Plan requires that the County prepare an Oak Woodlands Report to determine if the Project will have a significant impact on oak woodland. The Project has no oak woodlands report, merely an oak tree report that does no analysis on the Project's potential impact to oak woodland habitat.

Moreover, Ms. Latta's testimony and report demonstrate that the project will result in a substantial impact on oak woodland, as it will result in both the loss of individual oaks as well as a loss of net acreage of oak woodland, a little more than one acre. The County should reevaluate the Project for consistency with the Oak Woodlands Conservation Plan.

IV. THE COUNTY SHOULD REEVALUATE THE PROJECT'S COMPLIANCE WITH THE ALTADENA COMMUNITY STANDARDS.

As CCC's April 4, 2016 letter noted, the Project does not comply with the Altadena Community Standards maximum height and floor requirements. CCC would simply like to add that County staff up until very recently agreed with this position. On June 18, 2015, County planner Troy Evangelho informed the applicant that "your garage loft and lower floor office are both considered an additional story. Therefore your house is greater than two stories and will need to be redesigned." Letter from Troy Evangelho, AICP, Zoning Permits East Section, Los Angeles County Department of Regional Planning to Steven Kuhn RE: Incomplete Application: Request For Additional Information (June 18, 2015). No significant changes to the Project's design has occurred since June of last year.

E-mail communications from County planner Kristina Kulczycki reflects the fact that current County staff also believes that the Project exceeds the maximum floor and height limits of the Altadena Community Standards. As Ms. Kulczycki stated to the Applicant in an e-mail on July 9, 2015, "If you are okay with considering the building to be three stories in height, you can go straight to a CUP to modify this development standard and I can start noticing the CUP and Oak Tree Permit for hearing instead of the MCUP." E-mail from Kristina Kulczycki to Stephen Kuhn (July 9, 2015) FW: R2014-02411. The Applicant rejected the advice of the County and opted to continue to exempt the first and second floors of the four-level structure, for political expediency stating:

I think I would rather not go the route of getting a CUP [(Major Conditional Use Permit)] to Altadena standards. There seems more discretion on the part of the town council to deny. I would rather frame the project as fitting completely within the bounds of the standards, which I think it does.

Email from Stephen Kuhn to Kristina Kulczycki (July 9, 2015). The Project *easily exceeds* the Altadena Community Standard's maximum height and floor requirements by *nearly double the amount of each*. Approving the Project as a minor conditional use permit would render the Altadena Community Standards virtually meaningless and allow developments to building a virtually unlimited amount of floors as long as they classify the additional floors as "cellars." The County should not opt to approve

the Project as a minor conditional use permit simply to appease the applicant, avoid political scrutiny, and deny the public adequate review of the Project.

V. CONCLUSION.

A number of important factual and legal issues remain to be resolved with regards to this Project. CCC urges the County to continue the hearing date in order to allow County Staff and the public adequate time to evaluate this Project.

Sincerely,

Mitchell M. Tsai

Attorneys For Canyon Crest Conservancy

Attachments

Fire Prevention Division, County of Los Angeles Fire Department: (2015) Conditions Of Approval (attached as Exhibit A);

Letter from Rebecca Latta to Kristina Kulczycki, Senior Regional Planning Assistant, LA County Regional Planning (Mar. 30, 2016) (attached as Exhibit B);

County of Los Angeles (2014) Oak Woodlands Conservation Management Plan Guide (attached as Exhibit C); and

Letter from Troy Evangelho, AICP, Zoning Permits East Section, Los Angeles County Department of Regional Planning to Steven Kuhn RE: Incomplete Application: Request For Additional Information (June 18, 2015) (attached as Exhibit D);

E-mail from Kristina Kulczycki to Stephen Kuhn (July 9, 2015) FW: R2014-02411 (attached as Exhibit E); and

Email from Stephen Kuhn to Kristina Kulczycki (July 9, 2015) (attached as Exhibit F).

EXHIBIT A



**COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION DIVISION**

Land Development Unit
5823 Rickenbacker Road
Commerce, CA 90040
Telephone (323) 890-4243, Fax (323) 890-9783

PROJECT: R2014-02411

MAP DATE: November 20, 2014

LOCATION: APN: 5830-003-016, South of 3589 Canyon Crest Road, Altadena

REVISED CONDITIONS – Supersedes Fire Dept. Comments Dated 12/03/14

THE FIRE DEPARTMENT RECOMMENDS CLEARANCE OF THIS PROJECT TO PROCEED TO PUBLIC HEARING AS PRESENTLY SUBMITTED WITH THE FOLLOWING CONDITIONS OF APPROVAL.

CONDITIONS OF APPROVAL – ACCESS

1. Fire Department vehicular access roads must be installed and maintained in a serviceable manner prior to and during the time of construction. Fire Code 501.4
2. All fire lanes shall be clear of all encroachments, and shall be maintained in accordance with the Title 32, County of Los Angeles Fire Code.
3. The Fire Apparatus Access Roads and designated fire lanes shall be measured from flow line to flow line.
4. Provide a minimum unobstructed width of 20 feet, exclusive of shoulders and an unobstructed vertical clearance "clear to sky" Fire Department vehicular access to within 150 feet of all portions of the exterior walls of the first story of the building, as measured by an approved route around the exterior of the building. Fire Code 503.1.1 & 503.2.1
 - Exception: A minimum vertical clearance of 13 feet 6 inches may be allowed for protected tree species adjacent to access roads.
5. The dimensions of the approved Fire Apparatus Access Roads shall be maintained as originally approved by the fire code official. Fire Code 503.2.2.1
6. A minimum 5 foot wide approved firefighter access walkway leading from the fire department access road to all required openings in the building's exterior walls shall be provided for firefighting and rescue purposes. Fire Code 504.1

Reviewed by: Wally Collins

Date: February 3, 2015



**COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION DIVISION**

Land Development Unit
5823 Rickenbacker Road
Commerce, CA 90040
Telephone (323) 890-4243, Fax (323) 890-9783

PROJECT: R2014-02411

MAP DATE: November 20, 2014

LOCATION: APN: 5830-003-016, South of 3589 Canyon Crest Road, Altadena

7. Approved building address numbers, building numbers or approved building identification shall be provided and maintained so as to be plainly visible and legible from the street fronting the property. The numbers shall contrast with their background, be Arabic numerals or alphabet letters, and be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Fire Code 505.1

CONDITIONS OF APPROVAL – WATER STSTEM

1. All fire hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal, and shall be installed in accordance with the County of Los Angeles Fire Department Regulation 8.
2. All required PUBLIC fire hydrants shall be installed, tested and accepted prior to beginning construction. Fire Code 501.4
3. The required fire for the public fire hydrants for single family residential homes less than a total square footage of 3600 feet is 1250 gpm at 20 psi residual pressure for 2 hours with one public fire hydrant flowing. Any single family residential home 3601 square feet or greater shall comply too Table B105.1 of the Fire Code in Appendix B.
 - The fire flow is adequate per the fire flow test by Pasadena Water & Power dated 12/09/14.

CONDITIONS OF APPROVAL – FUEL MODIFICATION:

1. This property is located within the area described by the Fire Department as the Very High Fire Hazard Severity Zone. A "Preliminary Fuel Modification Plan" shall be submitted and approved prior to public hearing. For details, please contact the Department's Fuel Modification Unit which is located at Fire Station 32, 605 North Angeleno Avenue in the City of Azusa CA 91702-2904. They may be reached at (626) 969-5205.

Reviewed by: Wally Collins

Date: February 3, 2015



**COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION DIVISION**

Land Development Unit
5823 Rickenbacker Road
Commerce, CA 90040
Telephone (323) 890-4243, Fax (323) 890-9783

PROJECT: R2014-02411

MAP DATE: November 20, 2014

LOCATION: APN: 5830-003-016, South of 3589 Canyon Crest Road, Altadena

- The Preliminary Fuel Modification Plan has been approved by the Fuel Modification Unit on 12/29/14.

For any questions regarding the report, please contact FPEA Wally Collins at (323) 890-4243 or at Wally.Collins@fire.lacounty.gov.

EXHIBIT B



Rebecca Latta Arboricultural Consulting

359 North Westridge Avenue, Glendora, CA 91741 (626) 272-8444

rlattaconsulting@gmail.com

Certified Arborist #WE4264A

March 30, 2016

Kristina Kulczycki
Senior Regional Planning Assistant
LA County Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Re: Independent Arborist Review of Oak Tree Report for APN 5830 003 016 –Canyon Crest Road, Altadena. (REVISED)

Report e-mailed to Kristina at kkulczycki@planning.lacounty.gov and John at johnthearborist@gmail.com

Dear Kristina,

As requested, I have reviewed the oak tree report by Scott McAllaster of Land Design Consultants dated August 2, 2014. I also reviewed the letter from Jay Lopez to Jeantine Nazar dated December 3, 2014. I was surprised that the report missed many proposed impacts, did not include all the oak trees on the site and neglected to discuss the blue line stream and Riparian oak woodland habitat.

Quick Summary:

- *The property contains a significant ecological area and that can be defined as an oak woodland.* Species found on the site include coast live oak, canyon live oak, bay laurel, big leaf maple, elderberry, alder, black walnut and several willow species. The adjacent lot has sycamore and scrub oak.
- *The soils engineering report recommends removing all vegetation, debris, existing fill and disturbed terrace on the flat areas to receive compacted fill to a rate of 90% (page 12).* Compaction can physically damage tree roots and prevent infiltration of water and nutrients. Plants need compaction less than 65 to 70%. These impacts are not considered in the tree report.
- *The LDC oak tree report analyzes a much smaller project than the current proposed project.* The walls on the plans are 24-feet and 18-feet, but the report only discusses one proposed 5-foot retaining wall. The structure is proposed to be over 31 feet tall, but the adjacent trees are lower than that height. The report does not quantify impacts, only discusses impact distances from tree trunks. *In my opinion, trees #4, 5 and 7 may need to be removed to construct the proposed project from the combined impacts of grading and construction activities. Trees #1, 8 and 9 will have significant grading impacts.*

- **The oak tree report does not meet the requirements of the code.** The submittal for the project does not comply with Section 22.56.2090. (1) The location of oak trees within 200 feet of construction are not shown or discussed; (2) the location of surface drainage systems are not shown on the tree map and; (3) the proposed change in grade within the protected zone of each plotted tree is not specified.

Here are my detailed findings from the review:

Missing from the Arborist report from Land Design Consultants:

1. Impact analysis for tree #10. The arborist report from LDC says that there will be no impact to tree #10. That is not the case, however, since foundation pilings are within the protected zone and the tree is adjacent to a large boulder that may need to be removed.
2. Sewer line and water line construction impacts are not mentioned in the oak tree report. *Additional impacts to tree #1, 2, 3, 4, 5, 6 and 8 may be significant.*
3. Any quantification of impacts from the retaining wall, fill soil (15 cu yards of cut and 15 cu yards of fill) and pile drilling activities.
 - a. Minimum piling size of 24 inches is mentioned. I would think the maximum potential size would be more relevant. Do the holes have to be shored? How much bigger does that make the holes? Where will the spoils from the holes be placed? Where will they store the steel prior to installation on the site without impacting tree protection zones?
 - b. The flat pad is completely covered by oak tree canopy. How will a crane fit into the space and drill pilings without damaging the trees? Dump trucks will not have adequate vertical clearance; the canopy overhangs low over the pad.
 - c. Where will materials be stored where they are not within the protected zone of any oak trees?
 - d. There is a drainage channel that appears to run under the proposed house. If the drainage is altered, how will that impact the oak trees? Isn't that a jurisdictional drainage?
 - e. The percentage of root zone and canopy impacts are not mentioned. The arborist specifies a distance to impacts, but does not discuss the relevance of the impact to tree health. Only that they might occur. How does the arborist determine whether the impacts are great enough to recommend removal of the protected trees?
 - f. The height of the structure is 31 feet, but the trees are much lower than 33 feet. How does the building fit into the slope under the trees? **I believe that the applicant should be required to put up story poles to demonstrate the actual footprint of the structure and how it interfaces with the trees.**
 - g. There is no mention of the required 5 feet of clearance required by the fire department for the structure.
4. There is a 20-foot high retaining wall mentioned in the Geotechnical report dated April 2014. The oak tree report does not discuss the extent of the wall or how backfill will be added

without smothering tree roots. The report also does not have any graphics showing how the fill would interface with the protected zone of oak trees.

5. The report does not address any impacts to the heritage sized oak tree on adjacent property to the south, east and west and additional trees over protected size on their property. Although there are no heritage size trees on the property, there are some within 200 feet of the project.

There is no mention of the existing fill soil that is suffocating the roots of the trees near the flat pad area. Even 2-inches of fill soil can suffocate roots and cause root decay. At some point in the recent past, the flat pad by the road was enlarged by dumping fill soil on the protected zones¹ of at least 4-5 oak trees to a depth of at least one foot. Two trees are buried three feet deep where the natural slope drops.

6. The site is located over a significant ecological area. There is a blue-line stream at the bottom of the canyon in the center of the property. This is not addressed in the oak tree report. How will the project prevent sediment and debris from going down the hill? There are multiple oaks and other trees directly below the building site that are not addressed in the oak tree report. They could be directly impacted by a change in hydrology or drainage. Also the slope is full of large boulders that may require removal to construct the proposed pilings.

¹ The protected zone is defined as the dripline plus 5 feet in the County oak tree ordinance.

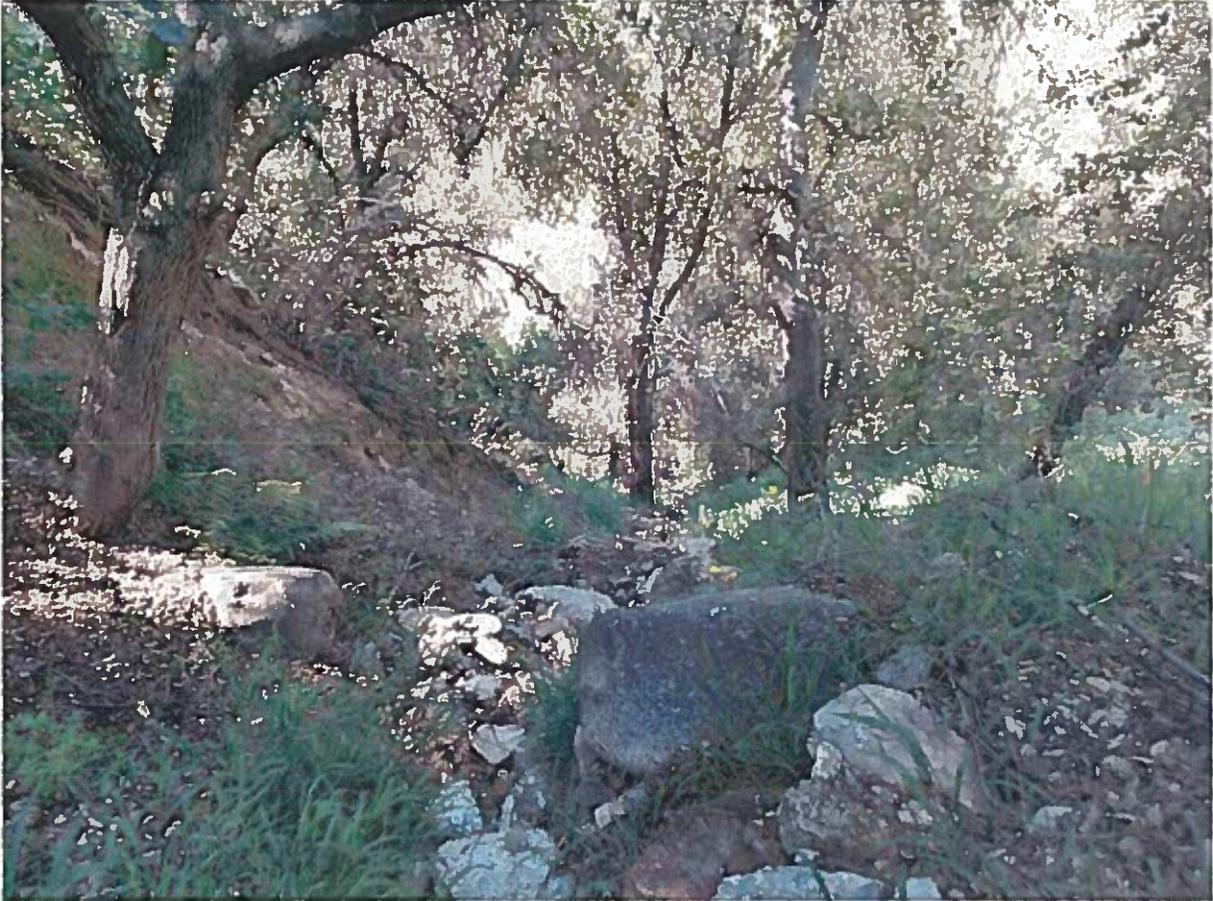


Photo from the bottom of the canyon from the adjacent property to the south – downslope of the project.

7. The property would qualify as oak woodland based on the definition in the Oak Woodlands Conservation Management Plan Guide from LA County Planning dated March 18, 2014. I estimate the coverage of oak woodland on the property to be greater than 35%. There is also a diversity of oak species (3 species) on the property.
 - a. If the site contains an oak woodland, then the staff biologist and Forester should make a determination about whether the project could significantly impact the oak woodland.
 - b. A plan should be developed with oak trees and woodland depicted and labeled. None exists at this time.

In my opinion, the applicant has not met the Burden of Proof as required in the LA County Oak Tree Ordinance Section 22.56.2100 because they are unable to prove that the construction will not endanger the health of the remaining trees on the subject property.

Please let me know if you have any questions.

Sincerely,

Rebecca Latta

Rebecca Latta

Consulting Arborist, Horticulturalist

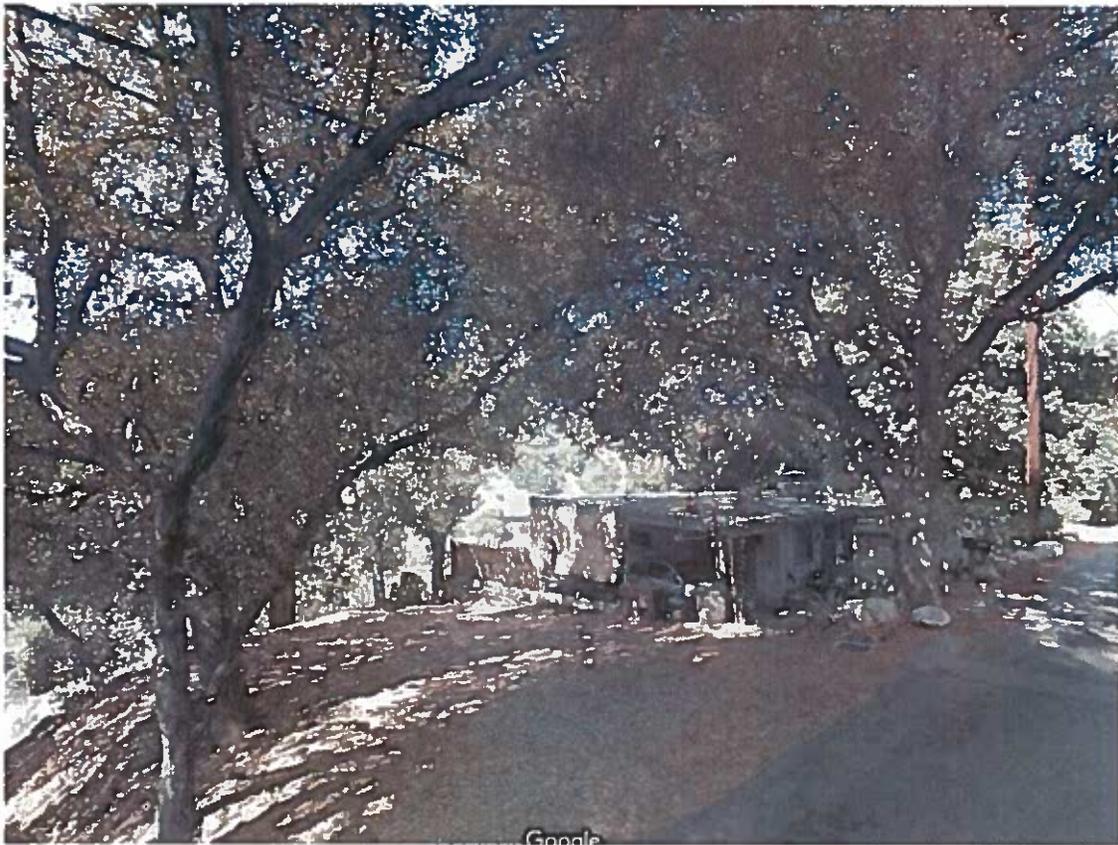
626 272-8444 cell

rlattaconsulting@gmail.com

ISA Certified Arborist WE4264A

Certified Tree Risk Assessor #1217

Member, American Society of Consulting Arborists



Canopy covered flat pad where construction activity will occur – where will the crane fit? How will the steel be stored?



Drainage that leads to blue-line stream. Applicant plans to build house on top of drainage.



Measuring tape showing depth of fill soil on oak adjacent to flat pad.



Photo from the flat pad looking south toward the proposed building site.



Photo looking west from the flat pad

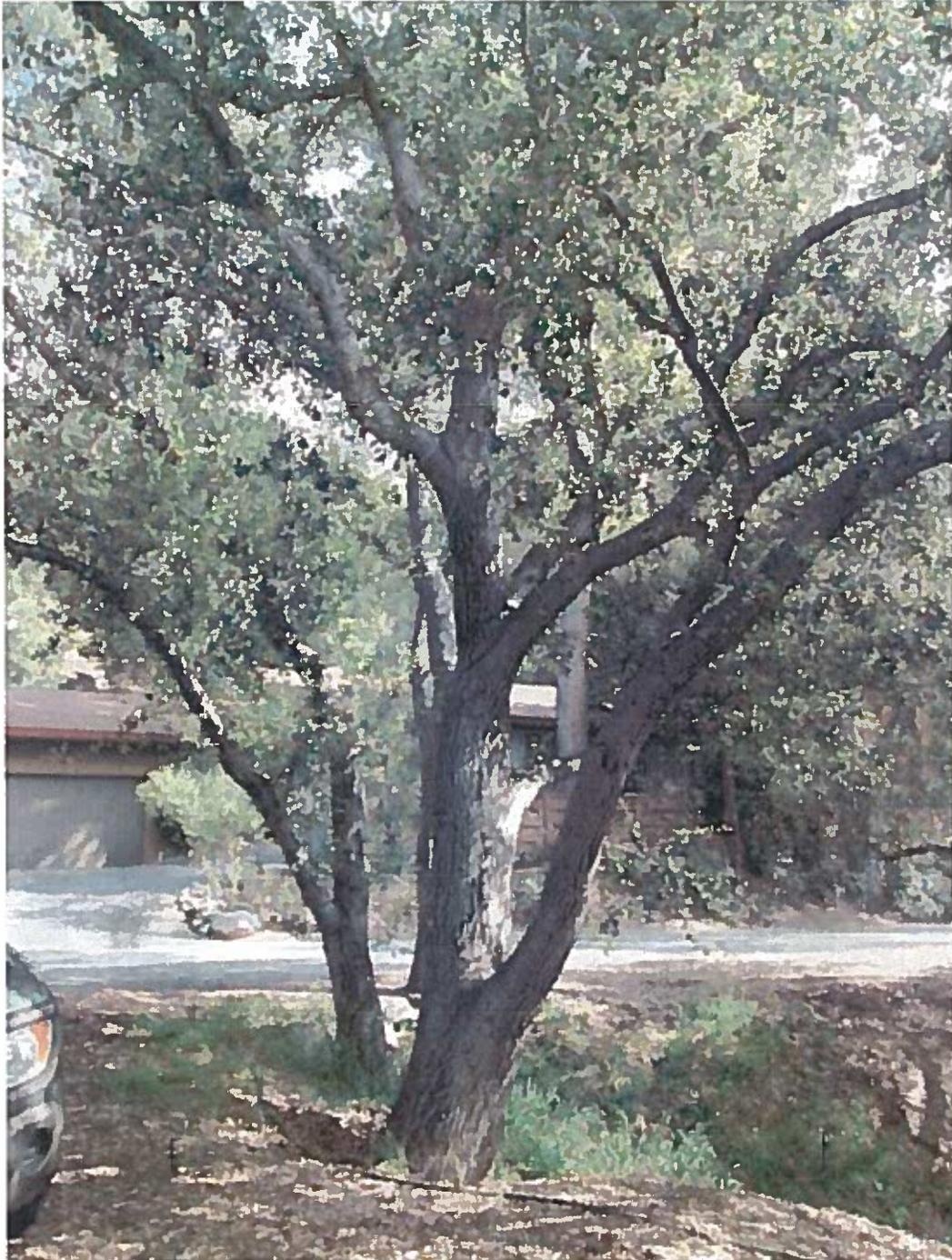


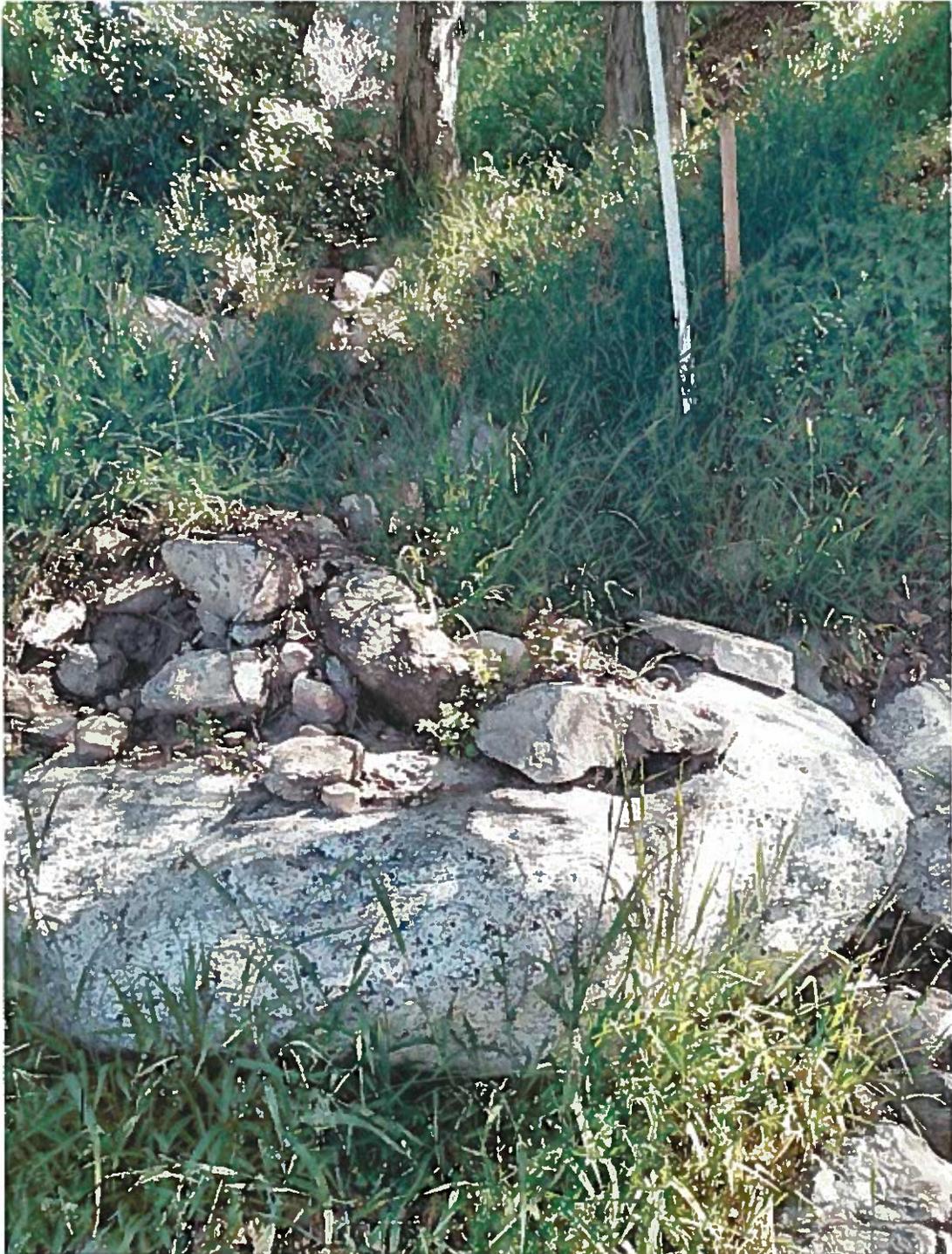
Photo looking east from the flat pad toward the street and the drainage



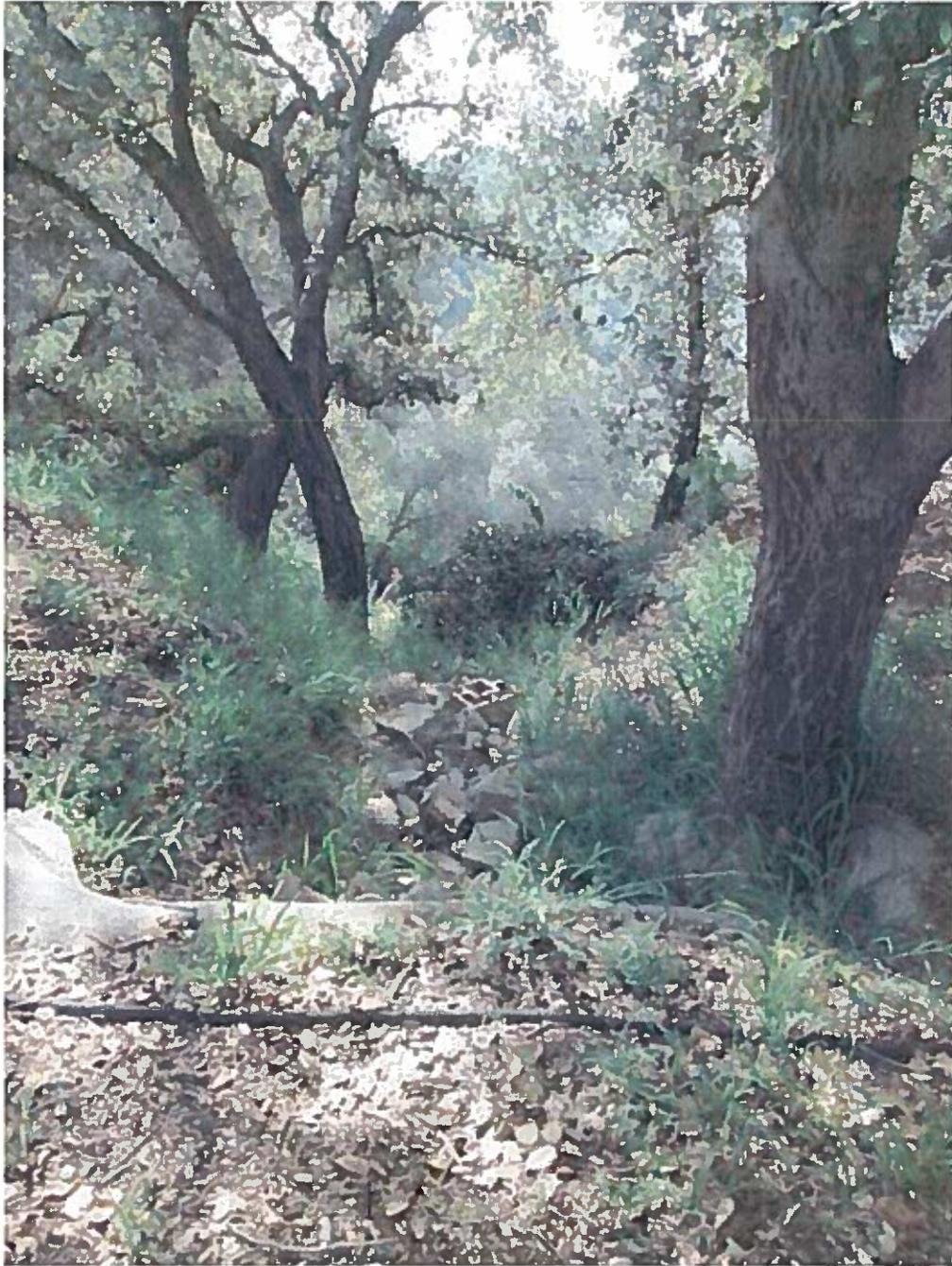
Fill soil on root zone



Large granite boulder that may need to be removed under the building site



Granite rocks that may need to be removed



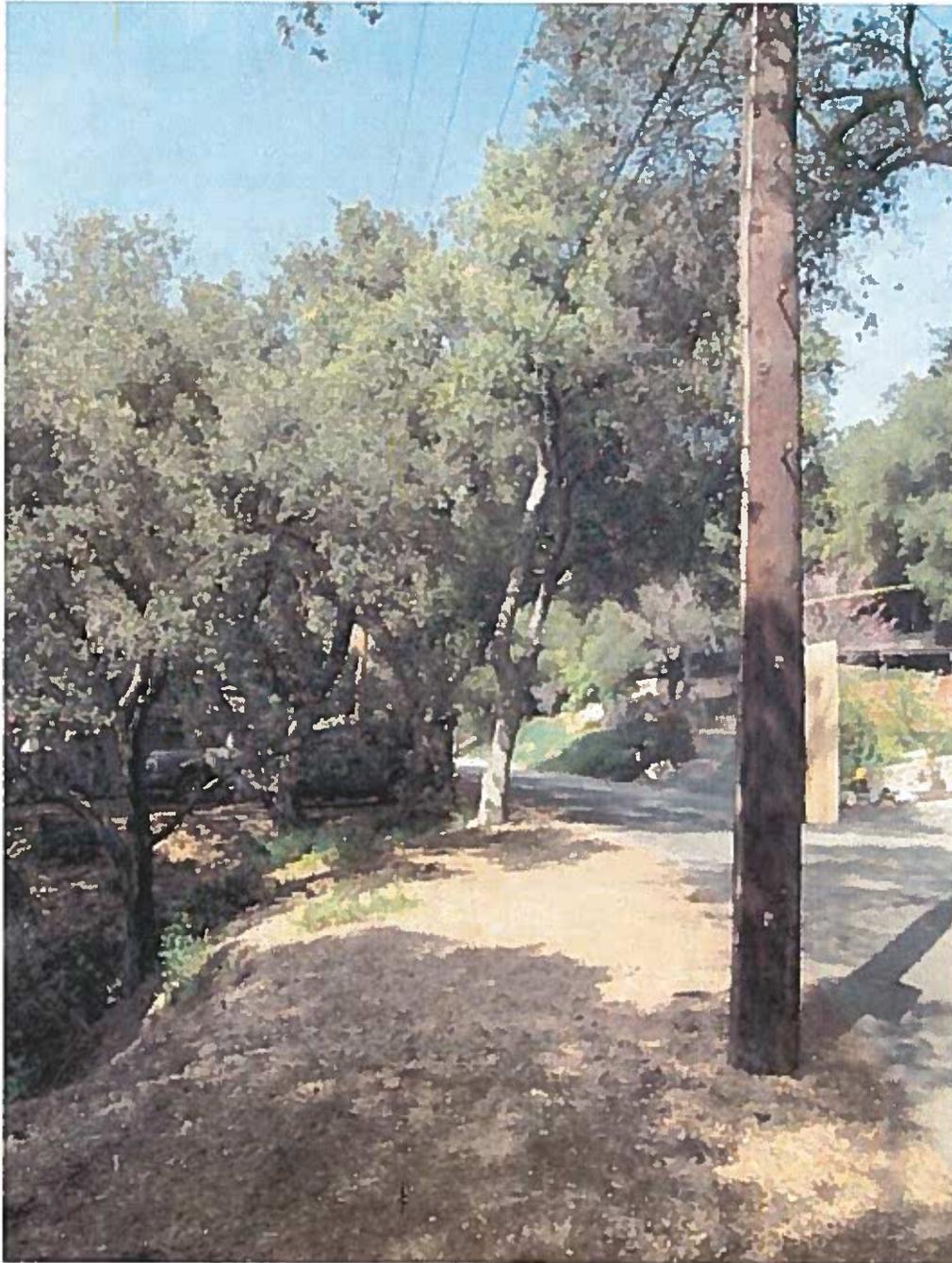
Drainage channel leading to canyon



Estimated height of structure is over 31 feet and taller than pole
(see 20 foot PVC pipe)



Oak trees from flat area to south of property



Looking north from property to the south



Trees buried in fill looking west



Steep slope where house is proposed

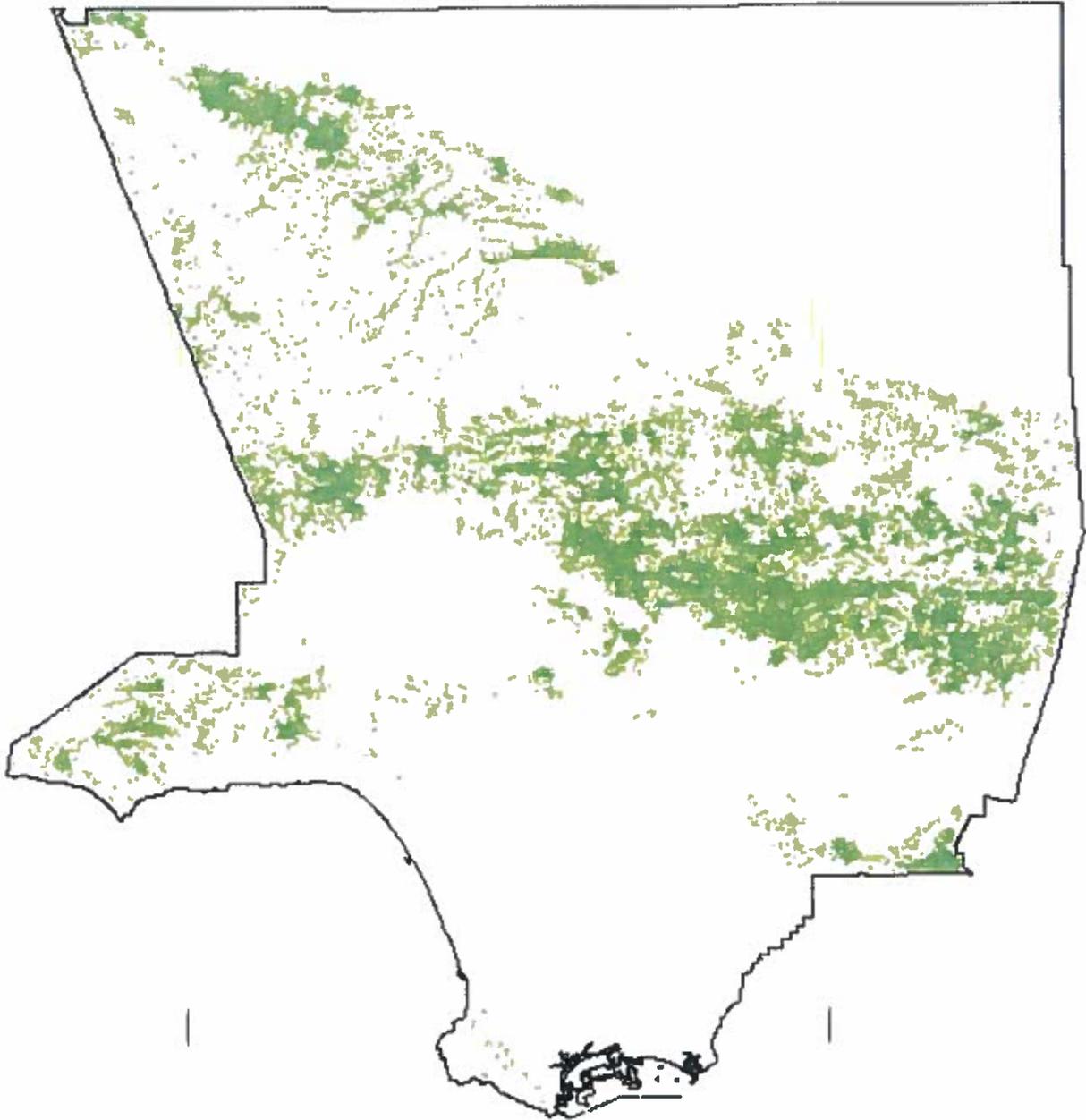


Oak #1 that will be impacted by grading

EXHIBIT C

LOS ANGELES COUNTY

OAK WOODLANDS CONSERVATION MANAGEMENT PLAN GUIDE



March 18, 2014

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BACKGROUND

On October 7, 2001, the Governor approved the California Oak Woodlands Conservation Act (AB 242) which requires that Los Angeles County (County) develop an Oak Woodlands Conservation Management Plan (Plan) to qualify for funding to preserve oak woodlands through the State of California's Oak Woodlands Conservation Fund (Fund). Accordingly, the County Board of Supervisors adopted Motion 95-C on October 7, 2008, which directed the Resource Conservation District of the Santa Monica Mountains (RCD) to develop such a plan. The RCD assembled a group known as the Oak Woodlands Habitat Conservation Strategic Alliance (Alliance), consisting of biologists, arborists, environmentalists, foresters, planners, Building Industry Association representatives and academics. The Alliance completed the Plan in May 2011 and the Board of Supervisors adopted Part 1 of the Plan on August 23, 2011.

As of January 2005, California Public Resources Code Section 21083.4 (2004 Senate Bill 1334) requires that when a county is determining the applicability of the California Environmental Quality Act to a project, it must determine whether that project "may result in a conversion of oak woodlands that will have a significant effect on the environment." If such effects (either individual impacts or cumulative) are identified, the law requires that they be mitigated. Acceptable mitigation measures include, but are not limited to, conservation of other oak woodlands through the use of conservation easements and planting replacement trees, which must be maintained for seven years. One notable exemption to this law is for the "conversion of oak woodlands on agricultural land that includes land that is used to produce or process plant and animal products for commercial purposes."

INTRODUCTION

The main goal of the Plan is to preserve and restore oak woodlands so they are conserved in perpetuity with no net loss of existing woodlands. There are three important objectives of the Plan: prioritize the preservation of oak woodlands, promote conservation by integrating oak woodlands into the development process in a sustainable manner and effectively mitigate the loss of oak woodlands. The Plan implements these objectives through a series of recommendations that are grouped in the following categories:

- Alterations to the County's development and environmental review process;
- Revisions to the process by which County agencies address impacts to oak woodlands;
- Expansion of goals and policies contained in the County's General Plan;
- Changes to the County Zoning Code; and

Long range implementation and monitoring efforts.

This guide focuses on the first two categories of recommendations and does not include revisions to Title 22 or a new permit type. The main changes to the existing permit and environmental assessment processes are in the form of a revised Environmental Assessment Questionnaire, additional site plan requirements, a required oak woodland report, prioritized mitigation measures and improved mitigation monitoring. This document is intended to implement portions of the Plan and to be a resource to assist County staff when processing development applications for discretionary projects that are not exempt from CEQA and that may impact oak woodlands. The guide is organized into the following four sections: definitions, application procedures, case processing, project mitigation and mitigation monitoring.

DEFINITIONS

Oak tree is defined by the plan as *"all native trees of the genus Quercus. This includes small shrubby oaks typically clustered on slopes, as well as individual large oaks that are naturally widely distributed across the landscape. Under California state law, oaks [that are part of a woodland] greater than 5 inch diameters at breast height (DBH) are also protected (California Public Resources Code 21083.4a)."* (Plan page 28)

Oak stand is defined by the plan as *"a group of similar [oak] trees growing in a contiguous pattern, having sufficiently diverse age-class distribution, composition and structure, and growing on a site of sufficiently uniform quality that it is distinguishable as a unit. Stands are a basic physical unit of vegetation in the landscape and do not have a set size."* (Plan page 29)

Oak woodlands are defined by California Department of Fish and Wildlife Code Section 1361.h and by the Plan (page 28) as *"an oak stand with a greater than 10 percent canopy cover or that may have historically supported greater than 10 percent canopy cover."* This document interprets the Plan's definition of an oak woodland (pages 28-29) as an oak stand, including its understory, which consists of two or more oak trees of at least five inches in diameter measured at 4.5 feet above mean natural grade, with greater than 10 percent canopy cover or that may have historically supported greater than 10 percent canopy cover as early as January 1, 2005 (effective date of California Public Resources Code Section 21083.4). The following figures depict how the Plan (pages 49-50) identifies oak woodlands and calculates relative canopy cover.

Oak Savanna is lightly wooded grassland, with oaks as the dominant tree species. The canopy cover of an oak savanna may often be less than 10 percent and therefore oak savannas are not necessarily subject to California Public Resources Code Section 21083.4. Nevertheless, some types of oak savanna are considered sensitive by the California Department of Fish and Wildlife (CDFW), and these are given consideration as sensitive natural communities under CEQA (see the CDFW Natural Communities List and CEQA Guidelines Appendix G).

OAK WOODLAND VS OAK TREE PROTECTION

The Oak Tree Ordinance (Section 22.56.2050 of the Los Angeles County Code) is intended to protect individual trees while the Plan and State law referenced in this document are intended to protect oak woodlands. A project may be subject to both the Ordinance and Plan requirements. See applicability matrix on the following page.

Criteria
Number of Removed or
Encroached Trees:

Plan
Two or more.

Ordinance
At least one.

Tree Size:

At least five inches in
diameter.

At least 8 inches in diameter.

Sphere of Influence
/Encroachment Zone:

Ten times the canopy area.

Five feet from the drip-line or
15 feet from the trunk,
whichever is greater.

Figure 1

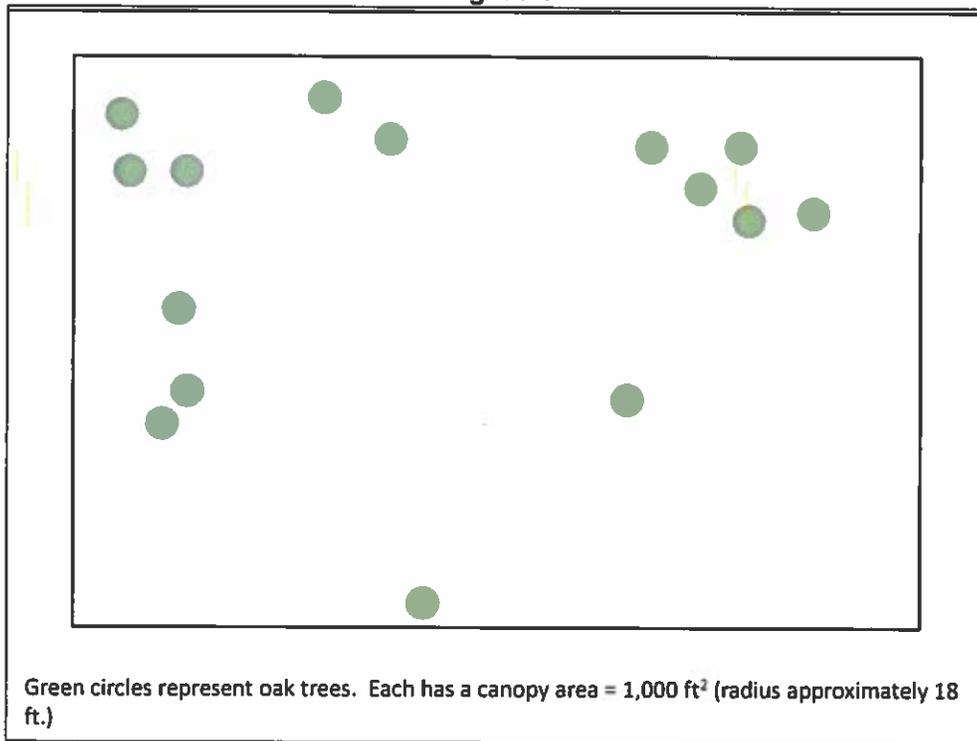


Figure 2

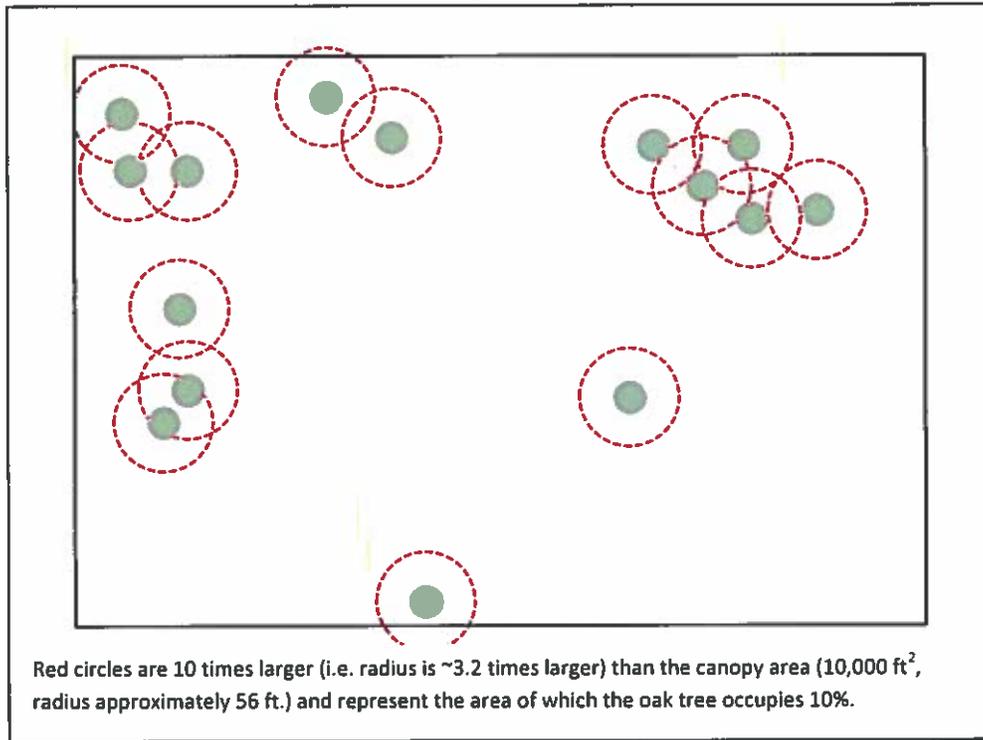


Figure 3

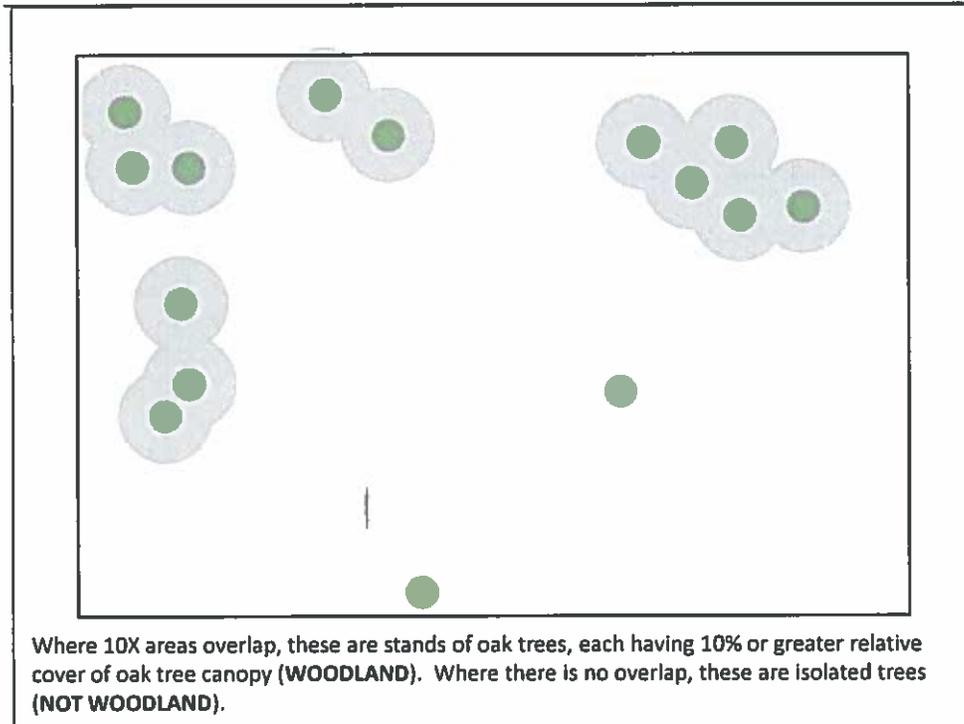
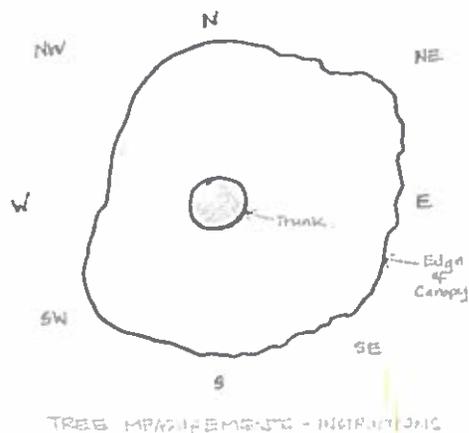


Figure 4

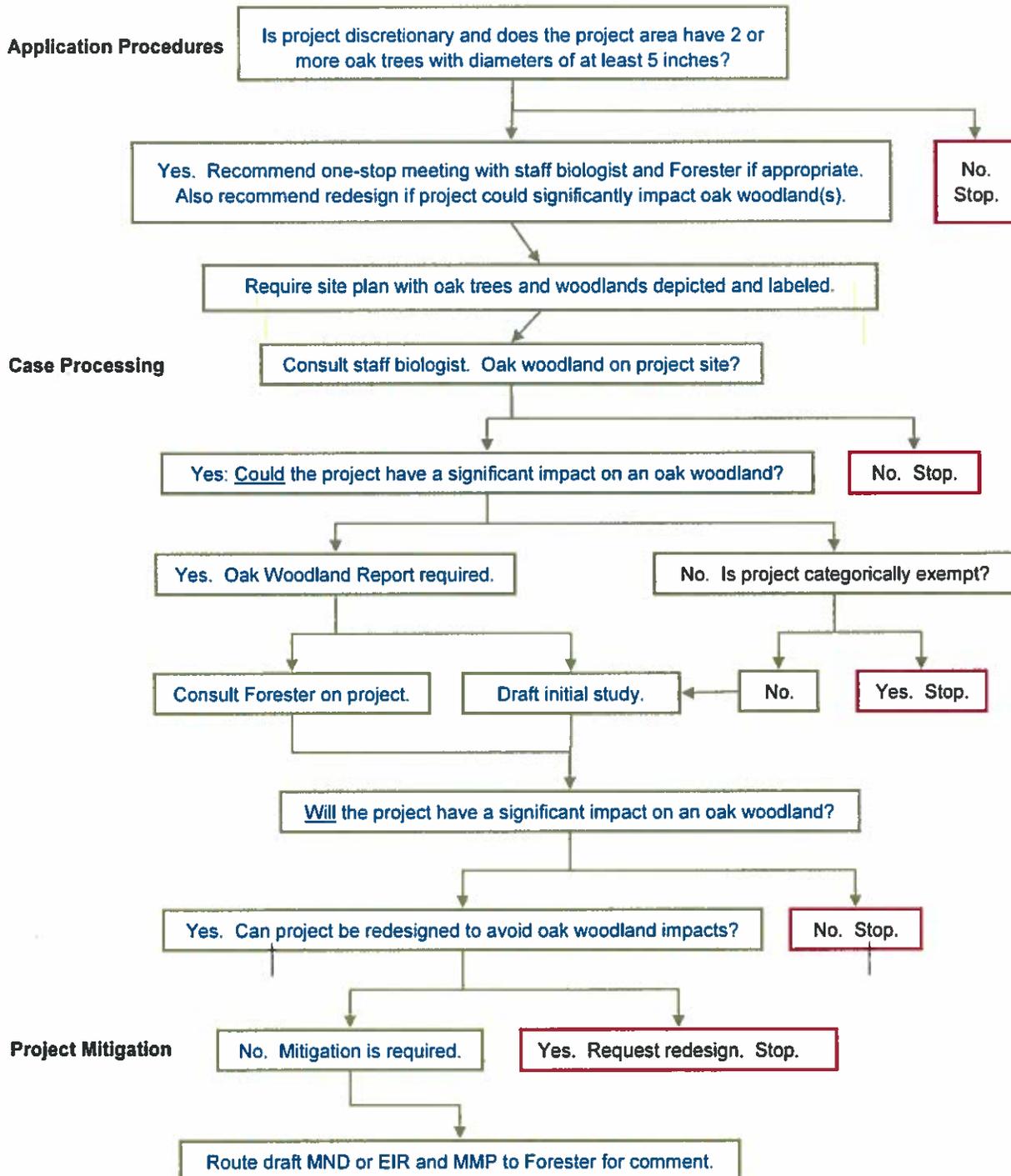


How to measure canopy:

1. Take 8 measurements from the center of the trunk one in each direction as shown on drawing. Trunks should be located accurately using GPS. Accuracy should be high. Reconcile trunk locations with aerial photographs.
2. Draw canopy as shown. Trunk should also be shown at actual size (to scale).
3. When canopies overlap, show the canopy underneath as a dashed or lighter line.
4. Draw canopies using a dark or thicker line so that they can be seen easily on the drawings.
5. The scale of drawing should be 1":20' or 1":30' to give enough detail.
6. Accurate tree canopy and trunk locations should be overlaid on site and construction drawings.

PROCESS OVERVIEW

Note: This chart is a summary. For details, see relevant sections of the guide, to which this page is hyperlinked. Use the Document Map to return.



APPLICATION PROCEDURES

In order to expedite the review process and avoid mitigation, staff should communicate to the applicant as early as possible that avoidance of impacts to oak woodlands is the preferred alternative project option. If determined appropriate, Staff should recommend a pre-application counseling meeting (One-stop) that includes the staff biologist and County Forester.

In addition to other required application materials, the applicant shall submit the following items:

A completed Environmental Assessment Information Form which will require the following information: disturbance history of the project site (such as fires or grazing), number of trees and their location on the site, whether any trees have been removed or pruned since January 1, 2005, and whether the area within the 10 percent sphere of influence of the canopy is developed.

A site plan that includes:

- Oak trees with a diameter of five or more inches (measured four and one half feet above mean natural grade) depicted, trunk diameters labeled, and ten times the canopy area of each oak tree depicted and labeled and;
- Oak trees with a trunk diameter of eight inches or greater shall have the 5-foot radius outside of all tree drip lines depicted and labeled.

Include off-site oak trees located within 200 feet of the property boundary. If a tree has multiple trunks, label the diameter of the largest trunk.

CASE PROCESSING

Determination

1. For any discretionary project with two or more oak trees on site, the case planner should consult with the staff biologist to determine if the project is located in an oak woodland and may impact the woodland. Consultation would typically occur after the case has been assigned to a planner but it could also take place earlier in the process. The staff biologist should be consulted even on projects that may initially be considered categorically exempt from CEQA because if there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances, a categorical exemption may not be used according to State of California Public Resources Code Section 15300.2.c. If the staff biologist determines that an oak woodland is located on the project site, the staff biologist will likely recommend that the case planner request a oak woodland report (OWR) from the applicant. The OWR must be completed by an "individual with expertise acceptable to the director and the County Forester," be certified to be true and correct and include:

A description of the baseline condition of the oak woodland, including the species of oak trees present, the density of trees (number/acre), a demographic assessment of the trees (e.g. size or age range and the proportion of trees in young, mature, and declining classes), the vegetation type of the understory (e.g. scrub, grass/herb, barren, ornamental, etc.), the presence or potential use of the site by special-status species, and the spatial relationship to other woodland stands in the vicinity (e.g., immediately adjacent and fully integrated, isolated by urban development, etc.);

A determination of the habitat value/integrity of the woodland (See Table 1);

An analysis of impacts to the oak woodland and their severity (See Tables 2 and 3);

An analysis of recreational or aesthetic value of the woodland based on the presence of trails, location within a viewshed visible from parks or scenic highways, etc; and

An analysis of alternative project options that includes an explanation of why avoidance of the oak woodland was not feasible.

Impact of introduced pests and disease on the oak woodland.

A summary of ecosystem services provided by oak woodlands as described by the Plan and how those services may change with development of the proposed project.

It is recommended that consultants writing an OWR report use the Plan as a resource. It has a wealth of information that is useful in the preparation of an OWR.

Project Consultation

2. The case planner will consult with the County Forester on the project by routing relevant application materials that include the OWR, site plan, and environmental questionnaire to the County Forester for review.
3. The County Forester, upon receiving the consultation request, will inspect the project site and oak trees, review the report and site plan for adequacy and recommend project conditions.

Environmental Assessment

4. The case planner in conjunction with the staff biologist will answer the following initial study (IS) questions in the Biological Resources and Mandatory Findings of Significance sections that pertain to project and cumulative impacts to oak woodlands:

IS Question 4.b: Does the proposed project have a substantial adverse effect on any sensitive natural communities (e.g., riparian habitat, coastal sage scrub, oak woodlands, non-jurisdictional wetlands) identified in local or regional plans, policies, regulations or by CDFW or USFWS?

This question relates to natural communities listed as sensitive by the CDFW, and does not necessarily extend to all oak woodland types as identified by Section 21083. To answer this question, consult the staff biologist and the 2010 CDFW Natural Communities List, available at http://www.dfg.ca.gov/biogeodata/vegcamp/natural_comm_list.asp. The list provides sensitivity rankings for all named community types; other types may also be considered sensitive (as indicated by an asterisk) or may not yet be inventoried.

IS Question 4.e: Will the project convert oak woodlands...or otherwise contain oak or other unique native trees?

To answer this question, provide a baseline description of oak woodlands that fits this definition found on the site, including the following information: the species and density (number/acre) of oak trees present; demographic assessment of the trees (e.g. size or age range and the proportion of trees in young, mature, and declining classes); vegetation type of the understory (e.g. scrub, grass/herb, barren, ornamental, etc.); presence or potential use of the site by special-status species; and the spatial relationship to other woodland stands in the vicinity (e.g., immediately adjacent and fully integrated, isolated by urban development, etc.). Additionally, assess whether the project will exceed the threshold for significance for impacts to oak woodlands. Use Table 1 to establish the baseline, then

Tables 2 to determine impact severity and finally Table 3 to determine level of significance.

Table I – Existing Conditions

Woodland Integrity:	Intact	Moderately Degraded	Severely Degraded
Existing Conditions:	<p>Site is currently in a "wild" state where all ecological functions such as groundwater infiltration, shade, habitat, nutrient cycling, carbon sequestration, wind/noise/dust abatement, and the stand is self-sustaining and regenerating. Understory of grasslands may be dominated by invasive exotic grasses and forbs. Fire exclusion or frequency may have altered native woodland. Woodland supports associated flora and fauna and are free from destructive land practices that limit long-term persistence.</p>	<p>Even though the site has been altered, oak woodlands persist and retain some of their functions. Natural regeneration is possible, wildlife use still occurs, and some level of ecosystem services is still present. The majority of oak woodlands in the County fall within this category.</p>	<p>Site has been drastically altered from the natural condition to accommodate residential, commercial or industrial uses, and oak woodlands remain in scattered locations. Natural regeneration is not possible. Soil is compacted, contaminated or paved. Wildlife habitat is limited and associated understory vegetation has been replaced by managed non- native landscaping.</p>
Examples:		<p>Golf courses intermixed with fragmented oak woodlands, many of the subdivisions and urban wild land interface areas found in the Santa Monica Mountains, Santa Clarita Valley, along the foothills of the San Gabriel Mountains and throughout the Puente Hills.</p>	<p>Small clusters of oaks within or surrounding parking lots, isolated small stands in parks or open spaces surrounded by urban development, or woodlands remaining along freeway corridors.</p>
Recommendation:	<p>Projects that would alter the oak woodland should receive the highest level of scrutiny. Project alternatives that would avoid this alteration should be fully explored and given first consideration.</p>	<p>Project needs to be reviewed within the context of preventing further ecosystem function losses. This could include reduction of project scale, adjusting project footprint to reduce impacts, identifying opportunities to preserve connectivity, increase groundwater retention, and restore habitat.</p>	<p>Site should be reviewed within the context of adjacency to other oak woodland stands, potential for restoration and the potential to restore connectivity and ecosystem functions. A Severely Degraded site may be a good choice for a mitigation area that could be restored.</p>

Table 2 – Impact Severity

Impact Severity	Intact Woodland	Moderately Degraded Woodland	Severely Degraded Woodland
Low:	<p>Minimal disturbance to stand structure and composition and habitat features resulting in no increased edge habitat or fragmentation; road and stream crossings are not being considered; activities will not result in the introduction of exotic or invasive species.</p> <p>Minimal site or spatial disturbance may still result in significant impacts to an intact or core woodland.</p>	<p>Regeneration potential is being maintained across the site; understory oak associates present or can be restored; expansion of developed areas are centralized; new road and stream crossings not being considered.</p> <p>In the absence of special circumstances, statutes or ordinances, this may represent a non-significant impact.</p>	<p>Majority of remnant trees are retained; understory removal or road widening does not compromise existing tree health; no further loss of ecosystem services considered.</p> <p>In the absence of special circumstances, statutes or ordinances, this may represent a non-significant impact.</p>
Moderate:	<p>Detectible change or reduction in canopy, structure or composition; loss of some habitat features, subtle impacts increasing fragmentation, edge creation or loss of connectivity (fences, roads, other artificial barriers or buffers).</p>	<p>Regeneration potential is being marginalized; developed areas expand into previously undeveloped areas; new roads or stream crossings proposed; habitat features are being lost; activities will add exotic an invasive species.</p> <p>These impacts are considered significant.</p>	<p>Loss of a majority of existing trees; activities will inhibit or harm residual tree health and vigor; barriers constructed will increase fragmentation; ecosystem services will be lost or degraded.</p>
High:	<p>Obvious change or reduction or loss of canopy, structure or composition; loss of existing habitat features; fragmentation and parcelization of contiguous ownerships; introduced roads, stream crossings and/or exotic invasive species; creation of edge effects; construction of barriers (fences, roads, etc.).</p>	<p>Large scale impacts including loss of habitat, understory, resulting in fragmentation and increased edge effects; Loss of woodland structure and changes in composition in large continuous woodland patch.</p> <p>These impacts are considered significant.</p>	<p>Loss of remnant trees or stand increases fragmentation across the landscape through loss of connectivity.</p>

Table 3 – Estimated Level of Significance

Woodland Integrity: Impact Severity:	Intact			Moderately Degraded			Severely Degraded		
	Low	Mod	High	Low	Mod	High	Low	Mod	High
Impact	Level of Significance "LTS"= Less Than Significant; "PS" =Potentially Significant; "S" = Significant								
Net loss of oak woodland acreage.	PS	S	S	LTS	S	S	LTS	LTS	LTS
Increased habitat fragmentation.	PS	S	S	LTS	S	S	LTS	LTS	LTS
Loss of vertical and horizontal structural complexity.	PS	S	S	LTS	S	S	LTS	LTS	LTS
Loss of understory species diversity, locally uncommon or rare species or associations.	PS	S	S	LTS	S	S	LTS	LTS	LTS
Loss of food sources for wildlife	PS	S	S	LTS	S	S	LTS	LTS	LTS
Loss of nesting, denning, burrowing, hibernating and roosting structures.	PS	S	S	LTS	S	S	LTS	LTS	LTS
Loss of habitats and refugia for sedentary species and those with special habitat requirements, <i>i.e.</i> mosses, lichens, rocks, native grasses and fungi.	PS	S	S	LTS	S	S	LTS	LTS	LTS
Road construction, grading, trenching, activities affecting changes in grade, other road-related impacts.	PS	S	S	LTS	S	S	LTS	LTS	LTS
Stream crossings, culverts, and road associated erosion and sediment inputs.	PS	S	S	LTS	S	S	LTS	LTS	LTS
Loss of riparian function, reduced bank stability and increasing sedimentation or water temperature that impacts native fishes and other aquatic species.	PS	S	S	LTS	S	S	LTS	LTS	LTS
Road building activities that aggravate existing conditions	PS	S	S	LTS	LTS	S	LTS	LTS	LTS
Changes in environmental conditions that prevent existing residual trees from natural regeneration.	PS	S	S	LTS	LTS	S	LTS	LTS	LTS
Proposed project designs that result in construction that poses barriers to wildlife or fish passage.	PS	S	S	LTS	S	S	LTS	LTS	LTS
Proposed project designs that result in the probable introduction or expansion of invasive plants and animals	PS	S	S	LTS	S	S	LTS	LTS	LTS
Loss of individual heritage trees that are recognized and/or protected by ordinance or statutes.	PS	S	S	LTS	S	S	LTS	S	S
Loss of appropriate recruitment sites for recognized and/or protected heritage tree species.	PS	S	S	LTS	S	S	LTS	S	S

Woodland Integrity:	Intact			Moderately Degraded			Severely Degraded		
Impact Severity:	Low	Mod	High	Low	Mod	High	Low	Mod	High
Impact	Level of Significance "LTS"= Less Than Significant; "PS" =Potentially Significant; "S" = Significant								
Loss of individual trees where the natural occurrence and range of the species has been dramatically reduced and altered resulting in decreased recruitment/restoration potential for the species.	PS	S	S	LTS	S	S	LTS	S	S
The removal of even a few individual trees that represents a significant portion of the existing population of that species.	PS	S	S	LTS	S	S	LTS	S	S
Loss of ecosystem services such as groundwater recharge, erosion protection, water quality protection, temperature moderation.	PS	S	S	LTS	S	S	LTS	S	S
Changes to carbon sequestration potential.	PS	S	S	LTS	S	S	LTS	S	S
Loss of view-shed, aesthetics, amenity value, public recreation opportunities, historic or cultural resources.	PS	S	S	LTS	S	S	LTS	S	S

Note: The High Impact Severity column is based on Table 6 of the OWCMP on page 72. The Low and Moderate Impact Severity columns are estimates.

Environmental Assessment (continued)

When answering the aforementioned initial study questions for Advance Planning (AP) or Ordinance Studies (OS) projects, special consideration needs to be given to those projects that create or change existing permitted uses that may impact oak woodlands because permitted uses would not receive project specific environmental assessment. Therefore, any impacts to woodlands and related mitigation would need to be addressed through the AP/OS project environmental assessment.

5. The case planner will route the draft initial study to the County Forester for review and comment.

PROJECT MITIGATION

If a project cannot be redesigned to avoid impacts to oak woodlands, the case planner should work with the staff biologist and the County Forester to determine an appropriate mitigation strategy. Recommended mitigation measures for projects resulting in a significant impact to oak woodlands are identified below and are based on the Plan's recommendations on pages 92-96. The mitigation measures are prioritized by preference for intact woodlands. Per the Staff biologist, prioritization of mitigation measures may not be appropriate for degraded oak woodlands. If avoidance is not possible, then one of the following shall be implemented:

1. Acquire oak woodland habitat that is comparable to the habitat that was impacted.
2. Restore degraded oak woodlands: Off-site restoration should be prioritized over on-site restoration and where feasible, should be located nearby the impacted property, preferably within the same watershed or sub-drainage as deemed appropriate by the County Forester and the staff biologist, or within the same planning area as the impacted property.

Off-site restoration may include any of the following:

Acquiring off-site fee title for oak woodland habitat;

Replacement planting.

Restoring moderately or severely degraded oak woodlands. More specifically, removing exotics and restoring appropriate native plant diversity

On-site restoration should be utilized when circumstances at the site allow for long-term sustainability of the replacement plantings, the potential to expand/connect to adjacent oak woodlands, and/or the improvement of degraded oak woodlands. The permittee shall replace/restore lost canopy area. More specifically, the permittee shall provide mitigation trees of the same Oak species. All replacement trees should be planted on native undisturbed soil and should be the same species of oak (*Quercus sp.*) as the removed tree with appropriate associated native vegetation in the understory. The location of the replacement tree should be in the vicinity of other oak trees of the same species. If replacement trees cannot be planted on native undisturbed soil or are not in the vicinity of the same species of oak (*Quercus sp.*) as the removed tree, the County Forester may require additional conditions to ensure that trees thrive.

3. Contributing to LA County's Oak Forests Special Fund at a minimum two to one canopy cover area for the amount removed.
4. Other mitigation measures developed by the County.

The following provisions apply to the aforementioned mitigation options:

To ensure that mitigation measures are implemented, the County Forester may require the project applicant post a bond in the amount determined by the County Forester.

If possible, on site mitigation areas or off site mitigation land should be located adjacent to preserved natural open space unless there are reasons that outweigh this priority (like contributing to a linkage or preserving a specific location with special status species on the mitigation site). The location on site mitigation areas or off site mitigation land requires County Forester and staff biologist approval.

Mitigation areas or land should be at a minimum of two to one canopy cover area for the amount removed. This is the expected canopy extent of mature trees. A more convenient way to think of it might be to base it on stem density, then apply that density over twice the acreage of the impacted area.

All mitigation areas or land should be placed in a conservation easement. If a conservation easement is not possible, the land shall be protected in perpetuity by other means deemed acceptable by the County. Mitigation land may be designated public open space if appropriate.

In addition to mitigation for tree removal, the permittee shall prepare a plan to the satisfaction of the County Forester, for protecting remaining oak trees during and after development.

As part of Mitigation Monitoring Plan (MMP), the staff biologist may require a Habitat Mitigation Monitoring Plan (HMMP) that details the long term maintenance and monitoring plans for the mitigation site. The HMMP should be approved prior to issuance of a grading permit and include the following minimum requirements: description of the project/impact and mitigation sites, specific objectives, success criteria, plant palette, implementation plan, maintenance activities, monitoring plan and contingency measures. Finally, the case planner should route the MMP to the staff biologist and the County Forester for review.

MITIGATION MONITORING

Mitigation monitoring methods are based on the successful monitoring strategies recommended in the Plan on pages 96-98.

Project mitigation shall be monitored and reported on over a seven-year period and shall incorporate an iterative process of annual monitoring and evaluation of progress and allow for adjustments to the program, as necessary, to achieve desired outcomes and meet success criteria. Annual reports discussing the implementation, monitoring, and management of the mitigation project shall be submitted to the County Forester and the Department of Regional Planning and should contain the following components:

Description of the project impact and mitigation site.

Specific objectives/success criteria, evaluated based on approved MMP survival rates and percent cover of planted native species, and control of invasive plant and animal species within the mitigation site. Success criteria should be based on a reference site supporting the desired oak species and understory that the mitigation site is designed to achieve.

Monitoring and maintenance activities conducted since the previous report.

Any contingency measures implemented since the previous report.

The County Forester will actively monitor the mitigation site for at least seven years following the implementation of the mitigation strategy.

Once the mitigation project has been completed, the applicant shall submit a final report to the County Forester and Department of Regional Planning. The report shall discuss the implementation, monitoring and management of the mitigation project over the seven-year period, and indicates whether the mitigation project has, in part, or in whole, been successful based on established success criteria. The project shall be extended if success criteria have not been met at the end of the seven-year period to the satisfaction of the County Forester.

The Department of Regional Planning will submit a bi-annual (every other year) report summarizing the status of oak woodland mitigation projects to the Board of Supervisors.

EXHIBIT D



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

June 18, 2015

Stephen Kuhn
4381 Canyon Crest Rd.
Altadena, CA 91001

SUBJECT: INCOMPLETE APPLICATION: REQUEST FOR ADDITIONAL INFORMATION

Project: R2014-02411
Permits: RMCP 201400014 and ROAK 201400035
Address (APN): Vacant Property (APN 5830-003-016)

Dear Agent/Applicant:

The Los Angeles County ("County") Department of Regional Planning is currently reviewing the project identified above and has determined that the project file is incomplete and additional information is required before we can proceed with your application. Please submit the following items:

1. Calculate your front yard setback and show your work. The front yard shall not be less than the average depth of all of the front yards on the same side of the street on the same block. A vacant lot or parcel (including your lot) shall not be included in the computation for this purpose.
2. Calculate your side yard setback and show your work. Each side yard shall not be less than 10 percent of the average width of the lot or parcel, but in no case less than five feet. Since your lot has a varying width, to calculate your average width, measure the width of your property in 10' increments, moving from the front property line to the rear property line.
3. Either redesign the project to meet the following single-family residence development standards, or substantiate the attached findings to modify development standards. According to Section 22.20.15 of the zoning code:

Every single-family residence shall have a roof constructed with wood-shake, shingle, asphalt composition, crushed rock, or other similar roofing material in compliance with Title 26 (Building Code) of this code, except that reflective, glossy, polished and/or roll-formed type metal roofing is prohibited.

Every single-family residence shall have an exterior siding of brick, wood, stucco, metal, concrete or other similar material, except that reflective, glossy, polished and/or roll-formed type metal siding is prohibited.

The standards listed in this section may be modified by the director pursuant to the procedures of Part 12 of Chapter 22.56 and the findings contained in Section 22.56.1755.

4. According to our zoning code, your garage loft and lower floor office are both considered an additional story. Therefore your house is greater than two stories and will need to be redesigned.

According to the Altadena Community Standards District, the maximum number of stories above grade shall be two. Our zoning code defines "Story" as that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the roof above.

The only time floor area is not considered a story is when it is a cellar or a non-habitable attic. "Cellar" is that portion of a building between floor and ceiling which is wholly or partly below grade (as defined in Section 22.08.070) and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. A non-habitable attic is an attic with no point higher than 7'.

Please submit three sets of full sized revised plans and one digital copy by July 30, 2015. If the requested items are not provided by the due date of this letter, your project may be scheduled before a Hearing Officer. Pursuant to Section 22.56.060 of the County Code (Zoning Ordinance), the Hearing Officer may deny, without public hearing, an application for a conditional use permit if such application does not contain the required information contained in Sections 22.56.030 and 22.56.040 of the County Code.

For questions or for additional information, please contact Troy Evangelho of the Zoning Permits East Section at (213) 974-6435, or by email at tevangelho@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,

Troy Evangelho, AICP
Zoning Permits East Section
320 W. Temple
Los Angeles, CA 90012

c: Applicant; Owner

EXHIBIT E

From: [Kristina Kulczykcki](#)
To: ["kuhn.s.r@gmail.com"](mailto:kuhn.s.r@gmail.com)
Subject: FW: R2014-02411
Date: Thursday, July 09, 2015 9:39:20 AM

Good morning Mr. Kuhn,

Thank you for taking my call yesterday and helping to clarify several aspects of the project.

There are a few additional requested corrections that were discussed during our phone call which I will list below:

1. Please provide a copy of the Forester's clearance letter.
2. Update the Oak Tree Permit Burden of Proof to include the deck encroachment within the protected zone of Oak Tree #10
3. On the site plan, relocate the trash enclosure outside of the front and side yard setbacks.
4. Clarify the correct grading amounts on the revised plans and ensure that the numbers are consistent.
5. Please provide cross sections of the building.
6. Submit four full-sized sets of revised plans and a digital copy. The digital copy can be emailed if the file size is small enough.
7. Include the building square footage on the plans. Separate the square footage of the garage from the habitable space. It may be easiest to also include the loft area separately.

Suggestions: Include renderings of the new design. Also, you may want to contact the Altadena Town Council in anticipation of the public hearing so that they are aware of the project. They often weigh in on projects and appreciate the advance notice.

After speaking with you, I realized that we could also go a different route. If you are okay with considering the building to be three stories in height, you can go straight to a CUP to modify this development standard and I can start noticing the CUP and Oak Tree Permit for hearing instead of the MCUP. I do need to re-circulate the final plans through the other agencies to ensure that they all reviewed the same plans. If you have any copies of the clearance letters from the other agencies, please include these as well and I can informally contact them in hopes to speed up the process.

Should you have any questions, please feel free to contact me.

Regards,

Kristina

Kristina Kulczykcki
Regional Planning Assistant II
Zoning Permits East
Department of Regional Planning

<http://planning.lacounty.gov>

213-974-6435

From: Stephen Kuhn [<mailto:kuhn.s.r@gmail.com>]

Sent: Wednesday, July 08, 2015 2:40 PM

To: Maria Masis

Subject: R2014-02411

Maria,

I was told to contact you regarding planner re-assignment for case R2014-02411. I believe we have met all of the various stakeholder requirements for pursuing a hearing, and would like to speak to a planner as soon as one is assigned to the case, to start that process. Please let me know if you can provide further information.

Regards,

Stephen Kuhn

kuhn.s.r@gmail.com

626-319-2778

EXHIBIT F

From: [Stephen Kuhn](#)
To: [Kristina Kulczykcki](#)
Subject: Re: FW: R2014-02411
Date: Thursday, July 09, 2015 11:00:27 AM
Attachments: [A5.0 Sections AD.pdf](#)
[A5.1 Sections AD.pdf](#)

Hey Kristina,

Thanks! See below:

On Thu, Jul 9, 2015 at 9:39 AM, Kristina Kulczykcki <kkulczykcki@planning.lacounty.gov> wrote:

Good morning Mr. Kuhn,

Thank you for taking my call yesterday and helping to clarify several aspects of the project.

There are a few additional requested corrections that were discussed during our phone call which I will list below:

1. Please provide a copy of the Forester's clearance letter.

I have just forwarded you the fire department approval. The fire department land development unit coordinated between fuel mod and forestry departments, and their forester (Kelly Kim) was part of the fire department approval.

2. Update the Oak Tree Permit Burden of Proof to include the deck encroachment within the protected zone of Oak Tree #10

W/r/t oak tree #10, the definition of damage is defined in the code as:

"Damage," as used in this Part 16, includes any act causing or tending to cause injury to the root system or other parts of a tree, including, but not limited to, burning, application of toxic substances, operation of equipment or machinery, or by paving, changing the natural grade, trenching or excavating within the protected zone of an oak tree.

The protection afforded to the root system of a tree is extended beyond its dripline, but the "other parts of a tree" above grade can only be impacted by physical contact. Therefore, for a cantilevered structure, we would be compliant with the statute if the structure did not make contact with the existing canopy of the tree. There is no need for 5ft additional setback, as there are for roots that may extend this far and farther. It is easy for me to show in survey/pictures that this will not be the case (the canopy

excursion is below the deck), if it is ever required.

Note the code also exempts:

D. Tree maintenance, limited to medium pruning of branches not to exceed two inches in diameter in accordance with guidelines published by the National Arborists Association, (see Class II), intended to insure the continued health of a protected tree;

So, even if a part of the tree did make contact, we would be lawful in removing branches of up to two inches in diameter, which would add several additional feet of clearance (which is the entire extent of overlap of the deck in 2D).

I bring this up because not only the burden of proof but the oak tree report itself distinguish oak tree #10 as not being encroached, and it would entail time and money (on a contract that is closed) to alter the report. We did discuss this at the time with our oak tree consultant, and he assessed no impact.

3. On the site plan, relocate the trash enclosure outside of the front and side yard setbacks.

We are just going to remove it. If there is some question about where we would put our trash bins, we can say we would put them adjacent to where the neighbors currently do (which is on our property).

4. Clarify the correct grading amounts on the revised plans and ensure that the numbers are consistent.

I believe the latest are consistent. I will forward when my architect is finished.

5. Please provide cross sections of the building.

I have attached here the cross-sections. If these don't make the project a little clearer in 3D, I can do a simplified transparent model. But hopefully these are OK.

6. Submit four full-sized sets of revised plans and a digital copy. The digital copy can be emailed if the file size is small enough.

I will wait first for your OK on the plans we forward. My architect is updating them as we speak.

7. Include the building square footage on the plans. Separate the square footage of the garage from the habitable space. It may be easiest to also include the loft area separately.

We are including separately the square footage of the basement/office, the main level, the garage, and the loft.

Suggestions: Include renderings of the new design. Also, you may want to contact the Altadena Town Council in anticipation of the public hearing so that they are aware of the project. They often weigh in on projects and appreciate the advance notice.

We will include the renderings but are still working on them. Hopefully we'll have a set we're happy with by the end of next week. I will notify the Altadena Town Council (probably when we have our renderings done). Would you suggest sending them materials directly, or will they ask if they are interested? Also, can you clarify: if we don't ask for a CSD exemption CUP, I don't believe their approval is required, correct? My understanding is that the minor CUP is just a mechanism to ensure notification, but as long as the community standards aren't violated, they do not have to provide approval.

After speaking with you, I realized that we could also go a different route. If you are okay with considering the building to be three stories in height, you can go straight to a CUP to modify this development standard and I can start noticing the CUP and Oak Tree Permit for hearing instead of the MCUP. I do need to re-circulate the final plans through the other agencies to ensure that they all reviewed the same plans. If you have any copies of the clearance letters from the other agencies, please include these as well and I can informally contact them in hopes to speed up the process.

I think I would rather not go the route of getting a CUP to Altadena standards. There seems more discretion on the part of the town council to deny. I would rather frame the project as fitting completely within the bounds of the standards, which I think it does. The minor CUP is only to satisfy the intent of broader notification that a hillside lot was being built. I'm happy to follow up on that if any part of the logic laid out in the rebuttal is in dispute. I don't know how it could be interpreted otherwise in an internally consistent manner.

I also just forwarded DPW approval.

Thanks,

Stephen

Should you have any questions, please feel free to contact me.

Regards,

Kristina

Kristina Kulczycki

Regional Planning Assistant II

Zoning Permits East

Department of Regional Planning

<http://planning.lacounty.gov>

[213-974-6435](tel:213-974-6435)

From: Stephen Kuhn [<mailto:kuhn.s.r@gmail.com>]
Sent: Wednesday, July 08, 2015 2:40 PM
To: Maria Masis
Subject: R2014-02411

Maria,

I was told to contact you regarding planner re-assignment for case R2014-02411. I believe we have met all of the various stakeholder requirements for pursuing a hearing, and would like to speak to a planner as soon as one is assigned to the case, to start that process. Please let me know if you can provide further information.

Regards,

Stephen Kuhn

kuhn.s.r@gmail.com

[626-319-2778](tel:626-319-2778)

Kristina Kulczycki

From: Asad Aboobaker [asad137@yahoo.com]
Sent: Wednesday, April 06, 2016 9:10 AM
To: Kristina Kulczycki
Subject: R2014-02411 -- statement of support for owners

Categories: Red Category

Hello Ms. Kulczycki,

I am writing this note to indicate my support for the project referenced above (R2014-02411), a single-family residence construction planned for Canyon Crest Rd. in Altadena. I recently read an article in the San Gabriel Valley Tribune about the project and had to comment. I have no personal or financial connections to the project: I know neither the property owners nor any of the neighbors objecting, and I live in a different part of Altadena. I believe this makes my opinion more objective than that of those closer to the project.

As I understand it, the owners have done their due diligence and followed all applicable laws and procedures related to the planning and construction of their residence. If that is indeed the case, then their mCUP MUST be approved. If there is a planning process that can be followed perfectly and is still able to be blocked by neighbors, then what is the point of having a process at all?

The neighbors' complaints fall flat to my ears. They claim to be concerned about the environmental effects of having a home on the hillside. But what about the environmental effects of the existing homes? The ecological zone doesn't magically end where their houses start. The land is zoned R-1, and if those other homes are ok, then this new home should also be ok.

If the Canyon Crest Conservancy were really interested in preserving the land, they should have purchased the land when it was available in 2013, or they should try and purchase it from the current owners today. Blocking the development via the planning process strikes me as a way for them to get what they want (undeveloped land) without having to pay market value for it.

My apologies that this email comes to you so late -- I only found out about this project last night, but I can't sit by while individuals who appear to be doing everything 'by the book' are seemingly being railroaded by neighbors with unreasonable objections.

Thank you,
Asad Aboobaker
Altadena, CA

Kristina Kulczycki

From: Karen Wiedman [rashomonster@gmail.com]
Sent: Tuesday, April 05, 2016 11:05 AM
To: Kristina Kulczycki
Subject: R2014-0241

Categories: Red Category

To whom it may concern:

We are writing to you to express our concern about the construction of the new house on Canyon Crest Rd in Altadena.

If construction of this house proceeds during the dry season, it presents hazards to the neighborhood. We have lived on Canyon Crest Rd for almost 25 years. During that time our neighborhood has been evacuated twice. If construction equipment will block the road during fire season it will present a danger to all residents by blocking ingress and egress. We remember spending a night, over 20 years ago, with 35 fire trucks parked on our street for our protection. We were enormously grateful for the vigilance of these firemen and women who came from many different states in the country. If anything, if any equipment, if any people were to have prevented these firemen and women from doing their job, our homes and our lives would've been at risk.

In addition, the removal of the oak trees during the construction of the house will irreparably change the character of the neighborhood. The heritage of this neighborhood is one of low-rise houses surrounded by the natural vegetation of the San Gabriel foothills. The architectural character of this house, the style, the street frontage, the pilings driven into bedrock, is entirely different from its surroundings and sets a precedent that could potentially change our treasured natural surroundings into a San Gabriel version of Silver Lake or the Hollywood Hills.

Thank you.

Karen Wiedman and Ernesto Rodriguez
3640 Canyon Crest Rd, Altadena