Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

September 6, 2016

Paul Sangster
12020 Browns Canyon Road
Chatsworth, CA 91311

REGARDING: **PROJECT NO. R2015-02161-(5)**
OAK TREE PERMIT NO. RPPL 2016001681
12020 BROWNS CANYON ROAD, CHATSWORTH (APN 2821-019-023)

Hearing Officer Alejandro Garcia, by his action of **September 6, 2016,** 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 **September 20, 2016. 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 and any applicable fees 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 and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Richard Claghorn of the Zoning Permits North Section at (213) 974-6443, or by email at rclaghorn@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

Robert Glaser, Supervising Regional Planner
Zoning Permits North Section

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

c: DPW (Building and Safety); Zoning Enforcement North Section

FINDINGS AND ORDER
OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2015-02161-(5)
OAK TREE PERMIT NO. RPPL 2016001681

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing on September 6, 2016 in the matter of Project No. R2015-02161-(5), consisting of Oak Tree Permit ("OTP") No. RPPL 2016001681.

2. The permittee, Paul Sangster ("permittee"), requests an OTP to authorize the encroachment of four trees of the oak genus *(Quercus agrifolia)* for the conversion of an existing horse stable into an accessory storage structure and relocation of a storage shed ("Project") on a property located at 12020 Browns Canyon Road in the unincorporated area of Chatsworth ("Project Site") in the A-2-2 (Heavy Agricultural, two-acre minimum required lot area) Zone pursuant to Los Angeles County ("County") Code Section 22.56.2050. The storage structure and shed are accessory to the existing single-family residence on the parcel.

3. The Project Site is one parcel of 1.59 acres in size, including the area within the Browns Canyon Road easement. The Assessor's Parcel Number ("APN") is 2821-019-023. The Project Site is irregular in shape and is developed with a single-family residence and an accessory horse stable. The topography of the Project Site is relatively flat in the western area of the parcel where the structures are located and slopes downward to Browns Canyon Wash, which flows through the parcel from north to south. The land slopes upward sharply on the east side of the wash.

4. The Project Site is currently zoned A-2-2 and is located in the Chatsworth Zoned District.

5. The Project Site is located within the Rural Land 10 land use category of the Los Angeles County General Plan 2035 ("General Plan") land use policy map.

6. The Project Site is located within the Santa Susana Mountains / Simi Hills Significant Ecological Area ("SEA"). The site is near the eastern boundary of this SEA. However, the Project is exempt from the requirement for an SEA Conditional Use Permit ("CUP") because it involves modifications to accessory buildings and structures. Accessory buildings and structures qualify for an exemption to an SEA CUP pursuant to Section 22.56.215.C of the County Code. The accessory structures already exist, and the changes being proposed to them will not have any significant impacts to any resources within the SEA.

7. Surrounding Zoning within a 500-foot radius includes:

   North: A-2-2
   South: A-2-2 and City of Los Angeles
   East: A-2-2 and City of Los Angeles

West: A-2-2

8. Surrounding land uses within a 500-foot radius include:

   North: Vacant
   South: Vacant, single-family residence
   East: Vacant
   West: Single-family residence

9. The site plan for the Project, which is dated May 9, 2016, depicts a one-story, 2,030 square foot storage structure to be converted from a 1,836 square foot horse stable, a new 705 square foot uncovered deck attached to the storage structure, a 12' x 22' (264 square foot) storage shed which is to be relocated, an existing 2,043 square foot single-family residence and four existing oak trees. The parcel has an area of 1.59 acres. Browns Canyon Road, a private road, runs along the west side of the property, and includes part of the lot area. The residence is in the northwestern part of the parcel and is set back approximately 38 feet from the edge of Browns Canyon Road and approximately 54 feet from the front (west) property line. The horse stable is located to the south of the residence and is set back 25'-6" from the edge of the road, and the shed is further south and is 7'-6" from the west property line. This shed is to be relocated to the northeast, and it will be 22'-8" from the west property line and six feet south of the storage building.

10. An oak tree report dated March 27, 2016 was prepared by McKinley & Associates for the Project Site. This report provides detailed information about each oak tree on the Project Site and recommendations on the protection of the oak trees.

11. Based on the site plan and oak tree report, oak tree # 1 is located northwest of the horse stable and includes an existing water tank and an approximately 77 square foot (7' x 11') shed within its canopy. Oak tree # 1 is located approximately eight feet from the northwest corner of the stable. The trunk is surrounded by a wooden platform with a large hole in it for the trunk. The trunk splits into two at four feet above the ground and each trunk measures 25 inches in diameter at 4.5 feet in height according to the oak tree report. The canopy of oak tree # 1 overhangs the horse stable. Oak trees # 2, 3, and 4 are located to the east of the horse stable and also overhang the horse stable. Oak tree # 2 is a double-trunked tree with a 20" diameter trunk and an 18" diameter trunk, located approximately five feet east of the stable near its north end. Oak tree # 3 has a 36" trunk diameter and is located approximately 10 feet east of the stable at roughly the midpoint of the stable's length. Oak tree # 4 has a 30" trunk diameter, located approximately 10 feet east of the south end of the stable. The shed that is being relocated will encroach into the canopy of this oak tree. The new deck will come within approximately five feet of the trunks of oak trees # 2, 3, and 4.

12. The minimum required yards are 20 feet in the front, 5 feet on the sides and 15 feet in the rear, pursuant to Sections 22.24.130 and 22.20.120 of the County Code. The accessory storage structure which will be converted from the horse stable will be located 25'-6" from the road easement from which the front yard setback is measured. It will be approximately 62 feet from the rear property line, measured from the deck,

101 feet from the south side, and 171 feet from the north side lot line. This accessory storage structure will be in compliance with the required setbacks and applicable development standards. The shed to be relocated will be 22'-8" from the front property line and will be 6 feet from the storage structure.

13. The height of the accessory storage structure will be 12'-8". The maximum height allowed for residences and accessory structures within the A-2 zone is 35 feet, pursuant to Sections 22.24.130 and 22.20.110 of the County Code. The existing shed is approximately 10 feet in height.

14. The proposed accessory storage building and sheds are in compliance with the Development Standards for Accessory Buildings interpretive memo dated August 11, 2008, as well as the applicable development standards of the County Code. The storage structure contains a small 5' x 6' restroom with a toilet and sink. This restroom is accessible only from the outside through a door on the west side of the structure, and is therefore considered separately with respect to the standards of the Accessory Buildings memo. A utility sink is located on the outside of the building on the west side near the restroom. The storage structure contains no interior partitions and no windows, except for a small window for the attached restroom. It contains a sliding garage door and two other doors on the west side leading to the storage area, in addition to the door to the restroom. The only other door is a double door on the rear leading to the deck. The storage/restroom structure will have an enclosed area of 2,030 square feet, which is less than the existing single-family residence, which has an area of 2,043 square feet.

15. The Project Site is accessible via Browns Canyon Road to the west. Ingress and egress to the Project Site is provided by an unpaved gated driveway with access to Browns Canyon Road.

16. The Los Angeles County Forester and Fire Warden ("Forester") issued a letter on July 7, 2016 stating that the oak tree report is accurate and complete as to the location, size, condition and species of oak trees on the site. The Forester's letter includes a list of requirements and conditions of approval.

17. No covered parking spaces currently exist on the Project Site and none are proposed. The storage building has a 12-foot wide garage door and could potentially be utilized as a garage, although the interior building depth is slightly less than 17 feet, and is short of the required 18-foot depth for a standard parking space. However, because the parcel exceeds one acre in size and has a residential use, it is not required to provide any designated parking spaces, pursuant to Section 22.52.1060 of the County Code.

18. The permittee submitted a Site Plan Review application (RPP 201500666) on July 16, 2016. The Site Plan Review is for the conversion of the existing barn into a storage structure accessory to the single-family residence. RPP 201500666 will be reviewed by Regional Planning staff after completion of the OTP to verify that the accessory structures will comply with the requirements of Title 22 of the County Code.

19. On April 20, 2016 a site visit was conducted by County Department of Regional Planning ("Regional Planning") staff. The revised site plan dated May 9, 2016 was found by staff to accurately depict the site conditions.

20. Regional Planning staff determined that the Project qualifies for a Class 3, New Construction or Conversion of Small Structures, categorical exemption from 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 Project involves the conversion of a small accessory structure and relocation of a shed. The Project Site is in an SEA, but the changes to the accessory structures are minor in nature and do not significantly impact any environmental resources, so this exemption is still applicable.

21. Regional Planning staff determined that the Project also qualifies for a Class 4 categorical exemption under CEQA for Minor Alterations to Land. Class 4 consists of minor alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy and mature scenic trees, except for forestry or agricultural purposes. No trees are proposed for removal and the proposed encroachments to the existing oak trees are minor in nature.

22. The property contains an Oak Woodland, as defined by the California Department of Fish and Wildlife Code Section 1361.h and by the *Los Angeles County Oak Woodlands Conservation Management Plan Guide*, but Regional Planning staff has determined that impacts to this resource for the Project are less than significant.

23. No comments have been received from the public at this time.

24. A duly noticed public hearing was held on September 6, 2016 before the Hearing Officer. After a presentation by staff, Carlos Torres, the project representative, spoke in support of the Project, and stated that he had read and agreed with the conditions, and that the permittee also accepted the conditions. There being no further testimony, the Hearing Officer closed the public hearing and approved the project.

25. The Hearing Officer finds that the proposed use is consistent with the General Plan. The project site is located within the Rural Land 10 land use category of the General Plan. This designation is intended for single-family residences with a maximum density of up to one dwelling unit per 10 acres, as well as equestrian and other animal uses, agriculture, and related activities. The Project Site is only 1.59 acres in size, and the density exceeds one unit per 10 acres. However, the parcel was created before this designation was adopted under the current General Plan in 2015 and before the adoption of the 1980 General Plan. It is a legal lot for which a conditional certificate of compliance (CC 2872) was issued in 1980. CC 2872 became unconditional with the clearance of conditions recorded on March 8, 2016. The Project is to convert an existing horse stable structure to storage use accessory to the existing single-family residence and does not increase the number of dwelling units. The Project is therefore consistent with the General Plan.

26. The Hearing Officer finds that the proposed use is consistent with the policies of the General Plan, including General Plan Land Use Policy LU 3.1, which is to "encourage the protection and conservation of areas with natural resources, and SEAs". The existing oak trees are to be preserved. The four oaks being encroached by the Project are already encroached by the existing horse stable structure, and the enclosure of this structure, addition of a deck, and other minor changes are not expected to significantly impact the oak trees. The oak tree permit conditions will help to protect the oak trees and would require mitigation trees if any of the oaks dies as a result of the approved encroachments.

27. The Hearing Officer finds that the proposed use is consistent with General Plan Land Use Policy LU 10.2, which is to "design development adjacent to natural features in a sensitive manner to complement the natural environment." The decks are designed to avoid being too close to the oak tree trunks and the Project is designed to avoid or minimize additional impacts to the oaks.

28. The Hearing Officer finds that the proposed use is consistent with the A-2-2 zoning classification because accessory buildings and structures are permitted as accessory uses in the A-2 zone pursuant to Section 22.24.130 of the County Code. The existing single-family residence is allowed as a permitted use pursuant to Section 22.24.120 of the County Code.

29. The Hearing Officer finds that the Project satisfies the Oak Tree Permit Burden of Proof findings in Section 22.56.2060 of the County Code. The Burden of Proof findings from the County Code are listed in italics, followed by comments regarding each of these findings (29A through 29D).

    A. *The proposed construction of the proposed use will be accomplished without endangering the health of the remaining trees subject to Part 16 of Title 22 of the County Code, on the subject property.*

    No oak trees are to be removed as a result of the Project. The Project appears unlikely to result in harm to any of the existing oak trees, provided the recommendations in the oak tree report are implemented and the OTP conditions are followed.

    B. *The removal of the oak trees proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated.*

    No oak trees are to be removed as a result of the Project. The Project will not significantly affect the drainage patterns or increase runoff or erosion as there will be no expansion of impervious area. No erosion impact to the oaks is anticipated.

    C. *In addition to the above facts, at least one of the following findings apply:*
        1. That the removal or relocation of the oak tree(s) proposed is necessary as continued existence at present location(s) frustrates the planned

improvement or proposed use of the subject property to such an extent that:

a. Alternative development plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive, or

b. Placement of such tree(s) precludes the reasonable and efficient use of such property for a use otherwise authorized, or

2. That the oak tree(s) proposed for removal or relocation interferes with utility services or streets and highways, either within or outside of the subject property, and no reasonable alternative to such interference exists other than removal of the tree(s), or

3. That the condition of the oak tree(s) proposed for removal with reference to seriously debilitating disease or danger or falling is such that it cannot be remedied through reasonable preservation procedures and practices;

No oak trees are to be removed as a result of the Project. The conversion of the horse stable to accessory storage is a reasonable and lawful use, and the encroachments are needed to allow this use. The encroachments already exist and the proposed work is not expected to adversely affect the health of the trees, provided due care is used and the conditions are followed.

D. The removal of the oak trees proposed will not be contrary to or be in substantial conflict with the intent and purpose of the oak tree permit procedure.

No oak trees are to be removed as a result of the Project. The proposed encroachments are minor in nature, are necessary to accomplish a reasonable use of the property, and are not anticipated to result in negative impacts to the oaks.

30. The Hearing Officer finds that mitigation trees of the oak genus must be provided at a ratio of two to one for each oak tree removed for a total of four required mitigation trees, in accordance with the requirement from the Forester and County Code Section 22.56.2180.A.6.

31. The Hearing Officer finds that the proposed Project will not have a substantial adverse effect on the Oak Woodland or any other sensitive natural community. Because the four oak trees are relatively close together and their canopies overlap, they qualify as an oak woodland. The oaks that will be encroached upon by the enclosure and conversion of the existing horse stable are already encroached upon, and the additional work is relatively minor and unlikely to adversely affect the trees, provided the conditions are implemented. Implementation of the conditions in the Forester's letter will protect the oak trees and the integrity of the Oak Woodland.

32. The Hearing Officer finds that the existing conditions of the Oak Woodland on the Project Site fall into the category of moderately degraded, based on staff review of the criteria in the *Los Angeles County Oak Woodlands Conservation Management Plan Guide*. The impact severity of the Project to the Oak Woodland is low. The estimated level of significance of the impacts of the Project is less than significant. The mitigation

measures contained in the letter from the Forester are expected to adequately mitigate potential impacts to the Oak Woodland.

33. The Hearing Officer finds that pursuant to Section 22.56.2130 of the County Code, the community was properly notified of the public hearing by newspaper notice. Additionally, the case materials were available on Regional Planning's website and at the San Fernando Library, the nearest County library to the Chatsworth community. On July 13, 2016, a total of 11 Notices of Public Hearing were mailed to those on the courtesy mailing list for the Chatsworth Zoned District. A notice was sent to the Forester and 4 notices were sent to others requesting notification for Oak Tree Permits.

34. 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 North Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

A. The proposed construction of the proposed use will be accomplished without endangering the health of the remaining trees subject to Part 16 of Title 22 of the County Code, on the subject property.

B. The encroachment of the oak trees proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated.

C. In addition to the above facts, the following finding applies: The encroachment of the oak trees proposed is necessary as continued existence at the present locations frustrates the planned improvement or proposed use of the subject property to such an extent that placement of such trees precludes the reasonable and efficient use of such property for a use otherwise authorized.

D. The encroachment of the oak trees 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 15303 of the State CEQA Guidelines (Class 3, New Construction or Conversion of Small Structures categorical exemption and Class 4, Minor Alterations to Land); and

2. Approves Oak Tree Permit No. RPPL 2016001681, subject to the attached conditions.

ACTION DATE: September 6, 2016

RG:RC
September 6, 2016

c: Zoning Enforcement, Building and Safety

CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2015-02161–(5)
OAK TREE PERMIT NO. RPPL 2016001681

PROJECT DESCRIPTION

The project consists of the encroachment of four trees of the oak genus *(Quercus agrifolia)* for the conversion of an existing horse stable into an accessory storage structure and relocation of a storage shed on a property located at 12020 Browns Canyon Road in the unincorporated area of Chatsworth, subject to the following conditions:

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 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. The permittee shall deposit with the County the sum of **$200.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **one** inspection. The required inspection shall be unannounced.

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

17. This grant shall authorize the encroachment of four trees (#1 through 4) of the oak genus *(Quercus agrifolia)* as shown on the approved Exhibit "A".

18. This permit shall not be effective until a plot plan (RPP 201500666) is approved for the conversion of the horse stable into a storage structure with decks and relocation of the shed, demonstrating the need to encroach upon the said trees.

19. The permittee shall comply with all conditions and requirements contained in the County Forester and Fire Warden, Forestry Division, letter dated July 7, 2016 (attached hereto), to the satisfaction of said Division, except as otherwise required by said Division.

Attachments:

County Forester's Letter dated **July 7, 2016**
Oak Trees: Care and Maintenance Guide

COUNTY OF LOS ANGELES

FIRE DEPARTMENT

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

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

July 7, 2016

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

Dear Mr. Claghorn:

OAK TREE PERMIT NUMBER RPPL 2016001681
PROJECT NUMBER R2015-02161
12020 BROWNS CANYON ROAD, CHATSWORTH

We have reviewed the "Request for Oak Tree Permit #RPPL 2016001681." The project is located at 12020 Browns Canyon Rd. in the unincorporated area of Chatsworth. The Oak Tree Report is accurate and complete as to the location, size, condition and species of the Oak trees on the site. The term "Oak Tree Report" refers to the document on file by McKinley & Associates, the consulting arborist, dated March 27, 2016.

We recommend the following as conditions of approval:

OAK TREE PERMIT REQUIREMENTS:

1. This grant shall not be effective until the permittee and the owner of the property involved (if other than the permittee), have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all conditions of this grant. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.

2. The permittee shall, prior to commencement of the use authorized by this grant, deposit with the County of Los Angeles Fire Department a sum of $300. Such fees shall be used to compensate the County Forester $100 per inspection to cover expenses incurred while inspecting the project to determine the permittee's compliance with the conditions of

approval. The above fees provide for one (1) initial inspection prior to the commencement of construction and two subsequent inspections until the conditions of approval have been met. The Director of Regional Planning and the County Forester shall retain the right to make regular and unannounced site inspections.

3. Before commencing work authorized or required by this grant, the consulting arborist shall submit a letter to the Director of Regional Planning and the County of Los Angeles Fire Department's Forestry Division stating that he or she has been retained by the permittee to perform or supervise the work, and that he or she agrees to report to the Director of Regional Planning and the County Forester, any failure to fully comply with the conditions of the grant. The arborist shall also submit a written report on permit compliance upon completion of the work required by this grant. The report shall include a diagram showing the exact number and location of all mitigation trees planted as well as planting dates.

4. The permittee shall arrange for the consulting arborist or a similarly qualified person to maintain all remaining Oak trees on the subject property that are within the zone of impact as determined by the County Forester for the life of the Oak Tree Permit or the Conditional Use Permit.

5. The permittee shall install temporary chain-link fencing, not less than four (4) feet in height, to secure the protected zone of all remaining Oak trees on site as necessary. The fencing shall be installed prior to grading or tree removal, and shall not be removed without approval of the County Forester. The term "protected zone" refers to the area extending five (5) feet beyond the drip line of the Oak tree (before pruning), or fifteen (15) feet from the trunk, whichever is greater.

6. Copies of the Oak Tree Report, Oak tree map, mitigation planting plan and conditions of approval shall be kept on the project site and available for review. All individuals associated with the project as it relates to the Oak resource shall be familiar with the Oak Tree Report, Oak tree map, mitigation planting plan and conditions of approval.

PERMITTED OAK TREE ENCROACHMENT:

7. This grant allows encroachment within the protected zone of four (4) trees of the Oak genus identified as Tree Number 1, 2, 3, and 4 on the applicant's site plan and Oak Tree Report. Trenching, excavation, or clearance of vegetation within the protected zone of an Oak tree shall be accomplished by the use of hand tools or small hand-held power tools. Any major roots encountered shall be conserved and treated as recommended by the consulting arborist.

8. In addition to the work expressly allowed by this permit, remedial pruning intended to ensure the continued health of a protected Oak tree or to improve its appearance or structure may be performed. Such pruning shall include the removal of deadwood and stubs and medium pruning of branches two-inches in diameter or less in accordance with the guidelines published by the National Arborist Association. Copies of these guidelines

are available from the County of Los Angeles Fire Department, Forestry Division. In no case shall more than 20% of the tree canopy of any one tree be removed.

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

MITIGATION TREES:

10. The permittee shall provide mitigation trees of the Oak genus at a rate of two to one (2:1) for any tree specified above, that dies as a result of the approved encroachments.

11. Each mitigation tree shall be at least a 15-gallon specimen in size and measure one (1) inch or more in diameter one (1) foot above the base. Free form trees with multiple stems are permissible provided the combined diameter of the two (2) largest stems of such trees measure a minimum of one (1) inch in diameter one (1) foot above the base.

12. Mitigation trees shall consist of indigenous varieties of *Quercus agrifolia*, grown from a local seed source.

13. Mitigation trees shall be planted within one (1) year of the permitted Oak tree removals. Mitigation trees shall be planted either on site or at an off-site location approved by the County Forester. Alternatively, a contribution to the County of Los Angeles Oak Forest Special Fund may be made in the amount equivalent to the Oak resource loss. The contribution shall be calculated by the consulting arborist and approved by the County Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."

14. The permittee shall properly maintain each mitigation tree and shall replace any tree failing to survive due to a lack of proper care and maintenance with a tree meeting the specifications set forth above. The two-year maintenance period will begin upon receipt of a letter from the permittee or consulting arborist to the Director of Regional Planning and the County Forester, indicating that the mitigation trees have been planted. The maintenance period of the trees failing to survive two (2) years will start anew with the new replacement trees. Subsequently, additional monitoring fees shall be required.

15. All mitigation Oak trees planted as a condition of this permit shall be protected in perpetuity by the Los Angeles County Oak Tree Ordinance once they have survived the required maintenance period.

NON-PERMITTED ACTIONS AND VIOLATIONS:

16. Encroachment within the protected zone of any additional tree of the Oak genus on the project site is prohibited.

17. Should encroachment within the protected zone of any additional tree of the Oak genus on the project site not permitted by this grant result in its injury or death within two (2) years, the permittee shall be required to make a contribution to the Los Angeles County Oak Forest Special Fund in the amount equivalent to the Oak resource damage/loss. Said contribution shall be calculated by the consulting arborist and approved by the County Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."

18. No planting or irrigation system shall be installed within the drip line of any Oak tree that will be retained.

19. Utility trenches shall not be routed within the protected zone of an Oak tree unless the serving utility requires such locations.

20. Equipment, materials and vehicles shall not be stored, parked, or operated within the protected zone of any Oak tree. No temporary structures shall be placed within the protected zone of any Oak tree.

21. Violations of the conditions of this grant shall result in immediate work stoppage or in a notice of correction depending on the nature of the violation. A time frame within which deficiencies must be corrected will be indicated on the notice of correction.

22. Should any future inspection disclose that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be held financially responsible and shall reimburse the County of Los Angeles Fire Department, Forestry Division, for all enforcement efforts necessary to bring the subject property into compliance.

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

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

Very truly yours,

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

JL:jl

Enclosure