

Hearing Officer Transmittal Checklist

Hearing Date
04/19/2016
Agenda Item No.
7

Case(s): Oak Tree Permit No. RPPL2015000333-(5)
Planner: Thuy Hua

- Project Summary
- Property Location Map
- Staff Analysis
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions + Other department letters of recommended conditions
- Previous CUP Conditions of Approval
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use/Zoning Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans
- Findings and conditions of Previous permit

Reviewed By:  _____



Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012

PROJECT NUMBER
 RPPL2015000333-(5)

HEARING DATE
 April 19, 2016

REQUESTED ENTITLEMENTS
 Oak Tree Permit
 Environmental Assessment

PROJECT SUMMARY

OWNER / APPLICANT

Eric & Donna Gierst

MAP/EXHIBIT DATE

2/10/16

PROJECT OVERVIEW

The applicant is requesting an Oak Tree Permit to authorize the encroachment into the protected zone of eleven (11) oak trees in association with the development of a 3,362-square foot single-family residence and associated access driveway, concurrently processed through Plot Plan No. RPPL2016000718, pursuant to Los Angeles County Code Section 22.56.2060. All oak trees are identified as Coast Live Oak (*Quercus agrifolia*) in an oak tree report dated December 22, 2016, prepared by Donna Gierst. The following oak trees will be impacted: Oak Trees No. 1, 2, 3, 8, 9, 13, 14, 16, 19, 24, and 36. The site is located within the Angeles National Forest.

LOCATION

15225 Calle Los Hidalgos, Green Valley

ACCESS

Calle Los Hidalgos

ASSESSORS PARCEL NUMBER(S)

3228-022-028

SITE AREA

1.02 Acres

GENERAL PLAN / LOCAL PLAN

Antelope Valley Area Plan

ZONED DISTRICT

Bouquet Canyon

LAND USE DESIGNATION

H9 (Residential 9)

ZONE

R-1 (Single-Family Residence)

PROPOSED UNITS

1 dwelling unit

MAX DENSITY/UNITS

9 dwelling units / acre

COMMUNITY STANDARDS DISTRICT

N/A

ENVIRONMENTAL DETERMINATION (CEQA)

Class 4 Categorical Exemption – Minor Alterations to Land

KEY ISSUES

- Consistency with the Antelope Valley Area Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - 22.56.2100 (Oak Tree Permit Burden of Proof Requirements)

CASE PLANNER:

Thuy Hua

PHONE NUMBER:

(213) 974 - 6443

E-MAIL ADDRESS:

thua@planning.lacounty.gov



Property Location Map

RPPL2015000333

Printed: Apr 04, 2016

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ENTITLEMENTS REQUESTED

- Oak Tree Permit (OTP) for the encroachment within the protected zone of eleven (11) oak trees (Oak Trees No. 1, 2, 3, 8, 9, 13, 14, 16, 19, 24, and 36), with no removal of oak trees, in the R-1 (Single-Family Residence) Zone pursuant to Part 16 of 22.56 of the County Code.

PROJECT DESCRIPTION

The project consists of the encroachment within the protected zone of 11 oak trees to construct a new single-family residence concurrently being processed through Plot Plan Number RPPL2016000718. A total of thirty-seven (37) oak trees are located on the site and identified as *Quercus agrifolia*, commonly known as Coast Live Oak, in an oak tree report dated December 22, 2015, prepared by Donna Gierst.

The site plan depicts a new 3,362 square foot two-story single-family residence with attached two car garage, a deck, septic system, and an existing private well. The property slopes upward from west to east with an elevation of 3,035 feet at the lowest part of the property to 3,095 feet at the highest part of the property. All oak trees are clustered on the northern and western side of the property. The proposed single-family residence is located on the eastern side. No parts of the physical structure encroach into the protected zone of any oak trees and no oak trees will be removed. The proposed driveway will encroach upon Oak Trees No. 1, 2, 3, 8, 9, 24, and 36; the septic system on Oak Trees No. 1, 8, 9, 13, 14, 16, and 19; and utility lines will encroach upon Oak Tree No. 1. Primary access is via a driveway from Calle Los Hidalgos, a 30-foot wide road.

EXISTING ZONING

The subject property is zoned R-1.

Surrounding properties are zoned as follows:

North: R-1
South: R-1
East: R-1, W (Watershed)
West: R-1

EXISTING LAND USES

The subject property is undeveloped.

Surrounding properties are developed as follows:

North: Single-family residences
South: Vacant, single-family residences
East: Vacant, Angeles National Forest
West: Vacant, single-family residences

PREVIOUS CASES/ZONING HISTORY

Ordinance No. 7361 was adopted by the Board of Supervisors on July 1, 1958, which established the zoning of the property to R-1-7,500 (Single-Family Residence with a

7,500 Square Foot Minimum Required Lot Size). Ordinance No. 2015-0021Z was adopted by the Board of Supervisors on June 16, 2015, which changed the zoning of the property to R-1 (Single-Family Residence).

Oak Tree Permit Number 201200015 was approved on September 18, 2012, and authorized the encroachment into the protected zone of 11 oak trees, with no removal of oak trees for the development of a single-family residence. Plot Plan Number 200800994 was approved on September 18, 2012 and authorized the development of a single-family residence. Both authorizations expired two years from the date of approval. Neither authorizations were initiated and have since expired, requiring re-authorization.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 4 Exemption, Minor Alterations to Land) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The Class 4 Categorical Exemption allows for minor alternations to vegetation which do not involve the removal of mature scenic trees except for forestry and agricultural purposes. The protected zone of 11 oak trees will be encroached upon, but not removed, for the development of a single-family residence, which is a permitted use in the R-1 Zone. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the H9 (Residential 9) land use category of the Antelope Valley Area Plan. This designation is intended for the development of single-family residences at a density of up to 9 dwelling units per net acre of land. The encroachment into the protected zone of the 11 oak trees is for the development of a single-family residence on a 1.02 acre site and is therefore consistent with the permitted use of the underlying land use category.

The following policies of the General Plan are applicable to the proposed project:

- *Policy LU 6.1, Page 88: Protect rural communities from the encroachment of incompatible development that conflict with existing land use patterns and service standards.*
- *Policy LU 6.2, Page 88: Encourage land uses and developments that are compatible with the natural environment and landscape.*
- *Policy LU 10.2, Page 90: Design development adjacent to natural features in a sensitive manner to complement the natural environment.*

The project protects rural community character by requiring the analysis of impacts to the 11 oak trees that the proposed single-family residence will encroach upon. As it is located in a rural area with many oak trees, the project will maintain the

character of the existing community by not removing any oak trees and developing the single-family residence in a sensitive manner that takes the existing landform and oak trees into consideration.

The following policy of the Antelope Valley Area Plan is applicable to the proposed project:

- *Policy COS 16.1, Page COS-10: Except within Economic Opportunity Areas, require new development to minimize removal of native vegetation. Discourage the clear-scraping of land and ensure that a large percentage of land is left in its natural state.*

The design of the proposed single-family residence sites the structure away from the clusters of oak trees and avoids the removal of any oak trees, thus preserving and maintaining the existing oak trees.

Zoning Ordinance and Development Standards Compliance

Pursuant to Section 22.56.2060 of the County Code, a person shall not cut, destroy, remove, relocate, inflict damage or encroach into a protected zone of any tree of the oak genus which is (a) 25 inches or more in circumference (eight inches in diameter) as measured four and one-half feet above mean natural grade; in the case of an oak with more than one trunk, whose combined circumference of any two trunks is at least 38 inches (12 inches in diameter) as measured four and one half feet above mean natural grade, on any lot or parcel of land within the unincorporated area of Los Angeles County unless an oak tree permit is first obtained as provided by this Part 16.

The procedure set forth in the County code recognizes oak trees as significant historical, aesthetic, and ecological resources, and preserves the character of the communities in which oak trees exist. The OTP procedure creates favorable conditions for the preservation and propagation of this unique, threatened plant heritage, particularly those trees which may be classified as heritage oak trees, for the benefit of current and future residents of Los Angeles County. It is the intent of the OTP to maintain and enhance the general health, safety, and welfare by assisting in counteracting air pollution and in minimizing soil erosion and other related environmental damage. The OTP is also intended to preserve and enhance property values by conserving and adding to the distinctive and unique aesthetic character of many areas of Los Angeles County in which oak trees are indigenous. The stated objective of the OTP is to preserve and maintain healthy oak trees in the development process. Pursuant to the OTP process, a public hearing is required for the encroachment of the subject 11 oak trees.

Pursuant to Section 22.20.070 of the County Code, establishments in the R-1 Zone are subject to the following development standards:

- **Height limits:** Every residence and every other building or structure in Zone R-1 shall have a height of not to exceed 35 feet above grade, except for chimneys and rooftop antennas.

- Yard requirements: Each lot or parcel of land shall have a front yard of not less than 20 feet in depth. Each lot or parcel of land shall have corner side yards of not less than: 10 feet on a reversed corner lot or 5 feet on other corner lots. Each lot or parcel of land shall have interior side yards of not less than 5 feet. Each lot or parcel of land shall have a rear yard of not less than 15 feet in depth.

The proposed single-family residence will meet these County Code requirements. The maximum height of the structure will be 27'-3". The proposed front yard setback will be 65 feet, with an additional 5-foot-wide future road street dedication, reducing the required front yard to 60 feet. The proposed side yard setback will be 90 feet on the west side and 16 feet on the east side. The proposed rear yard setback will be 100 feet.

An additional 5 feet is required for future street dedication in the eastern side yard and southern front yard. Calle El Jardin, located along the eastern boundary of the property, and Calle Los Hidalgos, located along the southern boundary of the property, are public rights-of-way. The existing road right-of-way width for both streets is 30 feet, with a planned right-of-way width of 50 feet for Calle Los Hidalgos and 54 feet for Calle El Jardin. Due to the limited building setback of the neighboring properties and the future development patterns of the surrounding neighborhood, the Department of Public Works in a letter dated March 11, 2009 recommended the required width for both streets be reduced to 40 feet. This means an additional future dedication of 5-foot-wide is required for Calle El Jardin and Calle Los Hidalgos.

Neighborhood Impact/Land Use Compatibility

The intended single-family residence use is consistent with the existing zoning, land use category, and neighborhood pattern. None of the oak trees on the site will be removed, and thus the impact on the neighborhood will be minimal. The plan for development of the single-family residence is in full conformance with the standards in the zone and is typical of development in the area. The damage to the oak trees will be limited to the encroachment within the protected zone of the oak trees for excavation and paving with decomposed granite, and the development of a septic leach field. In summary, the burden of proof is met because no removals will occur. Therefore, the existing project is not, and will not be, a detriment to the surrounding community.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 21.56.2100 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

The County Forester and Fire Warden reviewed the permit application and cleared the project for hearing, with recommended conditions.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Section 22.56.2130 of the County Code, the community was appropriately notified of the public hearing by newspaper and DRP website posting.

PUBLIC COMMENTS

Staff has not received any comments at this time.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Oak Tree Permit Number RPPL2015000333, subject to the attached conditions.

SUGGESTED APPROVAL MOTION:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.

I, THE HEARING OFFICER, APPROVE OAK TREE PERMIT NUMBER RPPL2015000333 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Thuy Hua, Senior Regional Planner, Zoning Permits North Section
Reviewed by Robert Glaser, Supervising Regional Planner, Zoning Permits North Section

Attachments:

- Letter from the Department of Public Works dated March 11, 2009
- Draft Findings
- Draft Conditions of Approval
- Applicant's Burden of Proof statement
- Site Photographs
- Aerial Image
- Site Plan
- Land Use Map

RG:TH
4/7/16

PPP 200800994



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

GAIL FARBER, Director

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

March 11, 2009

IN REPLY PLEASE
REFER TO FILE: LD-1

Ms. Donna Gierst
38423 Calle El Jorando
Green Valley, CA 91305

Dear Ms. Gierst:

**CALLE EL JARDIN LOTS 5, 6, 8, 9, AND 10
ASSESSOR'S MAP BOOK NO. 6078, PAGE 021, PARCEL 010
ROAD RIGHT-OF-WAY WAIVER REQUEST ON CALLE EL JARDIN
AND CALLE LOS HIDALGOS**

We reviewed your request to reduce the future right-of-way width required on Calle El Jardin and Calle Los Hidalgos for the subject property.

The existing road right-of-way width for both streets is 30 feet, with a planned right-of-way width of 50 feet for Calle Los Hidalgos and 54 feet for Calle El Jardin. At the subject location, under current County standards, we would require an additional 10-foot-wide strip for Calle Los Hidalgos and 12-foot-wide strip Calle El Jardin.

However, due to the limited building setback of the neighboring properties and the future development patterns of the surrounding neighborhood, we recommend that the required width for both streets be reduced to 40 feet. This means an additional future dedication of 5-foot-wide is required for Calle El Jardin and Calle Los Hidalgos.

A copy of this letter has been sent to our Building and Safety Division (Antelope Valley District office) and the Department of Regional Planning.

A modification to your building setback of the subject property may be required. You may request a building setback modification from the Department of Regional Planning. For more information, please contact Ms. Nooshin Paidar of the Department of Regional Planning at (213) 974-6470.

Ms. Donna Gierst
March 11, 2009
Page 2

If you have any questions or require additional information, please contact Mr. Ruben Cruz or Mrs. Letty Schleikorn at (626) 458-4910.

Very truly yours,

GAIL FARBER
Director of Public Works



for

DENNIS HUNTER, PLS PE
Assistant Deputy Director
Land Development Division

RC:ca
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cc: Department of Regional Planning (Nooshin Paidar)

**DRAFT FINDINGS AND ORDER
OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
OAK TREE PERMIT NO. RPPL2015000333**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Oak Tree Permit No. RPPL2015000333 ("OTP") on April 19, 2016.
2. The permittee, Eric and Donna Gierst ("permittee"), requests the OTP to authorize the encroachment into the protected zone of eleven (11) oak trees, with no removal of oak trees ("Project"), located at 15225 Calle Los Hidalgos (APN: 3228-022-028) in the unincorporated community of Green Valley ("Project Site") in the R-1 (Single Family Residential) zone pursuant to Part 16 of Chapter 22.56 of the Los Angeles County Code ("County Code").
3. The Project Site is 1.02 gross acres in size and consists of one legal lot. The Project Site is irregular in shape with sloping topography and is undeveloped.
4. The Project Site is located in the Bouquet Canyon Zoned District and is currently zoned R-1.
5. The Project Site is located within the H9 (Residential 9) land use category of the Antelope Valley Area Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
 - North: R-1
 - South: R-1
 - East: R-1, W (Watershed)
 - West: R-1
7. Surrounding land uses within a 500-foot radius include:
 - North: Single-family residences
 - South: Vacant, single-family residences
 - East: Vacant, Angeles National Forest
 - West: Vacant, single-family residences
8. Ordinance No. 7361 was adopted by the Board of Supervisors on July 1, 1958, which established the zoning of the property to R-1-7,500 (Single-Family Residence with a One Acre minimum Required Lot Size). Ordinance No. 2015-0021Z was adopted by the Board of Supervisors on June 16, 2015 which changed the zoning of the property to R-1 (Single-Family Residence). Oak Tree Permit Number 201200015 was approved on September 18, 2012, and authorized the encroachment into the protected zone of 11 oak trees, with no removal of oak trees for the development of a single-family residence. Plot Plan Number 200800994 was

approved on September 18, 2012 and authorized the development of a single-family residence. Both authorizations expired two years from the date of approval. Neither authorizations were initiated and have since expired, requiring re-authorization.

9. The site plan for the Project depicts a new 3,362 square foot two-story single-family residence with attached two car garage, a deck, septic system, and an existing private well. The property slopes upward from west to east with an elevation of 3,035 feet at the lowest part of the property to 3,095 feet at the highest part of the property. All oak trees are clustered on the northern and western side of the property. The proposed single-family residence is located on the eastern side. No parts of the physical structure encroach into the protected zone of any oak trees and no oak trees will be removed. The proposed driveway will encroach upon Oak Trees No. 1, 2, 3, 8, 9, 24, and 36; the septic system on Oak Trees No. 1, 8, 9, 13, 14, 16, and 19; and utility lines will encroach upon Oak Tree No. 1.
10. The Project Site is accessible via Calle Los Hidalgos to the west and Calle El Jardin to the east. Primary access to the Project Site will be via an entrance/exit on Calle Los Hidalgos. Secondary access to the Project Site will be via an entrance/exit on Calle El Jardin.
11. A total of thirty-seven (37) oak trees are located on the site and identified as *Quercus agrifolia*, commonly known as Coast Live Oak, in an oak tree report dated December 22, 2015, prepared by Donna Gierst. Of the 37 oak trees, the protected zone of 11 oak trees will be encroached upon.
12. The County Forester and Fire Warden reviewed the Project and cleared it for hearing in a letter dated February 24, 2016, with recommended conditions. The County Fire Department reviewed and approved the fuel modification plan related to the Project in a letter dated January 12, 2016.
13. Prior to the Hearing Officer's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 4, Minor Alternations to Land, 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 involved the encroachment into the protected zone of 11 oak trees, with no removals, in connection with the development of a single-family residence. The Class 4 categorical exemption consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. As such, the project will not have a significant effect on the environment and is not an exception to this categorical exemption.
14. Prior to the Hearing Officer's public hearing, the Department of Regional Planning staff received no comments.
15. **[Hearing Proceedings]**

16. The Hearing Officer finds that the proposed use is consistent with the policies of the General Plan and Antelope Valley Area Plan. The project site is located within the H9 (Residential 9) land use category of the Antelope Valley Area Plan. This designation is intended for the development of single-family residences at a density of up to 9 dwelling units per net acre of land. The encroachment into the protected zone of the 11 oak trees is for the development of a single-family residence on a 1.02 acre site and is therefore consistent with the permitted use of the underlying land use category. General Plan Policy LU 6.1 (Page 88) encourages the protection of rural communities from the encroachment of incompatible development that conflict with existing land use patterns and service standards. General Plan Policy LU 6.2 (Page 88) encourages land uses and developments that are compatible with the natural environment and landscape. General Plan Policy LU 10.2 (Page 90) encourages the design of development adjacent to natural features in a sensitive manner to complement the natural environment. The project protects rural community character by requiring the analysis of impacts to the 11 oak trees that the proposed single-family residence will encroach upon. As it is located in a rural area with many oak trees, the project will maintain the character of the existing community by not removing any oak trees and developing the single-family residence in a sensitive manner that takes the existing landform and oak trees into consideration. Antelope Valley Area Plan Policy COS 16.1 (Page COS-10) discourages the clear-scraping of land and ensure that a large percentage of land is left in its natural state. The design of the proposed single-family residence sites the structure away from the clusters of oak trees and avoids the removal of any oak trees, thus preserving and maintaining the existing oak trees.
17. The Hearing Officer finds that the proposed use is consistent with the R-1 zoning classification because the single-family residence is permitted in the R-1 Zone pursuant to Section 22.20.070 of the County Code.
18. The Hearing Officer finds that the proposed use comply with the single-family residence development standards and height limit as required by Sections 22.20.105 and 22.20.110 of the County Code. The maximum height allowed is 35 feet and the proposed single-family residence is 27'-3".
19. The Hearing Officer finds that the proposed single-family residence complies with the minimum yard requirements of Section 22.20.120 of the County Code. The proposed front yard setback will be 65 feet, with an additional 5-foot-wide future road street dedication, reducing the required front yard to 60 feet. The proposed side yard setback will be 90 feet on the west side and 16 feet on the east side. The proposed rear yard setback will be 100 feet. An additional 5 feet is required for future street dedication in the eastern side yard and southern front yard. Calle El Jardin, located along the eastern boundary of the property, and Calle Los Hidalgos, located along the southern boundary of the property, are public rights-of-way. The existing road right-of-way width for both streets is 30 feet, with a planned right-of-way width of 50 feet for Calle Los Hidalgos and 54 feet for Calle El Jardin. Due to the limited building setback of the neighboring properties and the future development patterns of the surrounding neighborhood, the Department of Public Works in a letter

dated March 11, 2009 recommended the required width for both streets be reduced to 40 feet. This means an additional future dedication of 5-foot-wide is required for Calle El Jardin and Calle Los Hidalgos.

20. 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 mail and newspaper. Additionally, the Project was noticed and case materials were available on Regional Planning's website. On March 3, 2016, a total of 24 Notices of Public Hearing were mailed to those on the courtesy mailing list for the Bouquet Canyon Zoned District and to any additional interested parties.
21. The Hearing Officer finds that approval of this Oak Tree Permit, requiring adherence to the conditions of this permit, as well as the County Forester's conditions, will ensure that the proposed development will be accomplished without endangering the health of the oak trees.
22. The Hearing Officer finds that pursuant to County Code Section 22.56.2140, a copy of the applicant's oak tree report as required by Section 22.56.2090 was sent to the County Forester to review the accuracy of the statements contained therein, and to inspect the project site. The County Forester concurred with the oak tree report submitted by the applicant and supports the approval of the Oak Tree Permit, subject to conditions. Therefore, the proposed construction and encroachment into the protected zone of the subject 11 oak trees will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated.
23. The Hearing Officer finds that pursuant to the oak tree report submitted by the applicant and verified by the County Forester that the building footprint of the single-family residence avoids encroachment into the protected zones of any oak trees. However, the location of the driveway, septic system, and utility lines has been sited in a manner to minimize the number of oak trees it encroaches upon but is unable to completely avoid encroachment. Therefore, the proposed encroachment into the protected zone of the oak trees is necessary as the current location 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.
24. The Hearing Officer finds that the Project avoids removal of any oak trees and has complied with the requirements of the Oak Tree Permit procedure as outlined in Part 16 of Chapter 22.56 of the County Code. Therefore, the proposed encroachment into the protected zone 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.
25. 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:

26. The proposed construction will be accomplished without endangering the health of the remaining trees subject to Part 16 of Chapter 22.56, on the subject property.
27. The removal or relocation of the oak tree(s) proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated.
28. The proposed encroachment into the protected zone of the oak trees is necessary as the current location 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.
29. The proposed encroachment into the protected zone 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 15304 of the State CEQA Guidelines (Class 4, Minor Alterations to Land categorical exemption); and
2. Approves Oak Tree Permit No. RPPL2015000333, subject to the attached conditions.

ACTION DATE: APRIL 19, 2016

RG:TH
4/7/16

c: Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
OAK TREE PERMIT NO. RPPL2015000333**

PROJECT DESCRIPTION

The project is a request to authorize the encroachment into the protected zone of eleven (11) oak trees (Oak Trees No. 1, 2, 3, 8, 9, 13, 14, 16, 19, 24, and 36), identified as *Quercus agrifolia*, commonly known as Coast Live Oak, in an oak tree report dated December 22, 2015, prepared by Donna Gierst to construct a new single-family residence concurrently being processed through Plot Plan Number RPPL2016000718 subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and until all required monies have been paid pursuant to Condition No. 9 and the attached County Forester's letter dated February 24, 2015. 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. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. 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 (1) inspection. Inspections shall be unannounced and may be coordinated with the County Forester.

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 additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current

recovery cost at the time any additional inspections are required, whichever is greater.

10. 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.
11. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
12. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
13. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
14. 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.

PERMIT SPECIFIC CONDITIONS – OAK TREE PERMIT

15. This grant shall authorize the encroachment within the protected zones of eleven (11) oak trees (Oak Trees No. 1, 2, 3, 8, 9, 13, 14, 16, 19, 24, and 36) of the oak genus *Quercus agrifolia*, commonly known as Coast Live Oak, as shown on the approved site plan (Exhibit A).
16. This permit shall not be effective until a plot plan is approved for the construction of the 3,362 square foot single-family residence, demonstrating the need to encroach upon the said trees.
17. The permittee shall comply with all conditions and requirements contained in the County of Los Angeles Forester and Fire Warden, Forestry Division letter dated February 24, 2016 (attached hereto), to the satisfaction of said Division, except as otherwise required by said Division.
18. At the start of grading operations and throughout the entire period of development, no person shall perform any work for which an oak tree permit is required unless a copy of the oak tree report, location map, fencing plans, and approved oak tree

permit and conditions are in the possession of a responsible person and also available at the site.

Attachments:

County Forester's Letter dated February 24, 2016



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

February 24, 2016

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

Dear Thuy Hua:

OAK TREE PERMIT NUMBER 2015-000333
PROJECT NUMBER RPPL 2015-000333
15225 CALLE LOS HIDALGOS, GREEN VALLEY

We have reviewed the "Request for Oak Tree Permit #2015-000333." The project is located at 15225 Calle Los Hidalgos in the unincorporated area of Green Valley. 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 Donna Gierst, the consulting arborist, dated December 22, 2015.

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

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS	CALABASAS	DIAMOND BAR	HIDDEN HILLS	LA MIRADA	MALIBU	POMONA	SIGNAL HILL
ARTESIA	CARSON	DUARTE	HUNTINGTON PARK	LA PUENTE	MAYWOOD	RANCHO PALOS VERDES	SOUTH EL MONTE
AZUSA	CERRITOS	EL MONTE	INDUSTRY	LAKEWOOD	NORWALK	ROLLING HILLS	SOUTH GATE
BALDWIN PARK	CLAREMONT	GARDENA	INGLEWOOD	LANCASTER	PALMDALE	ROLLING HILLS ESTATES	TEMPLE CITY
BELL	COMMERCE	GLENORA	IRWINDALE	LAWNDALE	PAI OS VFRDES ESTATES	ROSEMEAD	WALNUT
BELL GARDENS	COVINA	HAWAIIAN GARDENS	LA CANADA FLINTRIDGE	LOMITA	PARAMOUNT	SAN DIMAS	WEST HOLLYWOOD
BELLFLOWER	CUDAHY	HAWTHORNE	LA HABRA	LYNWOOD	PICO RIVERA	SANTA CLARITA	WESTLAKE VILLAGE
BRADBURY							WHITTIER

- approval. The above fees provide for one (1) initial inspection prior to the commencement of construction and two (2) subsequent inspections until the conditions of approval have been met. The Director of Regional Planning and the County Forester shall retain the right to make regular and unannounced site inspections.
3. Before commencing work authorized or required by this grant, the consulting arborist shall submit a letter to the Director of Regional Planning and the County of Los Angeles Fire Department, Forestry Division, stating that he or she has been retained by the permittee to perform or supervise the work, and that he or she agrees to report to the Director of Regional Planning and the County Forester, any failure to fully comply with the conditions of the grant. The arborist shall also submit a written report on permit compliance upon completion of the work required by this grant. The report shall include a diagram showing the exact number and location of all mitigation trees planted as well as planting dates.
 4. The permittee shall arrange for the consulting arborist or a similarly qualified person to maintain all remaining Oak trees on the subject property that are within the zone of impact, as determined by the County Forester for the life of the Oak Tree Permit or the Conditional Use Permit.
 5. The permittee shall install temporary chainlink fencing, not less than four (4) feet in height, to secure the protected zone of all remaining Oak trees on site, as necessary. The fencing shall be installed prior to grading or tree removal, and shall not be removed without approval of the County Forester. The term "protected zone" refers to the area extending five (5) feet beyond the dripline of the Oak tree (before pruning), or fifteen (15) feet from the trunk, whichever is greater.
 6. Copies of the Oak Tree Report, Oak tree map, mitigation planting plan and conditions of approval, shall be kept on the project site and available for review. All individuals associated with the project as it relates to the Oak resource shall be familiar with the Oak Tree Report, Oak tree map, mitigation planting plan and conditions of approval.

PERMITTED OAK TREE ENCROACHMENT:

7. This grant allows encroachment within the protected zone of eleven (11) trees of the Oak genus identified as Tree Numbers 1, 2, 3, 8, 9, 13, 14, 16, 19, 24 and 36 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 dripline of any Oak tree that will be retained.
19. Utility trenches shall not be routed within the protected zone of an Oak tree unless the serving utility requires such locations.
20. Equipment, materials and vehicles shall not be stored, parked, or operated within the protected zone of any Oak tree. No temporary structures shall be placed within the protected zone of any Oak tree.
21. Violations of the conditions of this grant shall result in immediate work stoppage or in a notice of correction depending on the nature of the violation. A time frame within which deficiencies must be corrected will be indicated on the notice of correction.
22. Should any future inspection disclose that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be held financially responsible and shall reimburse the County of Los Angeles Fire Department, Forestry Division, for all enforcement efforts necessary to bring the subject property into compliance.

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

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

Very truly yours,



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

JL:jl

Enclosure



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



OAK TREE PERMIT BURDEN OF PROOF

Please identify the number of oak trees proposed for:

0 Removal 11 Encroachment 37 To Remain 37 Total existing oak trees

Pursuant to Zoning Code Section 22.56.2100, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the proposed construction or proposed use will be accomplished without endangering the health of the remaining trees subject to Part 16 of Chapter 22.56, if any, on the subject property.

All proposed construction will adhere to the County's Oak Tree Ordinance.

B. That the removal or relocation of the oak tree(s) proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated.

No Oak Trees will be removed.

C. That in addition to the above facts, at least one of the following findings must apply:

1. That the removal of 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. Alternate 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 interfere with utility service 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 oak tree(s) proposed for removal, with reference to seriously debilitating disease or danger of falling, is such that it cannot be remedied through reasonable preservation procedures and practices.

No Oak Trees will be removed.

D. That the removal of the oak tree(s) 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 will be removed.

APN# 3228-022-028

Lots 5, 6, 7, 8, 9 & 10 of Block 13, Tract 6647, Vacated Alley and Lot 10 of Block 10, Tract 6647
GIERST single family residence



Oak Tree # 1 (3 trunks)
-Image 1, looking North-



Oak Trees # 3, 2, 7 (above) and # 4 (lf to rt)
-Image 2, looking East-

APN# 3228-022-028

Lots 5, 6, 7, 8, 9 & 10 of Block 13, Tract 6647, Vacated Alley and Lot 10 of Block 10, Tract 6647
GIERST single family residence



Oak Tree # 4 (in foreground)
With Trees # 5 (2 trunks) and #6 above
-Image 3, looking South/East-



Oak Trees # 3, #4 (in back middle) and # 2
-Image 4, looking South-

APN# 3228-022-028

Lots 5, 6, 7, 8, 9 & 10 of Block 13, Tract 6647, Vacated Alley and Lot 10 of Block 10, Tract 6647
GIERST single family residence

Oak trees # 5 (2 trunks) and # 6 (above rt)

-Image 5, looking South/East-



Oak tree # 7 -Image 6, looking East-

APN# 3228-022-028

Lots 5, 6, 7, 8, 9 & 10 of Block 13, Tract 6647, Vacated Alley and Lot 10 of Block 10, Tract 6647
GIERST single family residence



Oak trees #9 and #8 (left to right)

-Image 7, looking East-



Oak trees # 10 – Image 8, looking East-
with # 16, 19, 17, 31, 30, and 25-28 (l to r rear)

APN# 3228-022-028

Lots 5, 6, 7, 8, 9 & 10 of Block 13, Tract 6647, Vacated Alley and Lot 10 of Block 10, Tract 6647
GIERST single family residence



Oak trees # 12 (two trunks), # 11, and # 13
With # 17 (3 trunks) and # 19 in right rear
-Image 9, looking North/East-

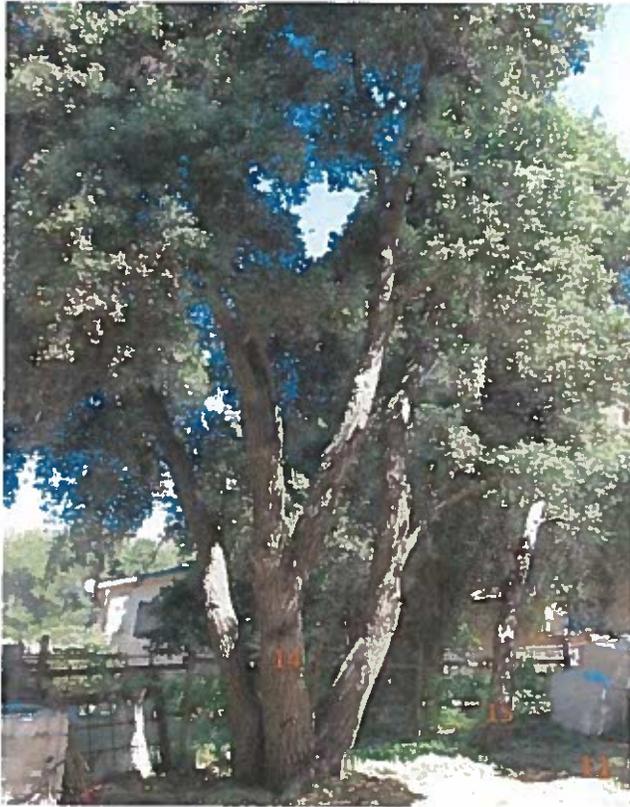


Oak trees (left to right) -Image 10, looking North/East-
#12, 11, 13, 16, 19, 17, 31 and 10

v

APN# 3228-022-028

Lots 5, 6, 7, 8, 9 & 10 of Block 13, Tract 6647, Vacated Alley and Lot 10 of Block 10, Tract 6647
GIERST single family residence



Oak trees # 14 (4 trunks) and tree #15
-Image 11, looking North-



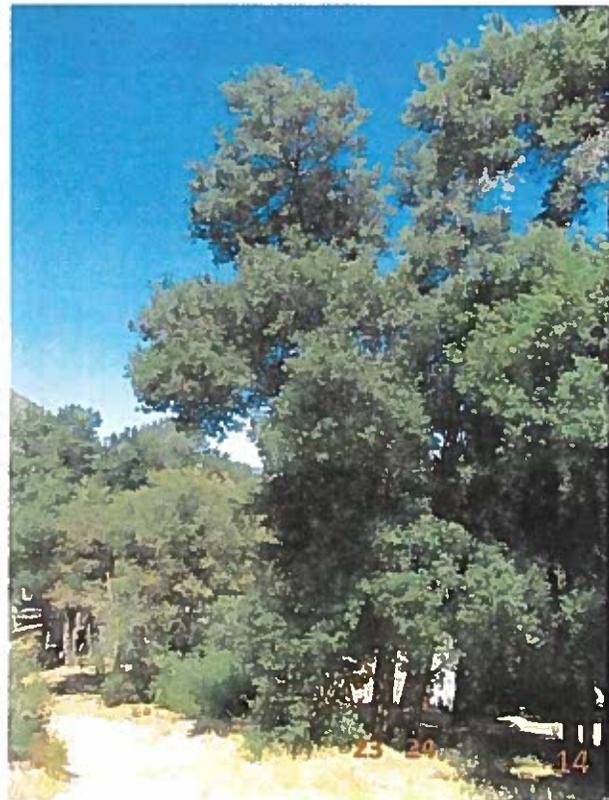
Oak trees #16, 17, 18 & 19 (centered in foreground)
-Image 12, looking North-

APN# 3228-022-028

Lots 5, 6, 7, 8, 9 & 10 of Block 13, Tract 6647, Vacated Alley and Lot 10 of Block 10, Tract 6647
GIERST single family residence



Oak trees # 21, 22 and 20 (2t) with 23 & 24
behind –Image 13, looking South-



Oak trees #23 and #24 –Image 14,
looking West-

APN# 3228-022-028

Lots 5, 6, 7, 8, 9 & 10 of Block 13, Tract 6647, Vacated Alley and Lot 10 of Block 10, Tract 6647
GIERST single family residence



Oak trees #28 (2 trunks), 27, 26 and 25 (2t)

-Image 15, looking East-



Oak trees #25 (2t), 26, 31 (beyond in sun), # 27
and # 28 (2 trunks)

-Image 16, looking North-

APN# 3228-022-028

Lots 5, 6, 7, 8, 9 & 10 of Block 13, Tract 6647, Vacated Alley and Lot 10 of Block 10, Tract 6647
GIERST single family residence



Oak tree # 29 (five trunks)

-Image 17, looking East-



Oak trees #30 (2t), 28 (2t), 27, 26, 25 (2t), 31,
23, 24, 20 (2t), 21, 22 & 10 (left to right)

-Image 18, looking South-

APN# 3228-022-028

Lots 5, 6, 7, 8, 9 & 10 of Block 13, Tract 6647, Vacated Alley and Lot 10 of Block 10, Tract 6647
GIERST single family residence



Oak trees # 34 (two trunks) 32 and #33

-Image 19, looking North-



Oak trees # 36 and# 37

-Image 20, looking South-

APN# 3228-022-028

Lots 5, 6, 7, 8, 9 & 10 of Block 13, Tract 6647, Vacated Alley and Lot 10 of Block 10, Tract 6647
GIERST single family residence



Oak tree # 35 (four trunks)

-Image 21, looking North-



Oak tree # 35 (four trunks)

-Image 22, looking East-



Aerial Map

RPPL2015000333

Printed: Apr 04, 2016



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