

REPORT TO THE HEARING OFFICER

DATE ISSUED: August 15, 2024

HEARING DATE: August 27, 2024 AGENDA ITEM: 4

PROJECT NUMBER: PRJ2023-001704-(3)

PERMIT NUMBER(S): Oak Tree Permit ("OTP") RPPL2023002442

SUPERVISORIAL DISTRICT: 3

PROJECT LOCATION: 537 Canon View Trail, Topanga (Assessor's Parcel Number 4444-027-018)

OWNER: Howard and Kimberly Elston

APPLICANT: Howard Elston

CASE PLANNER: Jon Schneider, Planner
jschneider@planning.lacounty.gov

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:

LA County Planning staff ("Staff") recommends **APPROVAL** of Project Number PRJ2023-001704-(3), OTP Number RPPL2023002442, based on the Findings (Exhibit C – Findings) contained within this report and subject to the Draft Conditions of Approval (Exhibit D – Conditions of Approval).

Staff recommends the following motions:

CEQA:

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

ENTITLEMENT:

I, THE HEARING OFFICER, APPROVE OAK TREE PERMIT NUMBER RPPL2023002442 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

PROJECT DESCRIPTION

A. Entitlement(s) Requested

OTP to retroactively authorize encroachments into the protected zones of two oak trees in association with the replacement of permeable pavers beneath one oak tree and the repair of a fence beneath a second oak tree ("Project"). These encroachments occurred in 2020 without approved permits. The property is located at 537 Canon View Trail in the unincorporated community of Topanga ("Project Site") in the R-C-10,000 (Rural Coastal – 10,000-Square-Foot Minimum Required Lot Area) Zone pursuant to County Code Section 22.174.030. The Project Site is regulated by the Santa Monica Mountains Coastal Zone Local Implementation Program ("LIP").

B. Project

The applicant, Howard Elston, requests an OTP to retroactively authorize encroachments into the protected zones of two oak trees on a 0.17-acre lot. These encroachments occurred on June 4, 2020, without approved permits. The encroachments included the replacement of approximately 65 square feet of permeable pavers for a parking area within the protected zone of one oak tree (identified as Oak Tree #1 on the site plan) and the repair of a fence that included digging 12-to-18-inch-wide holes to install seven new fence posts within the protected zone of a second oak tree (identified as Oak Tree #2 on the site plan). These improvements were associated with an existing single-family residence. The Project Site can be accessed from Inspection Trail, a 15-foot-wide public road which intersects with Canon View Trail about 50 feet to the east. Per the requirements of the LIP, such improvements to an existing single-family residence do not require a Coastal Development Permit ("CDP") and will be reviewed separately through CDP Exemption No. RPPL2023002438 pursuant to County Code Section 22.44.820 A.1. However, the encroachments into the protected zones of more than one oak tree require an OTP with a public hearing pursuant to County Code Section 22.174.030. Therefore, the CDP Exemption cannot be approved unless the OTP is first approved.

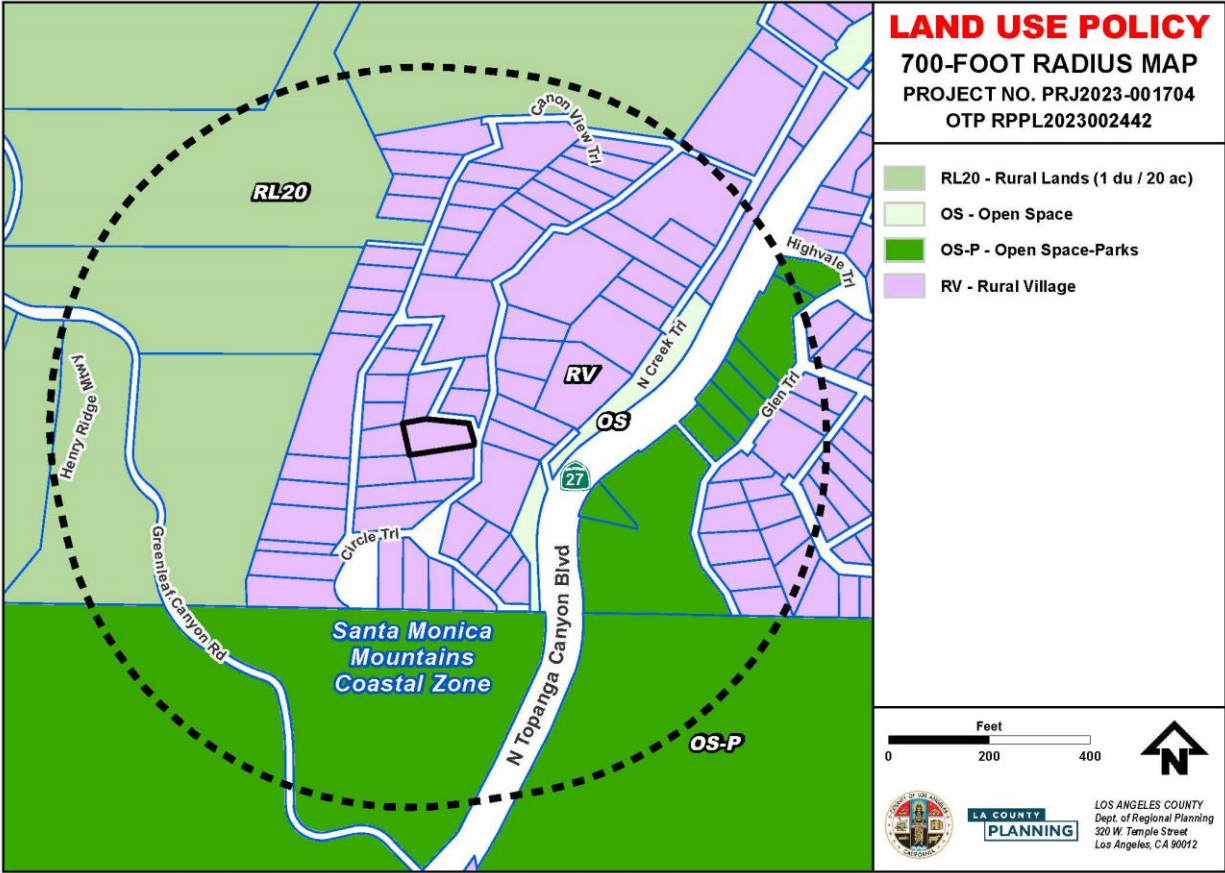
The 0.17-acre Project Site is irregularly shaped and slopes downward from north to south. It contains several oak trees as well as grass and shrubs. Approximately 853 square feet of an existing single-family residence is located within an easement on the southern portion of the Project Site, with the remainder of the residence located on the lot immediately to the south. The entirety of the Project Site is subject to annual fuel modification due to the presence of the existing single-family residence. The existing single-family residence was built in 1932, prior to the requirement to obtain County building permits in 1933 and the effective date of the Coastal Act in 1976.

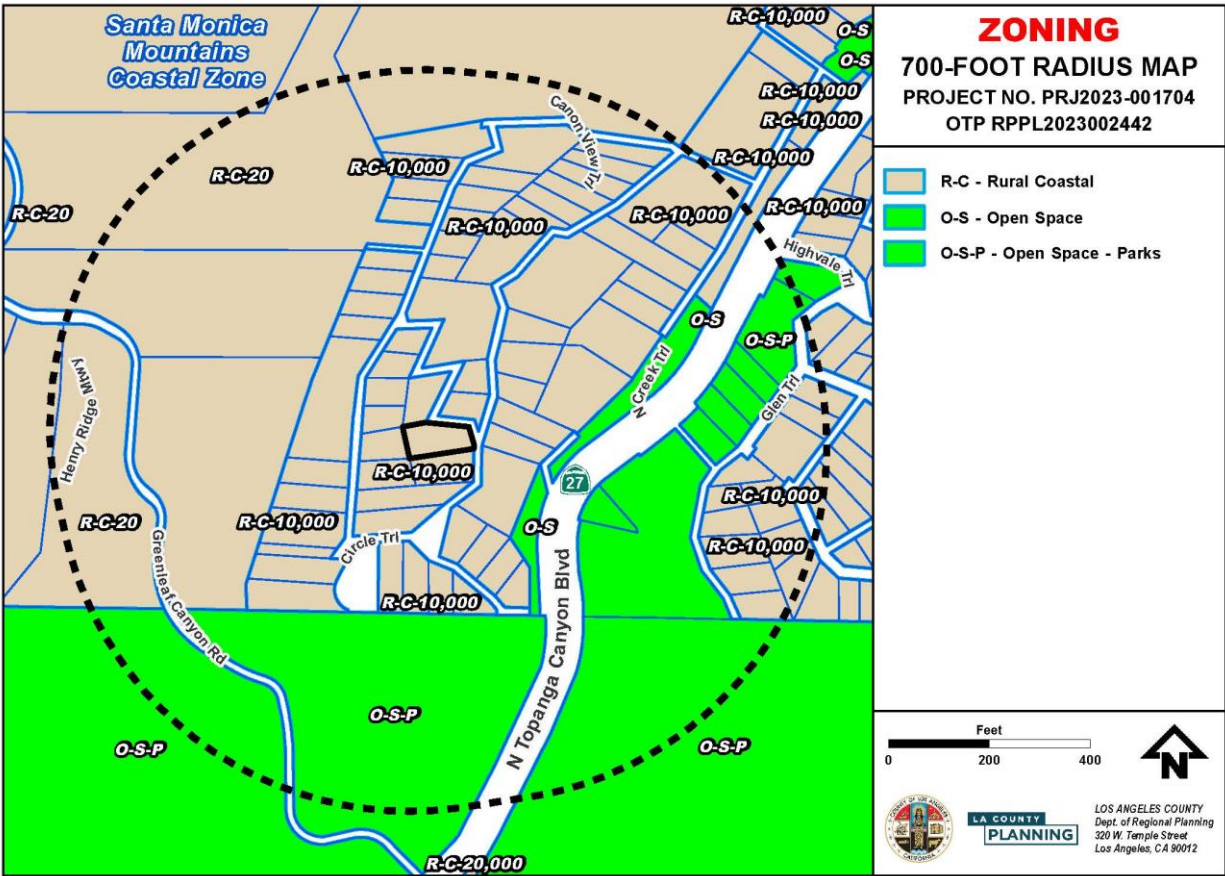
SUBJECT PROPERTY AND SURROUNDINGS

The following chart provides property data within a 500-foot radius:

LOCATION	LAND USE POLICY	ZONING	EXISTING USES
SUBJECT PROPERTY	RV (Rural Village)	R-C-10,000 (Rural Coastal – 10,000-Square-Foot Minimum Required Lot Area)	Single-family residence
NORTH	RV, RL20 (Rural Land, One Dwelling Unit per Twenty Acres Maximum Density)	R-C-10,000, R-C-20 (Rural Coastal – Twenty Acre Minimum Required Lot Area)	Single-family residences, vacant
EAST	OS (Open Space), OS-P (Open Space – Parks), RV	O-S (Open Space), O-S-P (Open Space – Parks), R-C-10,000	Single-family residences, open space, vacant
SOUTH	OS-P, RV	O-S-P, R-C-10,000	Single-family residences, open space, vacant
WEST	RV, RL20	R-C-10,000, R-C-20	Single-family residences, vacant

MAPS





PROPERTY HISTORY

A. Zoning History

ORDINANCE NO.	ZONING	DATE OF ADOPTION
7076	M-3 (Unclassified)	December 26, 1956
7276	R-1-10,000 (Single Family Residence - 10,000— Square-Foot Required Lot Area)	January 24, 1958
ZCO-20140055	R-C-10,000	October 10, 2014

B. Violations

CASE NO.	VIOLATION	CLOSED/OPEN
RPCE2022005677	Unpermitted structures, including structures in setback within the	Open on October 11, 2022 and closed on February 8, 2024. The applicant

	protected zones of oak trees.	applied for this Oak Tree Permit thereafter.
--	-------------------------------	--

ANALYSIS

A. Land Use Compatibility

The replacement of permeable pavers and the fence repair associated with the oak tree encroachments are consistent with the Rural Village land use designation of the Santa Monica Mountains Land Use Plan (“LUP”). The Rural Village land use designation is intended for low density single-family detached housing in a setting consistent with the rural character of the area. The Project is consistent with this designation because it is associated with an existing single-family residence with a rural aesthetic character. The Project is consistent with the R-C-10,000 zoning classification, which permits accessory uses such as the permeable pavers and the fence. The properties surrounding the Project Site are zoned R-C-10,000 and the Project is consistent with the development pattern of these surrounding properties.

As proposed, the Project would comply with all applicable development standards in the Zoning Code. For further details on this compliance, see the “Zoning Ordinance Consistency” section in the attached Exhibit C – Findings.

B. Neighborhood Impact (Need/Convenience Assessment)

The Project is designed to be consistent with the rural character of the surrounding Topanga community. The Project includes retroactive approval of two oak tree encroachments. No oak trees are proposed to be removed as part of the Project. The Project will utilize materials common in rural area designs, such as stone, concrete, and non-reflective materials.

C. Design Compatibility

The Project is located within an existing rural neighborhood in the Topanga community. The Project Site is bordered by existing low-density, rural residential development in all directions. The oak tree encroachments have been reviewed by the County Fire Department—Forestry Division, which determined that they are unlikely to affect the health of the oak trees and recommended conditions of approval, including the monitoring of the affected trees for a period of 10 years and the planting of mitigation trees at a 10:1 ratio for any tree that dies as a result of the encroachments (See “County Comments and Recommendations” below).

GENERAL PLAN/COMMUNITY PLAN CONSISTENCY

The Project is consistent with applicable goals and policies of the LUP. Consistency findings can be found in the attached Findings (Exhibit C – Findings).

ZONING ORDINANCE CONSISTENCY

The Project complies with all applicable zoning requirements. Consistency findings can be found in the attached Findings (Exhibit C – Findings).

BURDEN OF PROOF

The applicant is required to substantiate all facts identified by County Code Section 22.174.060 (Oak Tree Permit Findings and Decision). The Burden of Proof with applicant's responses is attached (Exhibit E – Applicant's Burden of Proof). Staff is of the opinion that the applicant has met the burden of proof.

ENVIRONMENTAL ANALYSIS

Staff recommends that this Project qualifies for a Categorical Exemption (Class 4—Minor Alterations to Land) under CEQA and the County Environmental Document Reporting Procedures and Guidelines.

Pursuant to Section 15304(i) of the State CEQA Guidelines, the Class 4 Categorical Exemption includes alterations in the condition of land, water, and/or vegetation which do not involve the removal of healthy, mature, scenic trees except for forestry and agricultural purposes. The Project qualifies for a Class 4 Categorical Exemption because the Project includes the replacement of permeable pavers and the repair of a fence associated with a single-family residence, resulting in encroachments into the protected zones of two oak trees. No trees are proposed for removal.

Section 15300.2 of the State CEQA Guidelines discusses how projects located within particularly sensitive environments may have a significant impact on the environment and are therefore not eligible for certain CEQA exemptions, including the Class 4 Categorical Exemption mentioned above. Exceptions to the exemptions include project impacts to an environmental resource of hazardous or critical concern where officially designated, precisely mapped, and adopted pursuant to law by federal, state, or local agencies. Exceptions to the exemptions also apply where a project may result in damage to scenic resources or where a project includes activities that will have a significant effect on the environment due to unusual circumstances.

The Project is not subject to an exception to the CEQA exemptions because the area has been mapped as H3 (disturbed) Habitat by the LUP, which is not considered a sensitive environmental resource. The Project, due to its minimal footprint and height, is not expected to impact scenic resources such as trails or designated scenic routes. Other exceptions involving cumulative impact, hazardous waste sites, and historic resources also do not apply. The Project did not have a cumulative impact or significant effect because it includes one oak tree encroachment associated with the repair of a fence and the holes dug for the fence did not disturb the roots or canopy of the oak tree and because it includes a second oak tree encroachment associated with the replacement of permeable pavers that did not disturb the roots or canopy of the other oak tree. In addition, the Project Site does not include a hazardous waste site and is not on any historical resources list. Therefore, Staff recommends that the Hearing Officer determine that the Project is categorically exempt from CEQA. An environmental determination (Exhibit F – Environmental Determination) was issued for the Project.

COMMENTS RECEIVED

A. County Department Comments and Recommendations

The County Fire Department, Forestry Division, in a letter dated June 27, 2023, states that the Oak Tree Report submitted by the applicant is accurate and complete as to the location, size, condition and species of the oak trees on the Project Site and recommends several conditions of approval, which have been incorporated into this OTP.

B. Public Comments

Staff has not received any comments at the time of report preparation.

Report

Reviewed By:

Rob Glaser

Robert Glaser, Supervising Regional Planner

Report

Approved By:

M. Glaser

Mitch Glaser, Assistant Administrator

LIST OF ATTACHED EXHIBITS

EXHIBIT A	Plans
EXHIBIT B	Project Summary Sheet
EXHIBIT C	Findings
EXHIBIT D	Conditions of Approval
EXHIBIT E	Applicant's Burden of Proof
EXHIBIT F	Environmental Determination
EXHIBIT G	Informational Maps
EXHIBIT H	Photos
EXHIBIT I	Agency Correspondence
EXHIBIT J	Oak Tree Report



INSPECTION TRAIL

Property Line

FD 1" IP LS3358 **

CONC WALL

Water/Air Permeable Pavers

5' from dripline (canopy)

Dripline (canopy)

Dripline (canopy)

Protected Zone

Tree #1

15'-radius from trunk

Tree #2

Protected Zone

FD 1" IP***

WOOD RET WALL

Original South Fence Line-Repaired

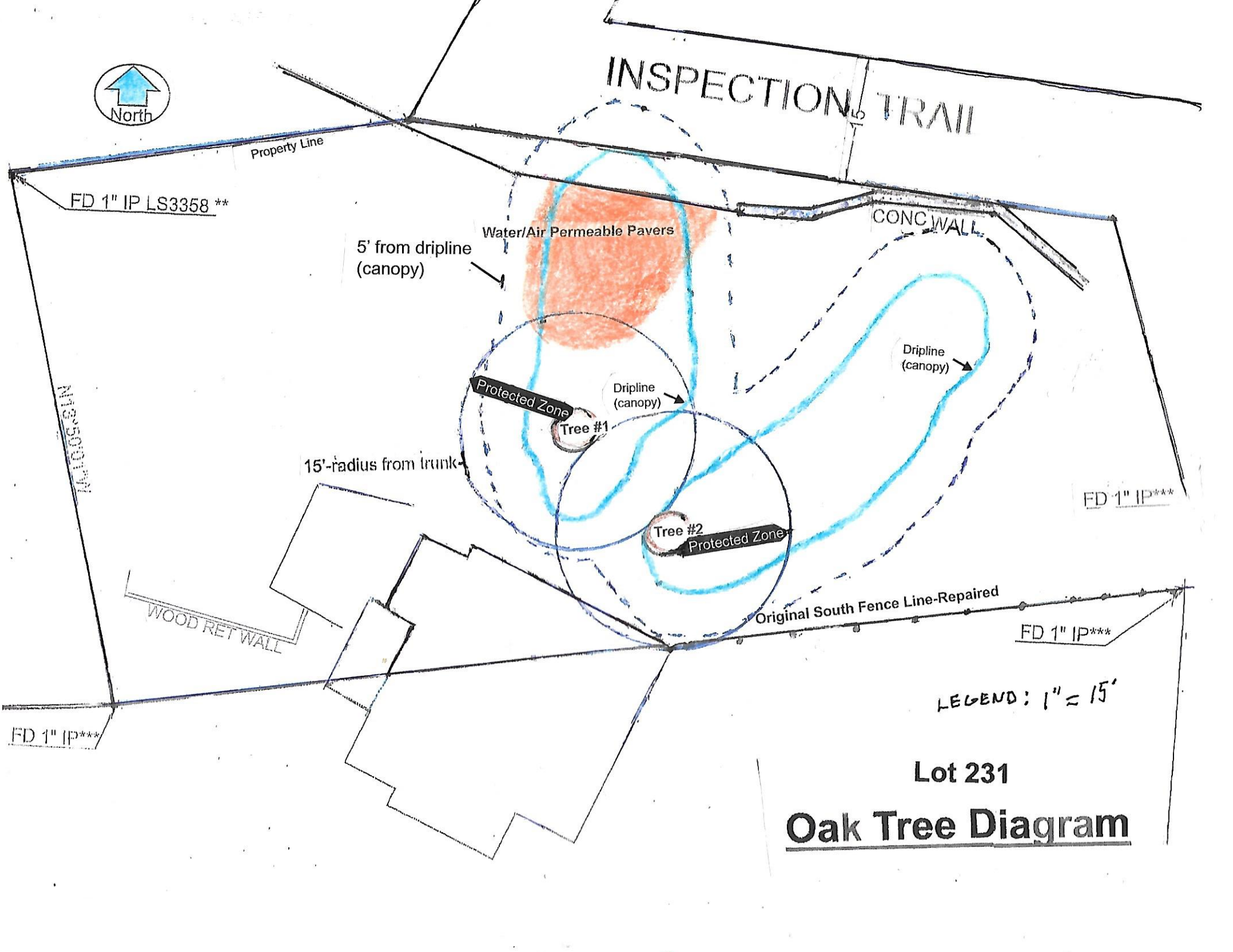
FD 1" IP***

FD 1" IP***

LEGEND: 1" = 15'

Lot 231

Oak Tree Diagram



**PROJECT NUMBER**

PRJ2023-001704-(3)

HEARING DATE

August 27, 2024

REQUESTED ENTITLEMENT(S)

Oak Tree Permit ("OTP") No. RPPL2023002442

PROJECT SUMMARY

OWNER / APPLICANT

Howard Elston

MAP/EXHIBIT DATE

May 20, 2024

PROJECT OVERVIEW

OTP to retroactively authorize encroachments into the protected zones of two oak trees in association with the replacement of permeable pavers beneath one oak tree and the repair of a fence beneath a second oak tree.

LOCATION

537 Canon View Trail, Topanga

ACCESS

Inspection Trail, a 15-foot-wide public road which intersects with Canon View Trail about 50 feet to the east

ASSESSORS PARCEL NUMBER(S)

4444-027-018

SITE AREA

0.17 Acres

GENERAL PLAN / LOCAL PLAN

Santa Monica Mountains Local Coastal Program

ZONED DISTRICT

The Malibu

LAND USE DESIGNATION

R-V (Rural Village)

ZONE

R-C-10,000 (Rural Coastal – 10,000-Square-Foot Minimum Required Lot Area)

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT

N/A

ENVIRONMENTAL DETERMINATION (CEQA)

Class 4 Categorical Exemption – Minor Alterations to Land

KEY ISSUES

- Consistency with the Santa Monica Mountains Local Coastal Program
- Satisfaction of the following portions of Title 22 of the Los Angeles County Code:
 - Section 22.44.850 (Santa Monica Mountains Coastal Development Permit Findings)
 - Section 22.44.950 (Santa Monica Mountains Coastal Development Permit - Oak Tree Requirements)

CASE PLANNER:

Jon Schneider

PHONE NUMBER:

(213) 893 - 7049

E-MAIL ADDRESS:

Jschneider@planning.lacounty.gov

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING
DRAFT FINDINGS OF THE HEARING OFFICER
AND ORDER
PROJECT NO. PRJ2023-001704
OAK TREE PERMIT NO. RPPL2023002442

RECITALS

1. **HEARING DATE(S).** The Los Angeles County ("County") Hearing Officer conducted a duly noticed public hearing in the matter of Oak Tree Permit No. RPPL2023002442 ("OTP") on August 27, 2024.
2. **HEARING PROCEEDINGS.** [RESERVED]
3. **ENTITLEMENT(S) REQUESTED.** The permittee, Howard Elston ("Permittee"), requests the OTP to retroactively authorize encroachments into the protected zones of two oak trees in association with the replacement of permeable pavers beneath one oak tree and the repair of a fence beneath a second oak tree ("Project"). The property is located at 537 Canon View Trail in the unincorporated community of Topanga ("Project Site") within the R-C-10,000 (Rural Coastal – 10,000 Square-Foot Minimum Required Lot Area) Zone. The OTP is being requested pursuant to County Code Section 22.174.030. The Project Site is regulated by the Santa Monica Mountains Coastal Zone Local Implementation Program ("LIP").
4. **ENTITLEMENT(S) REQUIRED.** The OTP is required to retroactively authorize encroachments into the protected zones of two oak trees in association with the replacement of permeable pavers beneath one oak tree and the repair of a fence beneath a second oak tree pursuant to County Code Chapter 22.174. The existing single-family residence on the Project Site was built in 1932, prior to the requirement to obtain County building permits in 1933 and the effective date of the Coastal Act in 1976. The replacement of permeable pavers and the repair of the fence are exempt from the standards of the LIP pursuant to County Code Section 22.44.820 because they are improvements to an existing legally established single-family residence. Thus, a Coastal Development Permit ("CDP") is not required.
5. **LOCATION.** The Project is located at 537 Canon View Trail (Assessor's Parcel Number ["APN"] 4444-027-018) within the Santa Monica Mountains Planning Area.
6. **LAND USE DESIGNATION.** The Project Site is located within the RV (Rural Village) land use designation of the Santa Monica Mountains Local Coastal Program ("LCP") Land Use Plan ("LUP"). The principal allowed use in the RV land use designation is single-family detached residences on relatively small lots.

EXHIBIT C**PROJECT NO. PRJ2023-001704****OAK TREE PERMIT NO. RPPL2023002442****DRAFT FINDINGS****PAGE 2 OF 9**

7. **ZONING.** The Project Site is in the Malibu Zoned District and is zoned R-C-10,000. Pursuant to County Code Sections 22.14.150 and 22.174.010, encroachments into the protected zones of oak trees require an OTP.

8. **SURROUNDING LAND USES AND ZONING**

LOCATION	LAND USE POLICY	ZONING	EXISTING USES
NORTH	RV, RL20 (Rural Land, One Dwelling Unit per Twenty Acres Maximum Density)	R-C-10,000, R-C-20 (Rural Coastal – 20 Acre Minimum Required Lot Area)	Single-family residences, vacant
EAST	OS (Open Space), OS-P (Open Space – Parks), RV	O-S (Open Space), O-S-P (Open Space – Parks), R-C-10,000	Single-family residences, open space, vacant
SOUTH	OS-P, RV	O-S-P, R-C-10,000	Single-family residences, open space, vacant
WEST	RV, RL20	R-C-10,000, R-C-20	Single-family residences, vacant

9. **PROJECT AND SITE PLAN DESCRIPTION.**

A. Existing Site Conditions

The Project Site is approximately 0.17 acres in size, is rectangular in shape and relatively flat, and is mostly undeveloped aside from permeable pavers, fencing, and a portion of a single-family residence on the south-central portion of the Project Site. The majority of the single-family residence is located on the parcel immediately to the south (APN 4444-027-019). The permeable pavers were replaced and the fence was repaired without permits in 2020 and these activities will be reviewed separately through CDP Exemption No. RPPL2023002438, which cannot be approved unless this OTP request is also approved. Various native and nonnative trees, in addition to the two encroached oak trees, are located on the Project Site.

B. Site Access

The Project Site is accessed from Inspection Trail, a 15-foot-wide public road which intersects with Canon View Trail about 50 feet to the east.

C. Site Plan

The site plan depicts the Project Site with the replaced permeable pavers, a wall northeast of the pavers, the repaired fence, a portion of a single-family residence, and the two on-site oak trees, which are shown with the proposed encroachments within their protected zones. The Project is within the existing building site area of the residence. The

replacement of the permeable pavers and the repair done to the fence do not require new fuel modification areas or an increase in the existing fuel modification area associated with the existing single-family residence. Therefore, the Project does not require review by either the County Department of Regional Planning ("LA County Planning") Staff Biologist or the Environmental Review Board pursuant to County Code Section 22.44.1860.C.2.c. No oak trees will be removed.

10. CEQA DETERMINATION.

This Project qualifies for a Class 4 (Minor Alterations 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.

Pursuant to Section 15304(i) of the State CEQA Guidelines, the Class 4 Categorical Exemption includes alterations in the condition of land, water, and/or vegetation which do not involve the removal of healthy, mature, scenic trees except for forestry and agricultural purposes. The Project qualifies for a Class 4 Categorical Exemption because the Project includes the replacement of permeable pavers and the repair of a fence associated with a single-family residence, resulting in encroachments into the protected zones of two oak trees. No trees are proposed for removal.

Section 15300.2 of the State CEQA Guidelines discusses how projects located within particularly sensitive environments may have a significant impact on the environment and are therefore not eligible for certain CEQA exemptions, including the Class 4 Categorical Exemption mentioned above. Exceptions to the exemptions include project impacts to an environmental resource of hazardous or critical concern where officially designated, precisely mapped, and adopted pursuant to law by federal, state, or local agencies. Exceptions to the exemptions also apply where a project may result in damage to scenic resources or where a project includes activities that will have a significant effect on the environment due to unusual circumstances.

The Project is not subject to an exception to the CEQA exemptions because the area has been mapped as H3 (disturbed) Habitat by the LUP, which is not considered a sensitive environmental resource. Therefore, there are no sensitive biological resources that would have been impacted by the Project. In addition, the Project, due to its minimal footprint and height, is not expected to impact scenic resources such as trails or designated scenic routes. The Project is located near North Topanga Canyon Boulevard, which is a designated scenic route. However, the Project is not visible from North Topanga Canyon Boulevard or any other officially designated scenic resources such as trees, rock outcroppings, historic buildings, or other similar resources. Other exceptions involving cumulative impact, hazardous waste

EXHIBIT C**PROJECT NO. PRJ2023-001704****OAK TREE PERMIT NO. RPPL2023002442****DRAFT FINDINGS****PAGE 4 OF 9**

sites, and historic resources also do not apply. The Project did not have a cumulative impact or significant effect because it includes one oak tree encroachment associated with the repair of a fence and the holes dug for the fence did not disturb the roots or canopy of the oak tree and because it includes a second oak tree encroachment associated with the replacement of permeable pavers that did not disturb the roots or canopy of the other oak tree. In addition, the Project Site does not include a hazardous waste site and is not on any historical resources list. Therefore, the Hearing Officer finds that the Project is categorically exempt from CEQA.

11. **COMMUNITY OUTREACH.** The Permittee did not conduct any known public outreach for the Project prior to the public hearing.
12. **PUBLIC COMMENTS.** Prior to the publication of the Report to the Hearing Officer, Staff did not receive any comments.
13. **AGENCY RECOMMENDATIONS.** The County Fire Department, Forestry Division ("County Forester"), in a letter dated June 27, 2023, stated that the Oak Tree Report submitted by the Permittee was accurate and complete as to the location, size, condition and species of the oak trees on the Project Site and recommended several conditions of approval, which have been incorporated into this OTP's conditions of approval.
14. **LEGAL NOTIFICATION.** Pursuant to County Code Section 22.222.120, the community was properly notified of the public hearing by mail, and newspaper (Malibu Times). Additionally, the Project was noticed and case materials were available on LA County Planning's website. On June 13, 2024, a total of 24 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as 17 notices to those on the courtesy mailing list for the Malibu Zoned District and to any additional interested parties.

GENERAL PLAN CONSISTENCY FINDINGS

15. **LAND USE POLICY.** The Hearing Officer finds that the Project is consistent with the goals and policies of the Santa Monica Mountains LCP LUP, as encroachment into the protected zones of two oak trees in association with the replacement of permeable pavers and the repair of a fence is consistent with the RV land use designation. The Project is accessory to the principal allowed use in the RV land use designation, which is a single-family residence, does not alter the existing density of the area, and is consistent with all development standards.
16. **GOALS AND POLICIES.** The Hearing Officer finds that the Project is consistent with the following policies of the LUP:

SERA and H3 Habitat Protection Policies

Policy CO-48: New and replacement infrastructure may be permitted provided that it complies with applicable provisions of this plan and is designed to avoid and, if infeasible, minimize adverse impacts to environmental and scenic resources.

Policy CO-53: In Rural Villages, new development shall be sited and designed to avoid adverse impacts to all oak woodland habitat (either disturbed or undisturbed), while conforming to all other policies of the LCP. Where there is no feasible alternative to avoid oak woodland habitat that is not H1 habitat, in order to provide a reasonable economic use of the property, ensure public health and safety, or fulfill requirements under the Americans with Disabilities Act for reasonable accommodation, removal of oak woodland habitat within Rural Villages may be allowed if limited to the minimum area necessary to achieve the purpose allowed. In no case shall the removal of oak woodland habitat exceed 10 percent of the total oak woodland area on the subject property.

The Project does not result in adverse impacts to the surrounding environment, scenic resources, or to the health of the oak trees. Further, the Project is located in the Rural Village of Topanga Woods and potential impacts related to the unpermitted oak tree encroachments are addressed by this after-the-fact OTP. Monitoring required by this OTP's conditions of approval will ensure the health of the oak trees and if the trees do not survive due to the impact of the Project, then mitigation trees at a 10:1 ratio will be required as a part of this OTP's conditions of approval.

Policies Regarding New Development

Policy CO-82: Fencing within H1 habitat, or within 100 feet of H1 habitat, is prohibited, except where necessary for public safety or habitat protection or restoration. Permitted fencing shall be wildlife-permeable, except where temporary fencing is required to keep wildlife from habitat restoration areas. Development permitted within H2 or H3 habitat may include fencing, if necessary for safety, limited to the immediate building site area, and extending no further than the outer extent of Fuel Modification Zone B (100 feet from structures that require fuel modification). Fencing shall be wildlife permeable. Perimeter fencing of a parcel, or barbed-wire or chain link fencing, is prohibited.

The Project includes repair of an existing chain-link fence. However, the repair involves the use of like-for-like materials and the existing chain-link fence is located within 20 feet of the existing single-family residence and within Fuel Modification Zone "A."

Native Tree Protection Policies

Policy CO-99: New development shall be sited and designed to preserve oak, walnut, sycamore, bay, or other native trees to the maximum extent feasible that are not otherwise protected as H1 or H2 habitat and that have at least one trunk measuring six inches or more in diameter, or a combination of any two trunks measuring a total of eight inches or more in diameter, measured at four and one-half feet above natural grade. Removal of native trees shall be prohibited except where no other feasible alternative exists. Development shall be sited to prevent any encroachment into the protected zone of individual native trees to the maximum extent feasible, as set forth below. Protected Zone means that area within the dripline of the tree and extending at least five feet beyond the dripline, or 15 feet from the trunk of the tree, whichever is greater. Removal of native trees or encroachment in the protected zone shall be prohibited for accessory uses or structures. If there is no feasible alternative that can prevent tree removal or encroachment, then the alternative that would result in the fewest or least-significant impacts shall be selected. Adverse impacts to native trees shall be fully mitigated, with priority given to on-site mitigation. Mitigation shall not substitute for implementation of the feasible project alternative that would avoid impacts to native trees and/or woodland habitat. When unavoidable adverse impacts to native trees will result from permitted development, the impacts must be mitigated in accordance with the following standards and subject to a condition of approval requiring a native tree replacement planting program. Where development encroaches into less than 30 percent of the protected zone of native trees, each affected tree shall be monitored annually for a period of not less than 10 years. An annual monitoring report shall be submitted for review by the County for each of the 10 years. Should any of these trees be lost or suffer worsened health or vigor as a result of the proposed development, the applicant shall mitigate the impacts at a 10:1 ratio with seedling-sized trees.

Policy CO-100: New development on sites containing oak, walnut, sycamore, bay, or other native trees shall incorporate the following native tree protection measures: a. Protective fencing shall be used around the outermost limits of the protected zones of the native trees within or adjacent to the construction area that may be disturbed during construction or grading activities. Before the commencement of any clearing, grading, or other construction activities, protective fencing shall be placed around each Santa Monica Mountains Local Coastal Program 43 February 2018 Land Use Plan applicable tree. Fencing shall be maintained in place for the duration of all construction. No construction, grading, staging, or materials storage shall be allowed within the fenced exclusion areas, or within the protected zones of any onsite native trees. b. Any approved development, including grading or excavation, that encroaches into the protected zone of a native tree shall be undertaken using only hand-held tools. c. The applicants shall retain the services of a qualified independent biological consultant or arborist, approved by the Director, to monitor native trees that are within or adjacent to the construction area. Public agencies may utilize their own staff who have the appropriate classification. If any breach in the protective fencing occurs, all work shall be suspended until the fence is repaired or replaced.

This OTP retroactively authorizes encroachments into the protected zones of two oak trees in association with the replacement of permeable pavers beneath one oak tree and the repair of a fence beneath a second tree. The OTP's conditions of approval include a monitoring period of 10 years, which will ensure that the Project will not negatively impact local oak resources.

Scenic Resources Goals and Policies

Policy CO-128: New development shall be subordinate to the character of its setting.

Policy CO-150: Fences, gates, walls, and landscaping shall minimize impacts to public views of scenic areas and shall be compatible with the character of the area.

The repair of the fence resulted in minimal impact to the scenic nature of the Project Site and surrounding area and is subordinate to the character of the area. Further, the Project Site is not visible from the scenic route of North Topanga Canyon Boulevard and therefore the Project does not result in any negative scenic impacts.

Land Use Element

Policy LU-33: Require that new development be compatible with the rural character of the area and the surrounding natural environment.

The Project is designed to be consistent with the rural character of the surrounding Topanga community. The Rural Village land use designation is intended for single-family detached housing in a setting consistent with the rural character of the area. The Project is consistent with this designation because it is associated with an existing single-family residence with a rural aesthetic character.

ZONING CODE CONSISTENCY

17. **PERMITTED USE IN ZONE.** The Hearing Officer finds that the Project is consistent with the County's Oak Tree Ordinance as oak tree encroachments are permitted with an OTP pursuant to County Code Section 22.174.030, provided that the OTP Findings are met.
18. **FENCES AND WALLS.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.44.1310. Fences in the Santa Monica Mountains Coastal Zone must be wildlife permeable unless they are within Fuel Modification Zone "A," which typically extends 20 feet from habitable structures. The Project includes the repair of an existing chain-link fence with like-for-like materials within 20 feet of the existing single-family residence.

OAK TREE PERMIT FINDINGS

The Hearing Officer finds that:

19. **The proposed construction or proposed use will be accomplished without endangering the health of the remaining oak trees subject to Title 22 regulations, if any, on the subject property.** The Project involves encroachments into the protected zones of two oak trees associated with the replacement of permeable pavers and a fence. The unpermitted replacement of the pavers and repair of the fence did not endanger the health of the oak trees. The replacement of the pavers and the repair of the fence will be reviewed separately through CDP Exemption No. RPPL2023002438.
20. **The removal or relocation 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.** The Project did not involve the removal or relocation of oak trees and will therefore not result in increased soil erosion. The County Forester has required mitigation oak tree planting in the event that an oak tree dies as a result of the encroachment.
21. **That the removal or relocation of the oak trees proposed is necessary as continued existence at present locations frustrates the planned improvement or proposed use of the subject property to such an extent that placement of such oak trees precludes the reasonable and efficient use of such property for a use otherwise authorized.** The Project does not propose any oak tree removals or relocations.
22. **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.** The Project does not propose any oak tree removals or relocations.

ENVIRONMENTAL FINDINGS

23. The Hearing Officer finds that the Project is exempt from CEQA pursuant to State CEQA Guidelines section 15301 (Class 4, Minor Alterations to Land). The Project involves encroachments into the protected zones of two oak trees associated with the replacement of permeable pavers and the repair of a fence. The unpermitted replacement of the pavers and repair of the fence are included in the Class 4 Categorical Exemption as well as the encroachments into the protected zones of two oak trees. The Project is not within a mapped sensitive habitat area and is not visible from any trail or scenic route, nor did the unpermitted repairs damage or have any significant effects on the oak trees or environment.

ADMINISTRATIVE FINDINGS

24. LOCATION OF DOCUMENTS. 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 LA County 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 Coastal Development Services Section, LA County Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. The proposed construction or proposed use will be accomplished without endangering the health of the remaining oak trees subject to Title 22 regulations, if any, on the subject property;
- B. The removal or relocation 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. That the removal or relocation of the oak trees proposed is necessary as continued existence at present locations frustrates the planned improvement or proposed use of the subject property to such an extent that placement of such oak trees precludes the reasonable and efficient use of such property for a use otherwise authorized; and
- 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.

THEREFORE, THE HEARING OFFICER:

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15301 (Class 4, Minor Alterations to Land); and
- 2. Approves **OAK TREE PERMIT NO. RPPL2023002442**, subject to the attached conditions.

ACTION DATE: August 27, 2024

MG: RG:TM:JS
8/15/24

c: Zoning Enforcement, Building and Safety

**LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING**

**DRAFT CONDITIONS OF APPROVAL
PROJECT NO. PRJ2023-001704-(3)
OAK TREE PERMIT NO. RPPL2023002442**

PROJECT DESCRIPTION

Oak Tree Permit to retroactively authorize encroachments into the protected zones of two oak trees in association with the replacement of permeable pavers beneath one oak tree and the repair of a fence beneath a second oak tree ("Project") 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 ("LA County 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. 3, 4, and 7 shall be effective immediately upon the date of final approval of this grant by the County.
3. 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.
4. 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 LA County 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 LA County 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.

5. 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.
6. 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.
7. 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.
8. 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. No provision of any easement of any other encumbrance on the property shall exempt the Permittee and/or property owner from compliance with these conditions and applicable regulations. Inspections may 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. Inspections may be unannounced and may be conducted utilizing any available technologies, including but not limited to, unmanned aircraft systems (UAS).
9. 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 22.238 of the County Code.
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 LA County Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$441.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

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.
15. 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 LA County 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 48 hours of such notification, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

PERMIT-SPECIFIC CONDITIONS – OAK TREE PERMIT

16. The Permittee shall comply with all conditions, fees, and requirements contained in the County Forester and Fire Warden, Forestry Division ("County Forester"), letter dated June 27, 2023 (attached hereto), to the satisfaction of said Division, except as otherwise required by said Division, and as required here.

17. The Permittee shall provide a plan for protecting oak trees on the subject property during and after future development, which shall include, but not be limited to, the following requirements:
- a. The installation of chain link fencing not less than four feet in height around the protected zone of oak trees shown on the site plan. Said fencing shall be in place and inspected by the Fire Department prior to commencement of any activity on the subject property. Said fencing shall remain in place throughout the entire period of development and shall not be removed without written authorization from the Fire Department.
 - b. Where grading or any other similar activity is specifically approved within the protected zone, the Permittee shall provide an individual with special expertise acceptable to the Director to supervise all excavation or grading proposed within the protected zones and to further supervise, monitor and certify to the County Forester the implementation of all conditions imposed in connection with the Permittee's Oak Tree Permit.
 - c. Any excavation or grading allowed within the protected zone or within 15 feet of the trunk of an oak tree, whichever distance is greater, shall be limited to hand tools or small hand-power equipment.
 - d. Oak trees on other portions of the subject property not included within the site plan shall also be protected with chain link fencing, thus restricting storage, machinery storage, or access during construction.
 - e. The oak trees on the site plan shall be physically identified by number on a tag affixed to the north side of the tree in a manner preserving the health and viability of the tree. The tag shall be composed of a noncorrosive all-weather material and shall be permanently affixed to the tree. The oak tree shall be similarly designated on the site plan in a manner acceptable to the Director.
 - f. Corrective measures that require remedial action, including pruning, clearing vegetation with hand tools, and similar action are noted in the requirements contained in the County Forester letter dated June 27, 2023 (attached hereto).
 - g. To the extent feasible as determined by the Director, utility trenching shall avoid encroaching into the protected zone on its path to and from any structure.
 - h. 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.

19. The Permittee shall provide an oak tree information manual prepared by and available from the County Forester to the property owner, subsequent property owner, and any homeowners association. Invasive plant species, such as bamboo and tree-of-heaven, shall not be planted within oak tree protected zones. Any existing invasive plant species within the oak tree protected zones shall be removed.

PROJECT SITE-SPECIFIC CONDITIONS

20. No oak tree shall be removed from the property unless another Oak Tree Permit has been properly obtained.
21. Pavers placed within the protected zones of oak trees shall be permeable to air and water.
22. The affected trees shall be monitored for a period of 10 years and mitigation trees shall be planted at a 10:1 ratio for any tree that dies as a result of the encroachments.

Attachments:

Exhibit D-1 Letter from County Forester, dated June 27, 2023

MG:RG:TM:JS
08/15/24

OAK TREE PERMIT WITH PUBLIC HEARING STATEMENT OF FINDINGS

Please identify the number of oak trees proposed for:

____ Removal 2 Encroachment ____ To Remain ____ Total existing oak trees

Pursuant to County Code Section [22.174.060](#): Findings, the applicant shall substantiate the following:

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

B.1 The proposed construction or proposed use will be accomplished without endangering the health of the remaining trees subject to Title 22 regulations, if any, on the subject property.

The arborist's report submitted showed that the fence repair and paver replacement demonstrated no harm to the oak trees in the oak encroachment zone (Tree #1 & Tree #2). If our project damages an oak tree, we will engage our arborist and provide a suitable mitigation replacement.

B.2 The removal or relocation 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.

Since our project does not involve either removal or relocation of the oak trees, it would not result in a diversion or any increase in water flow that would cause soil erosion.

B.3 In addition to the above facts, at least one of the following findings apply:

- a. That the removal or relocation of the oak trees proposed is necessary as continued existence at present locations frustrates the planned improvement or proposed use of the subject property to such an extent that:
 - i. Alternative development plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive, or
 - ii. Placement of such oak trees precludes the reasonable and efficient use of such property for a use otherwise authorized;
- b. That the oak trees 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 trees; or
- c. That the condition of the oak trees 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.

As our project does not involve removal or relocation of oaks, we did not find any elements in Item B.3 that apply to our application.

B.4 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.

Our project does not involve removal or relocation of any oaks and is not in conflict with the Oak Tree procedure.

ENVIRONMENTAL DETERMINATION

DETERMINATION DATE:	August 27, 2024
PROJECT NUMBER:	PRJ2023-001704-(3)
PERMIT NUMBER(S):	Oak Tree Permit RPPL2023002442
SUPERVISORIAL DISTRICT:	3
PROJECT LOCATION:	537 Canon View Trail, Topanga
OWNER:	Howard and Kimberly Elston
APPLICANT:	Howard Elston
CASE PLANNER:	Jon Schneider, Planner Jschneider@planning.lacounty.gov

Los Angeles County ("County") completed an initial review for the above-mentioned Project. Based on an examination of the Project proposal and the supporting information included in the application, the County proposes that a Categorical Exemption is the appropriate environmental documentation under the California Environmental Quality Act ("CEQA"). The Project qualifies for a Categorical Exemption (Class 4—Minor Alterations to Land) under CEQA and the County Environmental Document Reporting Procedures and Guidelines.

Pursuant to Section 15304(i) of the State CEQA Guidelines, the Class 4 Categorical Exemption includes alterations in the condition of land, water, and/or vegetation which do not involve the removal of healthy, mature, scenic trees except for forestry and agricultural purposes. The Project qualifies for a Class 4 Categorical Exemption because the Project includes the replacement of permeable pavers and the repair of a fence associated with a single-family residence, resulting in encroachments into the protected zones of two oak trees. No trees are proposed for removal.

Section 15300.2 of the State CEQA Guidelines discusses how projects located within particularly sensitive environments may have a significant impact on the environment and are therefore not eligible for certain CEQA exemptions, including the Class 4 Categorical Exemption cited herein. Exceptions to the exemptions include project impacts to an environmental resource of hazardous or critical concern where officially designated, precisely mapped, and adopted pursuant to law by federal, state, or local agencies. Exceptions to the exemptions also apply where a project may result in damage to scenic resources or where a project includes activities that will have a significant effect on the environment due to unusual circumstances.

The Project is not subject to an exception to the CEQA exemptions because the area has been mapped as H3 (disturbed) Habitat by the Santa Monica Mountains Local Coastal Program Land Use Plan, which is not considered a sensitive environmental resource.

The Project, due to its minimal footprint and height, is not expected to impact scenic resources such as trails or designated scenic routes. Other exceptions involving cumulative impact, hazardous waste sites, and historic resources also do not apply. Therefore, the Project is categorically exempt from CEQA.



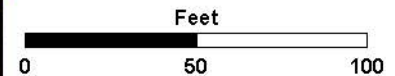
AERIAL IMAGERY

SITE-SPECIFIC MAP

PROJECT NO. PRJ2023-001704

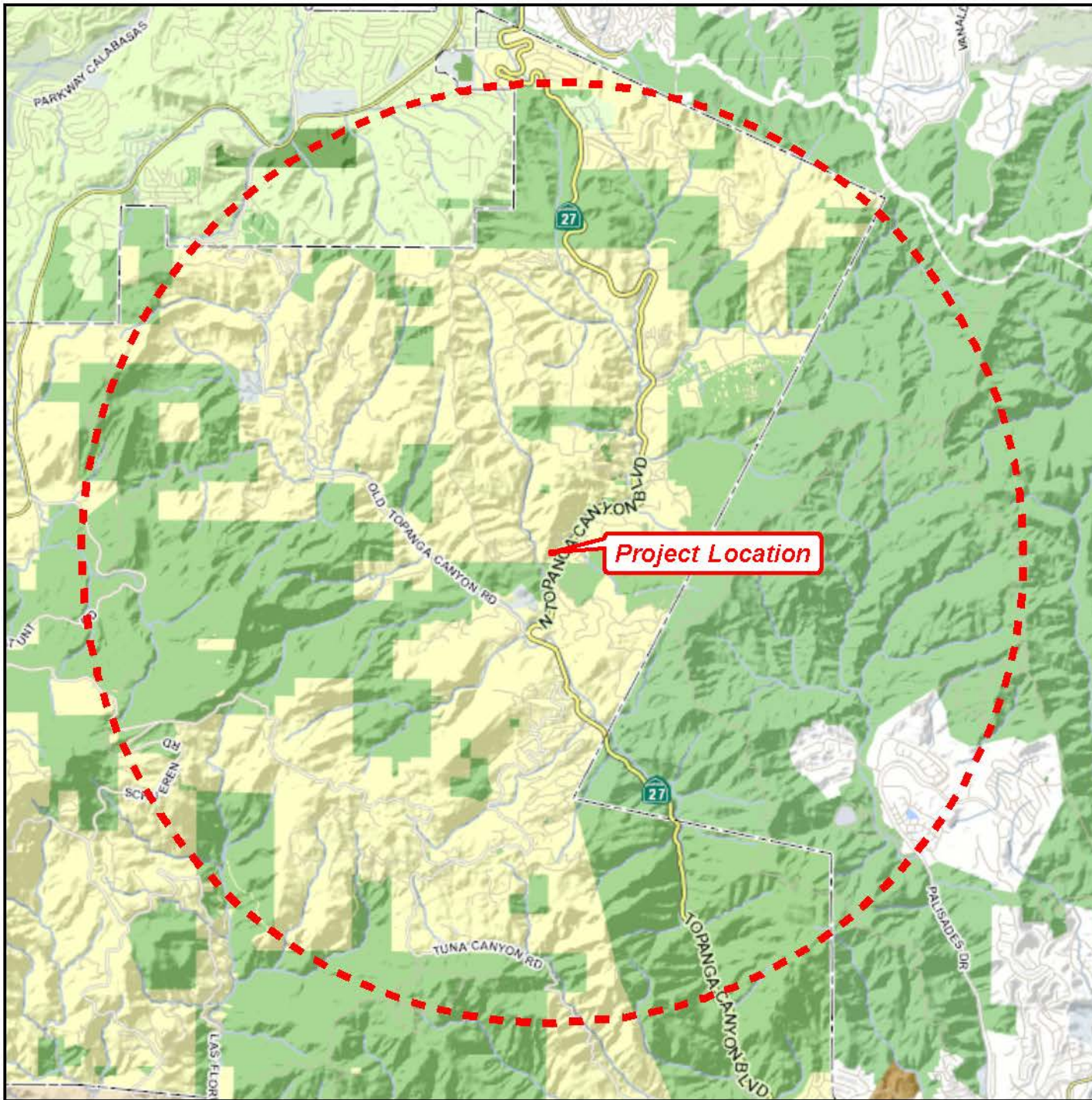
OTP RPPL2023002442

Digital Ortho Aerial Imagery:
Los Angeles Region Imagery
Acquisition Consortium (LARIAC)
2023



LA COUNTY
PLANNING

LOS ANGELES COUNTY
Dept. of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012

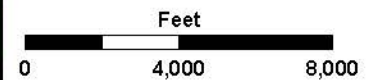


3-MILE RADIUS

LOCATOR MAP

PROJECT NO. PRJ2023-001704

OTP RPPL2023002442



LA COUNTY
PLANNING

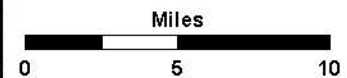
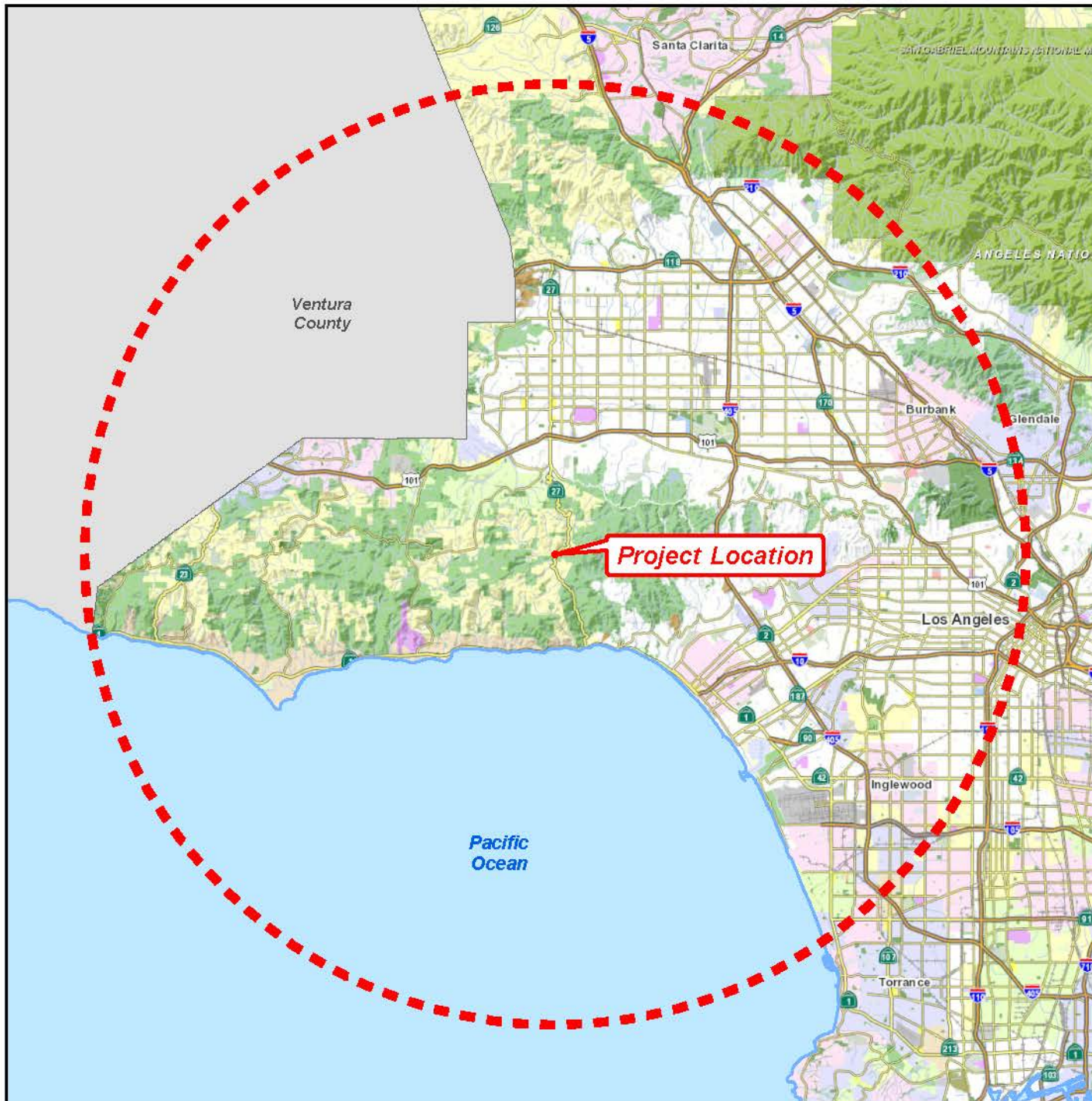
LOS ANGELES COUNTY
Dept. of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012

20-MILE RADIUS

LOCATOR MAP

PROJECT NO. PRJ2023-001704

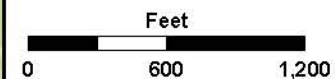
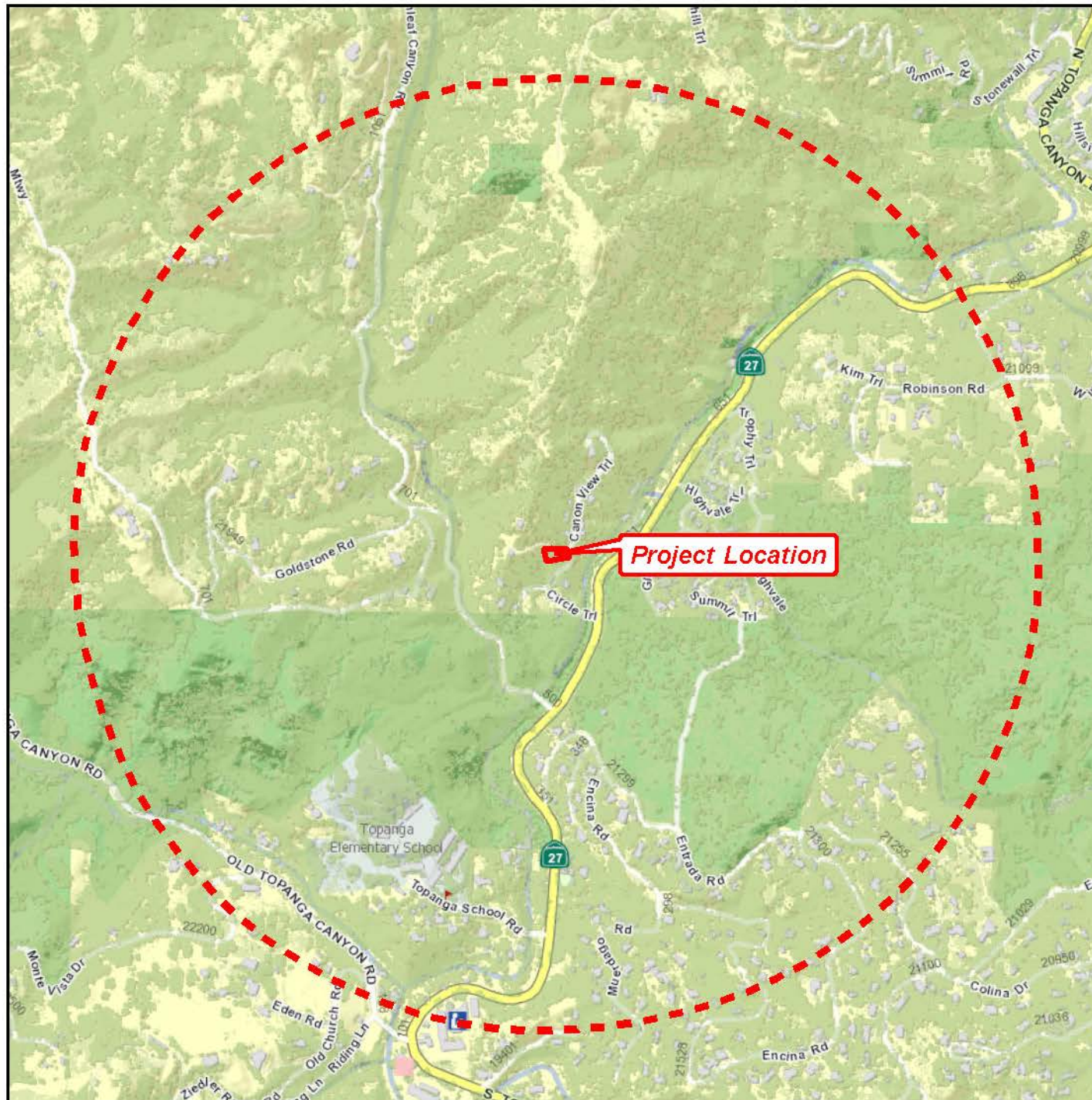
OTP RPPL2023002442



LA COUNTY
PLANNING

LOS ANGELES COUNTY
Dept. of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012

PROJECT NO. PRJ2023-001704
OTP RPPL2023002442

LA COUNTY
PLANNING

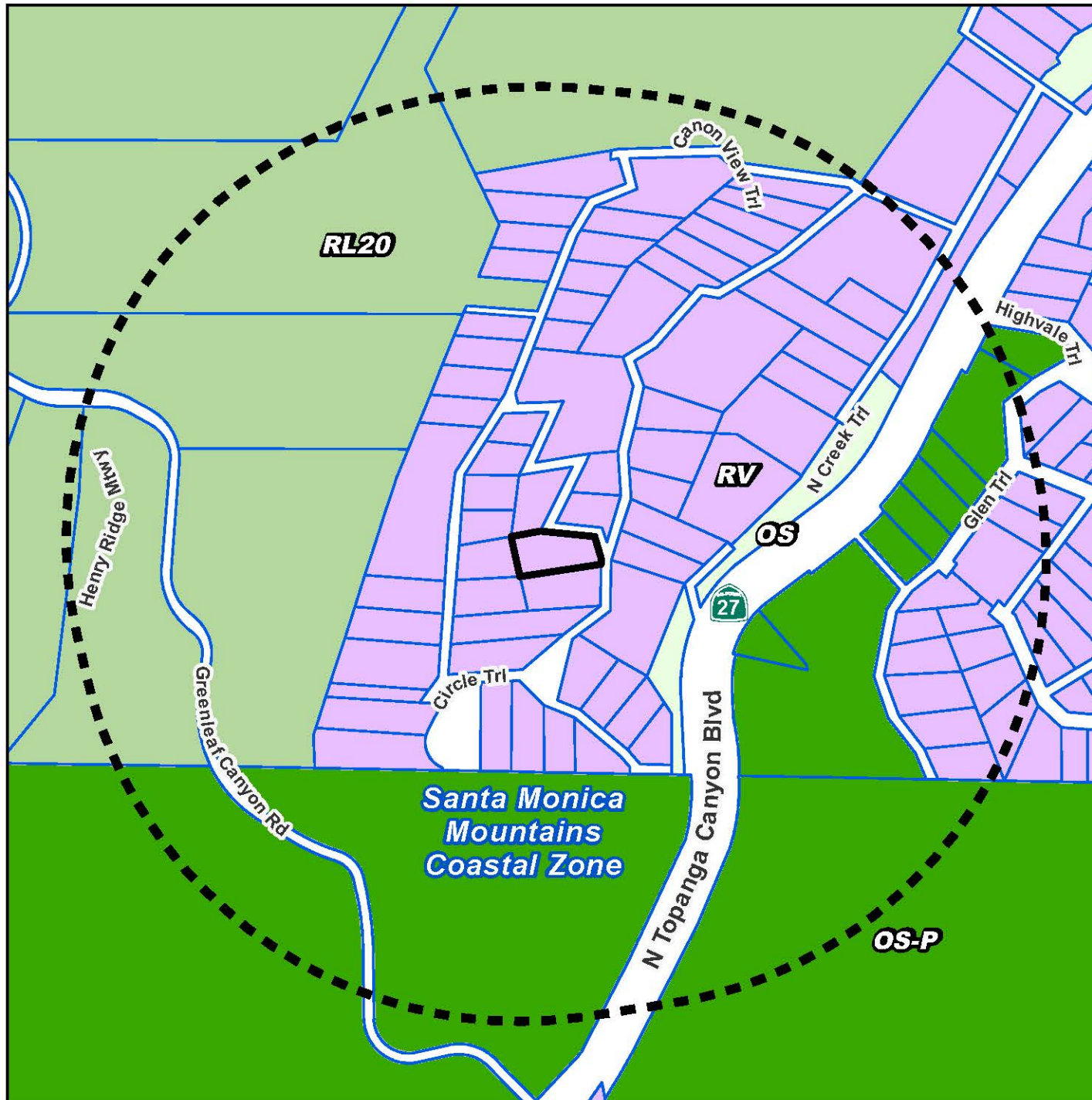
LOS ANGELES COUNTY
Dept. of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012

LAND USE POLICY

700-FOOT RADIUS MAP

PROJECT NO. PRJ2023-001704

OTP RPPL2023002442



- RL20 - Rural Lands (1 du / 20 ac)
- OS - Open Space
- OS-P - Open Space-Parks
- RV - Rural Village

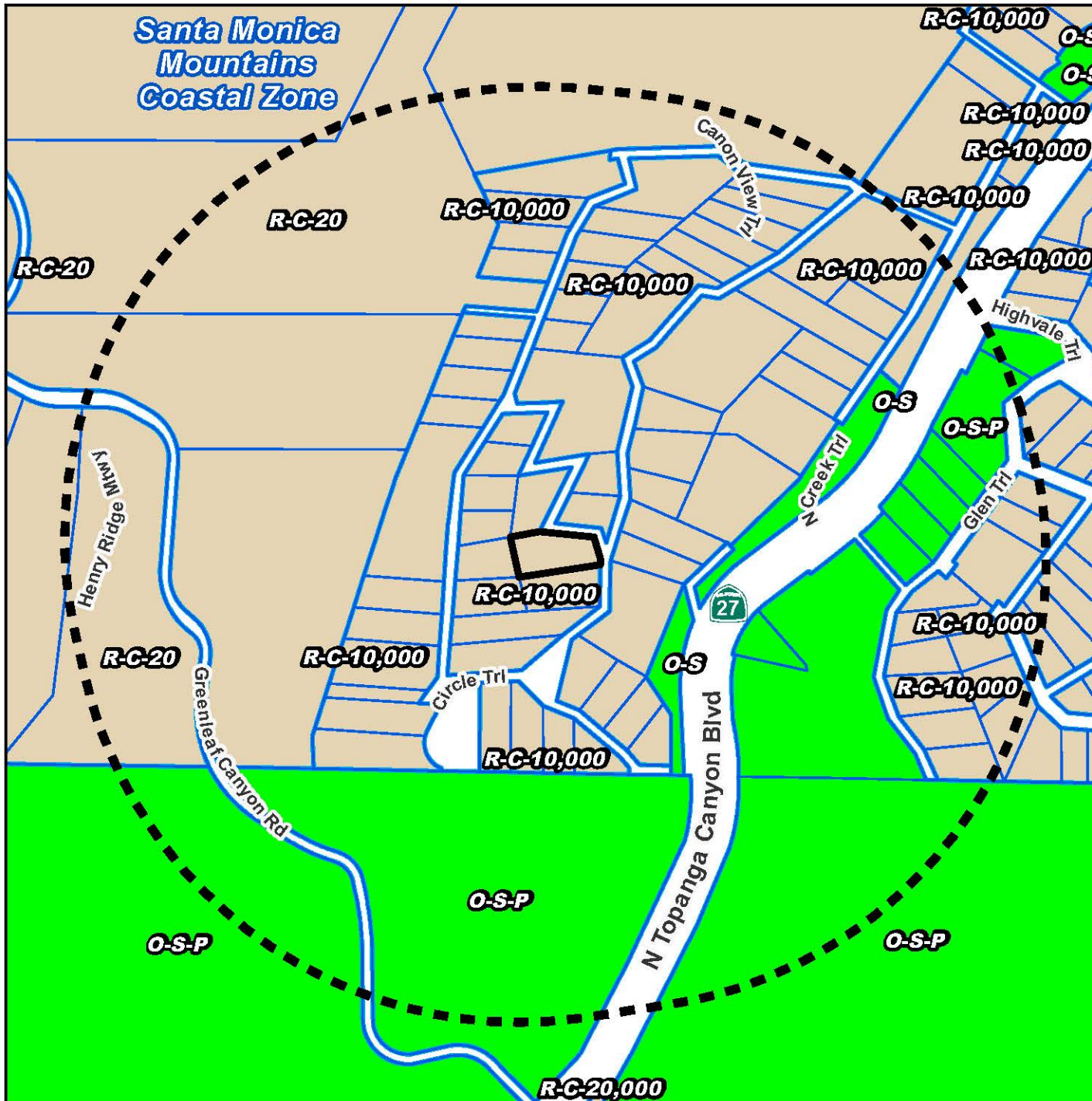
Feet
0 200 400



LA COUNTY
PLANNING

LOS ANGELES COUNTY
Dept. of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012

**Santa Monica
Mountains
Coastal Zone**



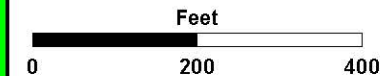
ZONING

700-FOOT RADIUS MAP

PROJECT NO. PRJ2023-001704

OTP RPPL2023002442

-  R-C - Rural Coastal
-  O-S - Open Space
-  O-S-P - Open Space - Parks



**LA COUNTY
PLANNING**

LOS ANGELES COUNTY
Dept. of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012

Photo Key:

FENCING -

- (1) Early photo after purchase in 1981, showing fence going to house corner monument area.**
- (1.a) Enlargement of fence detail.**
- (2) Original fence posts.**
- (3) Historic fence/materials (pre-1975).**
- (4) Licensed fence contractor repairing/replacing original fence posts per historic survey.**
- (5) Monument marker (detail).**
- (6) Property line marker.**
- (7) Rebuilt fence using original spec. materials as noted in title report and 1975 easement document.**

PAVERS -

- (8) Pavers pre-existing to purchase in 1981.**
- (9) Pre-existing paver area, since improved with better strength and air/water permeability.**
- (10) Specs. of upgraded replacement air/water permeable pavers.**
- (11) Neighbors completed project using upgraded pavers, approved by Bldg. & Safety.**



(1) Early photo after purchase in 1981, showing fence going to house corner monument area.



(1.a) Enlargement of fence detail.



Enlargement of fence detail.

(3) Historic fence/materials (pre-1975).



(3) original fence





Licensed fence contractor repairing/replacing original fence posts per historic survey. (4)



Property line marker (6)



Rebuilt fence using original spec. materials as noted in title report and 1975 easement document. (7)



(5) Monument marker (detail).



PAVERS -
(8) Pavers pre-existing to purchase in 1981.



08/22/202



(9) Pre-existing paver area, since improved with better strength and air/water permeability.

(10) Specs. of upgraded replacement air/water permeable pavers.



BUFF/TAN



GREY



(9)

Geometric Properties

Property	Value
Nominal Area (LxWxH)	24" x 24" x 1.5"
Gross Area of each mat	4 s.f.
Concrete Strength	5000 psi
Weight of each mat	45 lbs
Flexibility (min. radius of curvature)	12 in
Plantable Area	61% (100% for Sod)
Concrete Surface Area	39%
Concrete Bearing Area	90%
Mats per pallet	60
Area covered per pallet	240 s.f.
Color	Buff/Tan, Grey

(11) Neighbors completed project using upgraded pavers, approved by Bldg. & Safety.



This thin-profile, permeable, and flexible concrete paving mat promotes superior root penetration and moisture containment beneath the product resulting in healthy turf. Unlike other products with cellular plantings in void spaces within the pavement field.

The mats maintain the characteristics of lattice-style structure which allows vegetation, such as grass, to grow right through it, while providing a continuous root system below the mats, promoting healthy turf while minimizing moisture evaporation. Also, the design of the product limits infill and root compaction by concentrating the load on the concrete pads instead of large void spaces.

[These] properties enable precipitation to infiltrate into the underlying soils, thus increasing on-site storm water storage and minimizing runoff that goes to our oceans, rivers, streams, and lakes, while not losing valuable site area.

[Mats] are made of wet-cast concrete “muffins” connected by a grid, with holes to allow for water infiltration and root penetration. The polymer grid embedded in the mats allows them to flex and conform to uneven ground surfaces without coming apart.





RIGHT TO PASS
BY PERMISSION
AND SUBJECT
TO CONTROL
OF OWNER
SECTION 146 CIVIL CODE







ANTHONY C. MARRONE
FIRE CHIEF
FORESTER & FIRE WARDEN

*"Proud Protectors of Life,
the Environment, and Property"*

COUNTY OF LOS ANGELES FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 881-2401
www.fire.lacounty.gov



BOARD OF SUPERVISORS

JANICE HAHN, CHAIR
FOURTH DISTRICT

HILDA L. SOLIS
FIRST DISTRICT

LINDSEY P. HORVATH
THIRD DISTRICT

HOLLY J. MITCHELL
SECOND DISTRICT

KATHRYN BARGER
FIFTH DISTRICT

June 27, 2023

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

Dear Tyler Montgomery:

OAK TREE PERMIT NUMBER RPPL2023002442
APN: 4444027018

We have reviewed the "Request for Oak Tree Permit #RPPL2023002442." The project is located at APN: 4444027018 in the unincorporated area of . The Oak Tree Report is accurate and complete as to the location, size, condition and species of the Oak trees on the site. The term "Oak Tree Report" refers to the document on file by Richard W. Veyna, the consulting arborist, dated March 7, 2023.

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, pay the fees invoiced through EPIC-LA to the County of Los Angeles Fire Department. Such fees shall be used to compensate the County Forester per inspection and to cover expenses incurred while inspecting the project to determine the permittee's compliance with the conditions of approval. These fees provide for one (1) initial inspection prior to

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

AGOURA HILLS
ARTESIA
AZUSA
BALDWIN PARK
BELL
BELL GARDENS
BELLFLOWER
BRADBURY
CALABASAS

CARSON
CERRITOS
CLAREMONT
COMMERCE
COVINA
CUDAHY
DIAMOND BAR
DUARTE

EL MONTE
GARDENA
GLENDORA
HAWAIIAN GARDENS
HAWTHORNE
HERMOSA BEACH
HIDDEN HILLS
HUNTINGTON PARK
INDUSTRY

INGLEWOOD
IRVINDALE
LA CANADA-FLINTRIDGE
LA HABRA
LA MIRADA
LA PUENTE
LAKEWOOD
LANCASTER

LAWDALE
LOMITA
LYNWOOD
MALIBU
MAYWOOD
NORWALK
PALMDALE
PALOS VERDES ESTATES
PARAMOUNT

PICO RIVERA
POMONA
RANCHO PALOS VERDES
ROLLING HILLS
ROLLING HILLS ESTATES
ROSEMEAD
SAN DIMAS
SANTA CLARITA

SIGNAL HILL
SOUTH EL MONTE
SOUTH GATE
TEMPLE CITY
VERNON
WALNUT
WEST HOLLYWOOD
WESTLAKE VILLAGE
WHITTIER

the commencement of construction and six (6) 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 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 two (2) trees of the Oak genus identified as Tree Number 1 and Tree Number 2 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. 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 ten to one (10:1) for any tree specified above that dies as a result of the approved encroachments. In addition, any tree that reaches ordinance size during the construction and monitoring period shall be included in this permit and subject to these conditions of approval.
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 on site or within the same community if approved by the County Forester. If mitigation trees are deemed impossible by the County Forester, only then 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.

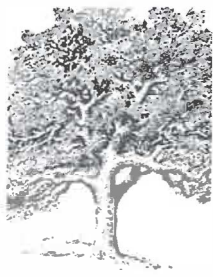
Very truly yours,



TREVOR MOORE, ASSISTANT CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

TM:jl

Enclosure



Richard W. Veyna
ASSOCIATES
Horticultural Consultants

March 7, 2023

Howard and Kim Elston
475 Doroty Lane
Arroyo Grande, CA 93420

Howard and Kim,

On February 2, 2023, I visited a lot opposite 537 Canon View Trail, in the Topanga area of Los Angeles, CA. I was called there to inspect two California Live Oaks, (*Quercus agrifolia*), one of which had pavers beneath it and another which had a fence line installed under its canopy. The position of the pavers was located well within the canopy of the Oak adjacent to the road. These pavers were pervious and posed no detriment to the Oak. I advised you that although this was the case, that parking on the pavers for an extended period of time could do harm to the tree.

The other Oak was located further away from the road on a steep grade. I noted a fence line crossing underneath its canopy on the downhill side. I was informed that seven new fence posts were installed when the fence was repaired. The holes dug to install these posts were from 12" to 18" wide. I was told the postholes were excavated eight months ago. I made a visual inspection of the tree and found it to be in excellent health, with lush foliage and no signs of stress. I measured the tree and found it to be approximately seventy feet wide, thirty feet high with a trunk caliper of thirty inches (dbh). Calculating the area under the canopy we found it to be approximately 15,394 sq. ft. The area occupied by the fence posts is from 7 to 10.5 sq. ft. This would mean the fence posts encroached on the area under the canopy of the Oak by 0.00006821 sq. ft. or less. Considering the health of the tree eight months after the installation of the fence posts, I would say they have had no negative effect on the tree in question and there would be no harm in letting the posts remain in their present position.

Disclaimer - Arborists are tree specialists who use their experience, knowledge, training, and education to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk near trees. Clients may choose or accept or disregard the recommendations of the Arborist or seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that can fall in ways we can not anticipate or predict. Conditions are often hidden within the tree and/or below the ground level. Arborists cannot guarantee that a tree will be healthy or safe under all conditions, or for a specific period of time. Likewise, remedial treatments, like medicine, cannot guarantee the future health or structural integrity of a tree.

Treatment, pruning and removal of trees may involve conditions beyond the scope of the Arborist's services, (such as property boundaries and ownership, site lines, neighbor disputes,



Certified Arborist #WE-12195A
Tree Risk Assessment Qualified





Richard W. Veyna
ASSOCIATES
Horticultural Consultants

landlord tenant matters, etc.) Arborists cannot take such issues into account unless complete information has been provided to them.

The person hiring the Arborist accepts all liability for authorizing the recommended treatment or remedial measures once it has been explained and acknowledges that successful results cannot be guaranteed. Trees can be managed, but they cannot be controlled. To live near a tree is to accept some degree of risk. The only way to eliminate risk from trees is to eliminate them in the landscape.

No warranty is made, expressed or implied, that problems or deficiencies of the tree or the property will not occur in the future, from any cause. The Consultant shall not be liable for damages or injuries caused by tree defects and assume no responsibility for the correction of defects or tree related problems.

R.W. Veyna, Certified Arborist

Authorized Signature

Richard W. Veyna Associates



Certified Arborist #WE-12195A
Tree Risk Assessment Qualified

