

REPORT TO THE HEARING OFFICER

DATE ISSUED: August 22, 2024

HEARING DATE: September 3, 2024 AGENDA ITEM: 3

PROJECT NUMBER: PRJ2020-000848-(3)

PERMIT NUMBER(S): Minor Conditional Use Permit (“Minor CUP”)
RPPL2020003011
Oak Tree Permit (“OTP”) RPPL2020007766

SUPERVISORIAL DISTRICT: 3

PROJECT LOCATION: 2351 Sierra Creek Road, Agoura Hills, CA
(Assessor’s Parcel Number 2058-005-012)

OWNER: Kevin Considine

APPLICANT: Kevin Considine

CASE PLANNER: Tyler Montgomery, Principal Planner
Tmontgomery@planning.lacounty.gov

RECOMMENDATION

LA County Planning staff (“Staff”) recommends **DENIAL** of the requested one-year time extension for Project No. PRJ2020-000848-(3), Minor CUP No. RPPL2020003011 and OTP No. RPPL2020007766 (“Project”), pursuant to County Code Section 22.222.270 and Condition 8 of the Project, as explained below.

Staff recommends the following motion:

I, THE HEARING OFFICER, DENY THE TIME EXTENSION REQUEST FOR MINOR CONDITIONAL USE PERMIT NO. RPPL2020003011 AND OAK TREE PERMIT NO. RPPL2020007766.

PROJECT DESCRIPTION

The Permittee, Kevin Considine (“Permittee”), requests a one-year time extension for the use of Minor CUP No. RPPL2020003011 and OTP No. RPPL2020007766, which authorized the construction of a 1,996-square-foot single-family residence and a 325-square-foot accessory dwelling unit with encroachments into the protected zones of eight oak trees in the R-R-5 (Resort and Recreation—Five Acre Minimum Required Lot Area) Zone within the Santa Monica Mountains North Area. The Project was approved by the Hearing Officer on May 3, 2022, with an expiration date of May 17, 2024.

STAFF RECOMMENDATION

Staff recommends denial of the requested one-year time extension pursuant to County Code Section 22.222.270 and Condition 8 of the Project, which includes MCUP No. RPPL2020003011 and OTP No. RPPL2020007766.

County Code Section 22.222.270.A states, in pertinent part, “If the permit or review is not used within the applicable time limit, the approval shall expire and become null and void.” County Code Section 22.222.270.B states “Except as specified otherwise, where an application requesting an extension is **timely filed prior to the expiration date**, the Hearing Officer may, one time, extend the time limit in Subsection A, above, for a period of not to exceed one year” (emphasis added). Condition 8 of the Project states “This grant shall expire 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**” (emphasis added).

The Project’s date of final approval was May 17, 2022, when the Project’s appeal period ended, and the grant expired on May 17, 2024. However, the one-year time extension request was submitted on July 24, 2024. Pursuant to Condition 2 of the Project, the Permittee signed an Affidavit of Acceptance stating “I am aware of, and accept, all the stated Conditions of Approval for the above-mentioned permit(s)” on May 9, 2022. The Affidavit of Acceptance was recorded at the Recorder’s Office on May 10, 2022 (Exhibit A). Therefore, the Permittee was aware of, and accepted, Condition 8 of the Project, which required submittal of the one-year time extension request prior to May 17, 2024, but the Permittee did not submit the request until July 24, 2024.

The Permittee was informed that Staff would recommend denial of the requested one-year time extension pursuant to County Code Section 22.222.270 and Condition 8 of the Project. However, the Permittee chose to submit the one-year time extension request regardless. The request states that the Permittee needs additional time to begin construction because they need approval from other County agencies before they can complete the Building and Safety plan check process (Exhibit B). The Permittee initiated the Building and Safety plan check process on June 15, 2023, approximately 13 months after the Project’s date of final approval.

If the Hearing Officer takes the recommended action, the Permittee will need to submit a new application. On May 4, 2021, the Board of Supervisors (“Board”) adopted comprehensive updates to the Santa Monica Mountains North Area Plan (“Area Plan Update”) and the Santa Monica Mountains North Area Community Standards District (“CSD Update”). The Project application was submitted on May 2, 2020, before the Board adopted the Area Plan Update and the CSD Update. Pursuant to County Code Section 22.246.020, the Project application was subject to the versions of the Area Plan and CSD that were in effect at the time the application was submitted on May 2, 2020, not the Area Plan Update and the CSD Update. By contrast, the new application will be subject to the Area Plan Update and the CSD Update.

For questions or additional information, please contact Tyler Montgomery at tmontgomery@planning.lacounty.gov.

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	Recorded Affidavit, Findings, and Conditions
EXHIBIT B	Applicant's Request for Time Extension

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BY: AB
SEP 0 1 2022
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Pages:
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Recorded/Filed in Official Records
Recorder's Office, Los Angeles County,
California

05/10/22 AT 12:47PM

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TAXES:	0.00
OTHER:	0.00
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PAID:	152.00



LEADSHEET



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THIS FORM IS NOT TO BE DUPLICATED

RECORDING REQUESTED BY
DEPARTMENT OF REGIONAL PLANNING

AND WHEN RECORDED MAIL DOCUMENT TO:

NAME **KEVIN CONSIDINE**

STREET ADDRESS

P.O. BOX 6736

CITY, STATE &
ZIP CODE

MALIBU, CA 90264

05/10/2022



20220508674

SPACE ABOVE FOR RECORDER'S USE ONLY

AFFIDAVIT OF ACCEPTANCE

Title of Document

Pursuant to Assembly Bill 1466 – Restrictive Covenant (GC Code Section 27388.2), effective January 1, 2022, a fee of two dollars (\$2) for recording the first page of every instrument, paper, or notice required or permitted by law to be recorded per each single transaction per parcel of real property, except those expressly exempted from payment of recording fees, as authorized by each county's board of supervisors and in accordance with applicable constitutional requirements.

Pursuant to Senate Bill 2 – Building Homes and Jobs Act (GC Code Section 27388.1), effective January 1, 2018, a fee of seventy-five dollars (\$75.00) shall be paid at the time of recording of every real estate instrument, paper, or notice required or permitted by law to be recorded, except those expressly exempted from payment of recording fees, per each single transaction per parcel of real property. The fee imposed by this section shall not exceed two hundred twenty-five dollars (\$225.00).

- Exempt from fee per GC 27388.1(a)(2) and 27388.2 (b); recorded in connection with a transfer subject to the imposition of documentary transfer tax (DTT).
- Exempt from fee per GC 27388.1(a)(2) and 27388.2 (b); recorded in connection with a transfer of real property that is a residential dwelling to an owner-occupier.
- Exempt from fee per GC 27388.1 (a) (1); fee cap of \$225.00 reached.
- Exempt from the fee per GC 27388.1 (a) (1); not related to real property.

**THIS COVER SHEET ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(\$3.00 Additional Recording Fee Applies)**



Please complete and return to:
 Department of Regional Planning
 320 West Temple Street, 13th Floor
 Los Angeles, California 90012

AFFIDAVIT OF ACCEPTANCE

STATE OF CALIFORNIA
 COUNTY OF LOS ANGELES

}ss

**REGARDING: PROJECT NO. PRJ2020-000848-(3)
 MINOR CONDITIONAL USE PERMIT NO. RPPL2020003011
 OAK TREE PERMIT NO. RPPL2020007766
 2351 SIERRA CREEK ROAD (APN: 2058-005-012)**

I/We the undersigned state:

I am/We are the permittee of the above-mentioned permits and/or owner of the real property described above (on Exhibit "A", attached hereto). I am/We are aware of, and accept, all the stated Conditions of Approval for the above-mentioned permit(s).

I/We have enclosed a check in the amount of \$400.00 payable to the County of Los Angeles as required by the Conditions of Approval for regular inspections for compliance. I/We also acknowledge that I/We and my/our successors in interest may be required to reimburse the Department of Regional Planning for any additional enforcement efforts necessary to bring the subject property into compliance.

Executed this 9th day of MAY, 20 22

I/We declare under the penalty of perjury that the foregoing is true and correct.

Complete both Applicant and Owner sections, even if the same.

Signatures must be acknowledged by a Notary Public. Affix seal or appropriate acknowledgements.

Applicant's Name: Kevin Alfred Considine
 Address: P/O Box 6736
 City, State, Zip: Malibu CA 90264
 Signature: [Handwritten Signature]

Owner's Name: Kevin Alfred Considine
 Address: P/O Box 6736
 City, State, Zip: Malibu CA 90264
 Signature: [Handwritten Signature]

-please see attached California Certificates of Acknowledgements

CALIFORNIA CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Los Angeles)

On May 9th, 2022 before me, Nathan Schields, notary public,
(here insert name and title of the officer)

personally appeared Kevin Alfred Considine

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Nathan Schields

(Seal)

Optional Information

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Affidavit of acceptance

containing 2 pages, and dated May 9, 2022

The signer(s) capacity or authority is/are as:

- Individual(s)
 Attorney-in-Fact
 Corporate Officer(s) _____
Title(s)

- Guardian/Conservator
 Partner - Limited/General
 Trustee(s)
 Other: _____

representing: _____
Name(s) of Person(s) or Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:
 form(s) of identification credible witness(es)

Notarial event is detailed in notary journal on:
Page # _____ Entry # _____

Notary contact: _____

Other

- Additional Signer(s) Signer(s) Thumbprint(s)

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who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature



(Seal)

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Proved to me on the basis of satisfactory evidence:
 form(s) of identification credible witness(es)

Notarial event is detailed in notary journal on:
Page # _____ Entry # _____

Notary contact: _____

Other

- Additional Signer(s) Signer(s) Thumbprint(s)



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director of Regional Planning

Dennis Slavin
Chief Deputy Director,
Regional Planning

May 5, 2022

Kevin Considine
P.O. Box 6736
Malibu, CA 90264

Dear Mr. Considine

PROJECT NO. PRJ2020-000848-(3)
MINOR CONDITIONAL USE PERMIT NO. RPPL2020003011
OAK TREE PERMIT NO. RPPL2020007766
2351 SIERRA CREEK ROAD (APN: 2058-005-012)

Hearing Officer Gina Natoli, by her action of **May 3, 2022**, has approved the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **May 17, 2022**.

Appeals: To file an appeal, please contact:
Appeals must be submitted through the County's online electronic permit management system (EPIC-LA). For instructions on how to appeal online, please email appeal@planning.lacounty.gov before the end of the appeal period.

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

320 West Temple Street • Los Angeles, CA 90012 • 213-974-6411 • TDD: 213-617-2292

   @LACDRP | planning.lacounty.gov

Mr. Kevin Considine
May 5, 2022
Page 2

In addition, any applicable California Environmental Quality Act fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. A Notice of Exemption, if applicable, may also be filed according to the instructions in the enclosed Affidavit of Acceptance.

For questions or for additional information, please contact William Chen, AICP of the Coastal Development Services Section at (213) 974-0051, or wchen@planning.lacounty.gov.

Sincerely,

AMY J. BODEK, AICP
Director of Regional Planning



Robert Glaser, Supervising Regional Planner
Coastal Development Services Section

RG:MAG:WCC

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

c: DPW (Building and Safety)
Zoning Enforcement

CP_03MAY2022_APPROVALLETTER

**LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING
FINDINGS OF THE HEARING OFFICER
AND ORDER
PROJECT NO. PRJ2020-000848-(3)
MINOR CONDITIONAL USE PERMIT NO. RPPL2020003011
OAK TREE PERMIT NO. RPPL2020007766**

RECITALS

1. **HEARING DATE(S).** The Los Angeles County ("County") Hearing Officer conducted a duly noticed public hearing on March 1, 2022, and May 3, 2022, in the matter of Project No. **PRJ2020-000848-(3)**, consisting of Minor Conditional Use Permit No. RPPL2020003011 ("MCUP"), and Oak Tree Permit No. RPPL2020007766 ("OTP"). (The MCUP and OTP are referred to collectively as the "Project Permits.")
2. **ENTITLEMENT(S) REQUESTED.** The permittee, Kevin Considine ("permittee"), requests the Project Permits to authorize a new single-family residence ("SFR") and accessory dwelling unit ("ADU") with attached two (2) car garage in the R-R-5 (Resort Recreation – 5 acre minimum required lot area) ("Project") and encroachments into the protected zones of eight oak trees on a property located at 2351 Sierra Creek Road, Agoura, CA (APN: 2058-005-012) in the unincorporated Santa Monica Mountains North Area ("Project Site").
3. **ENTITLEMENT(S) REQUIRED.** The MCUP is a request to authorize a new SFR and a detached ADU with an attached two (2) car garage in the R-R-5 zone pursuant to Los Angeles County Code ("County Code") Section 22.336.070.E.1.a., as in effect on May 26, 2020.
4. **ENTITLEMENT(S) REQUIRED.** The OTP is a related request to authorize the encroachment into the protected zone of eight (8) oak trees associated with the development of a new SFR pursuant to County Code Section 22.174.030.A as in effect on May 26, 2020.
5. **LAND USE DESIGNATION.** The Project Site is located within the N5 (Mountain Lands 5 – 1 du/5ac max) land use category of the Santa Monica Mountains North Area Plan ("Area Plan") Land Use Policy Map.
6. **ZONING.** The Project Site is located in The Malibu Zoned District and is currently zoned R-R-5. Pursuant to County Code Section 22.336.070.E.1.a, a MCUP is required for a SFR and the associated ADU.
7. **PROJECT AND SITE PLAN DESCRIPTION.**

A. Existing Site Conditions

The Project Site is 1.04 gross acres (46,136 square feet) in size and consists of one legal lot, as evidenced by Certificate of Compliance No. RCOC-CC900075. The Project Site is irregular in shape with steep to flat topography and is vacant with an unpermitted perimeter wood fence.

B. Site Access

The Project Site is accessible via Sierra Creek Road to the east. Primary access to the Project Site will be via an entrance/exit on Sierra Creek Road. Secondary access will be via a private driveway entrance/exit located to the north.

C. Site Plan

The site plan depicts the Project Site with a new two-story 1,996-square-foot SFR building, located near the northern half of the parcel. The SFR is proposed with three bedrooms and three baths. A detached ADU with an attached, two (2) car garage is located 14 feet and 8 inches south of the SFR. An additional two (2) uncovered parking spaces are provided adjacent to the ADU. The ADU measures 325 square feet and the garage measures 420 square feet. Drainage, stormwater runoff, and low-impact development infrastructure is proposed. Grading associated with this development is limited to a total of 61 cubic yards consisting of 23 cubic yards of cut and 38 cubic yards of fill, with import of 15 cubic yards. Water and sewer will be provided by means of public utilities.

8. **PUBLIC COMMENTS.** Staff has not received any public comment.

9. **AGENCY RECOMMENDATIONS.**

- A. Los Angeles County Department of Public Works: Recommended clearance to public hearing with conditions in a letter dated August 11, 2021.
- B. Los Angeles County Fire Department: Recommended clearance to public hearing with conditions in a letter dated October 19, 2020.
- C. Los Angeles County Department of Public Health: Recommended clearance to public hearing with conditions in a letter dated February 3, 2021.
- D. Los Angeles County Department of Parks & Recreation: Recommended clearance to public hearing with no conditions in a letter dated August 16, 2021.
- E. Los Angeles County Forester: Recommended clearance to public hearing with conditions in a letter dated August 17, 2021.

10. **CEQA DETERMINATION.** Prior to the Hearing Officer's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Categorical Exemption (Class 3 Exemption, New Construction of Small Structures, and Class 4

Exemption, Minor Alterations to Land) under the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA") and the County environmental guidelines. The Project request is to authorize development of a single-family residence with encroachments into the protected zone of eight (8) oak trees. The Project qualifies for a Class 3 Exemption because it consists of the construction of limited numbers of new structures including a SFR and accessory structures. The Project is a proposal to construct one new SFR, an ADU, a garage, and associated infrastructure consisting of an access driveway, demolition of existing fencing, and site drainage features. According to section 15304 of the State CEQA Guidelines and the County's Environmental Document Reporting Procedures and Guidelines, the Class 4 exemption includes minor alterations to the conditions of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees. The Project qualifies for a Class 4 exemption because the Project is proposing new landscaping and 61 cubic yards of grading without removal of trees associated with a SFR.

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 3 and Class 4 exemptions cited here. However, because the Project consists of a new SFR with accessory structure and oak tree encroachments that (a) will not have significant effects on sensitive environments, (b) is not part of a group of successive projects resulting in cumulative impacts, (c) is not at risk of a reasonable possibility of significant effect on the environment due to unusual circumstances, (d) will not damage or otherwise affect scenic resources, (e) is not a hazardous waste site, and (f) will not result in a substantial change in the significance of a historical resource; the Exceptions to the Exemptions do not apply to the Project as articulated by CEQA.

The Project Site is located within the **Santa Monica Mountains Significant Ecological Area (SEA)**, which is designated by and mapped in the Los Angeles County General Plan 2035 (General Plan) as an area of biological sensitivity. This Project was filed prior to June 3, 2021 and therefore is not subject to the new SEA provisions of the Area Plan. As stated in the General Plan, *"the objective of the SEA Program is to conserve genetic and physical diversity by designating biological resource areas that are capable of sustaining themselves into the future. However, SEAs are not wilderness preserves. Much of the land in SEAs are privately-held, used for public recreation, or abuts developed areas. The SEA Program must therefore balance the overall objective of resource preservation against other critical public needs. The General Plan goals and policies are intended to ensure that privately-held lands within the SEAs retain the right of reasonable use, while avoiding activities and development that are incompatible with the long-term survival of the SEAs."* Similarly, County Code states *"it is not the purpose to preclude development within these areas (SEAs) but to ensure, to the extent possible, that such development maintains and where possible enhances the remaining biotic resources of the significant ecological areas, while allowing for limited controlled development therein."* As such, the SFR and accessory structures are **exempt from a SEA CUP**. Further, the initial environmental assessment

and U.S. Fish & Wildlife Service critical habitat map did not indicate the presence of sensitive biological resources that would be impacts by implementation of the project. The development site is setback 35 feet from the stream located on the western edge of the property boundary. The oak tree encroachments have been evaluated for potential impacts by the applicant's biologist.

GENERAL PLAN CONSISTENCY FINDINGS

11. **LAND USE POLICY.** The Hearing Officer finds that the Project is consistent with the goals and policies of the Santa Monica Mountains North Area Plan because the N5 land use designation is intended for low-density single-family housing, categories into which this Project falls. The Hearing Officer further finds that the Project promotes clustering of uses in reducing disturbances to the topographic, vegetative, and biological settings.

12. **GOALS AND POLICIES.** The Hearing Officer finds that the Project is consistent with Policy CO-65 of the Area Plan: *"Preserve mature native trees by siting and designing development in a manner that prevents removals or encroachment into the protected zone of native trees."*

The Project seeks to remove an existing unpermitted wood fence that presently encroaches into the protected zone of oak trees. The proposed development is sited in a manner which creates only eight (8) oak tree encroachments and will not result in the removal of any oak trees.

13. **GOALS AND POLICIES.** The Hearing Officer finds that the Project is consistent with Policy CO-67 of the Area Plan: *"Site and design new development to minimize the amount of grading and the alteration of natural landforms."*

The Project is sited on the flat portion of the Project Site and entails minimal cut and fill grading for the development. The design will not require significant alteration of the existing landform.

14. **GOALS AND POLICIES.** The Hearing Officer finds that the Project is consistent with Policy CO-71 of the Area Plan: *"Restrict development on slopes greater than 25 percent unless the placement is biologically superior than alternative site."*

The building site is situated on a portion of the property terrain with the least amount of slope. The building site is located primarily within areas of less than 25% slope and portions of 25-49% slope around the exterior boundaries of the building site area. The placement of the building site area in slopes 25-49% is a superior alternative as it utilizes the existing disturbed areas of the Project Site and avoids additional oak tree encroachments or oak tree removals.

15. **GOALS AND POLICIES.** The Hearing Officer finds that the Project is consistent with Policy SN-27 of the Area Plan: *“Locate structures along a certified all-weather accessible road, which in some cases may consist of permeable surfaces, in a manner that provides firefighters adequate vehicle turnaround space on private properties. Where feasible, require that new development be accessed from existing roads.”*

The residential structures are accessible directly from Sierra Creek Road, an approximately 30-foot-wide paved public road that provides distinct means of egress to North Kanan Road and Mulholland Highway. The structures are situated on the eastern portion of the lot and closest to the road.

ZONING CODE CONSISTENCY FINDINGS

16. **PERMITTED USE IN ZONE.** The Hearing Officer finds that the Project is consistent with the R-R-5 zoning classification as a SFR is permitted in such zone with a MCUP pursuant to County Code Section 22.336.070.E.1.a.
17. **REQUIRED YARDS.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.110.080. The Project maintains a minimum 20-foot front yard, 5-foot side yards, and 15-foot rear yard setbacks.
18. **HEIGHT.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Sections 22.110.060 and 22.336.070.E.3. The maximum height of the SFR is 31 feet and the ADU is 23 feet.
19. **PARKING.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.112.030.B and 22.112.070.A. The Project Site exceeds one (1) acre in size and exempts the SFR from required parking spaces. However, the ADU requires one (1) uncovered parking space per unit. The Project provides two (2) covered and two (2) uncovered parking spaces.
20. **DISTANCE BETWEEN BUILDINGS.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.110.050.A.2. The SFR and ADU are separated by a minimum of six feet.
21. **ACCESSORY DWELLING UNITS.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.140.640.D.1. The Project Site contains two means of access to a highway and is located outside of the area between Old Topanga Canyon Road, the Coastal Zone boundary, the City of Calabasas, and the City of Los Angeles. The means of access is provided by Sierra Creek Road, which contains at least 24 feet in unobstructed width and is built to public street standards pursuant to the Public Works Pavement Condition Index data.
22. **ACCESSORY DWELLING UNITS.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section(s) 22.140.640.G.1. The

lot contains no habitable structures other than the proposed SFR and detached ADU. The ADU is conditioned so that its sale independent from the SFR is prohibited. The ADU is also conditioned so that its use as a rental unit shall not be less than 30 consecutive days and shall not be used for a home-based occupation if there is a home-based occupation in the SFR.

23. **ACCESSORY DWELLING UNITS.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.140.640.H.5.b. The ADU conforms to required yards because it provides at least a five-foot setback from the rear, interior side, and corner side lot lines.
24. **ACCESSORY DWELLING UNITS.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.140.640.H.6. The ADU has no bedroom, therefore no parking is required.
25. **COMMUNITY STANDARDS DISTRICT.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.336.060.D.2 and 22.336.060.D.3. The Project does not involve grading or export exceeding 1,000 cubic yards. The Project is also conditioned to prohibit grading during the rainy season, defined as October 15 of any year through April 15 of the subsequent year.
26. **RURAL OUTDOOR LIGHTING DISTRICT.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section(s) 22.80.040 and 22.80.050. The Project is conditioned to require the shielding of all exterior lighting to reduce light trespass and night-sky glow that might result.
27. **TREE PLANTING.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.126.030.A.2. The existing trees on site fulfill the requirement of providing a minimum of two trees on each lot.

CONDITIONAL USE PERMIT FINDINGS

28. **The Hearing Officer finds that the proposed use at the site will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.** The proposed residential use is consistent in character and density with the surrounding existing uses and is consistent with the land use designation as prescribed by the Area Plan. The Project is a low-density residential development that is designed to be compatible with the semi-rural neighborhood surroundings and is not expected to disrupt or change the character of the surrounding area. The Project Site involves minimal grading and disturbance to the natural terrain and does not require removal of any existing oak trees on site. The

Project meets all development standards including those contained in the SMMNA CSD.

29. **The Hearing Officer finds that the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.** The Project conforms to the required development standards of the County Code. The Project is consistent with all applicable development standards for the zone including height, yards, setbacks, off-street parking, and lighting. The Project does not require any yard modifications or variances from any development standard in Title 22. The building site area is limited to only a portion of the overall lot, development activity is occurring on the most topographically suitable area that is flat and requires the least amount of disturbance to existing habitat. The buildings are oriented close to the access road and oriented so that only a short driveway is necessary.
30. **The Hearing Officer finds that the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.** The Project Site is adjacent to Kanan Road, an existing public highway, and Mulholland Highway. The Project will not impact traffic patterns, as the facility is a single-family residence and takes access off an existing paved street. The Project provides a garage with two (2) covered off-street parking spaces and two (2) uncovered parking spaces on the driveway. Temporary increases in traffic may occur during the construction period for the home but would cease upon completion of construction. The grading for the Project consists of only 61 cubic yards with import of 15 cubic yards, reducing the potential number of truck trips during the construction period.
31. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is not necessary to limit the MCUP and OTP with a grant term.

OAK TREE PERMIT FINDINGS

32. **The Hearing Officer finds that 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 does not require the removal of any oak trees and seeks to remove existing encroachments. The Project has been adequately conditioned to ensure that any construction activity is mitigated to minimize any potential impacts. The County Forester has reviewed the oak tree report and recommended approval with conditions.

33. **The Hearing Officer finds that 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 does not require the removal or relocation of any 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.
34. **The Hearing Officer finds 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 alternative development plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive.** The Project does not require the removal or relocation of any oak trees. The Project is designed to only require the encroachment into the protected zones of eight oak trees.
35. **The Hearing Officer finds that the removal of the oak trees will not be contrary to or in substantial conflict with the intent and purpose of the Oak Tree Permit procedure.** The Project does not require any removals or relocations of existing oak trees on-site.

ENVIRONMENTAL FINDINGS

36. The Hearing Officer finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 21000, et seq (Class 3 Exemption, New Construction of Small Structures, and Class 4 Exemption, Minor Alterations to Land categorical exemptions). The SFR and associated development are activities that are categorically exempted and the exceptions to the exemptions are not applicable.

ADMINISTRATIVE FINDINGS

37. **HEARING PROCEEDINGS.** The Hearing Officer held a duly-noticed public hearing on the Project Permits on March 1, 2022. The Hearing Officer heard a presentation from Regional Planning staff and testimony from the applicant and the applicant's representative. After hearing all testimony, Hearing Officer requested additional information be provided and for the Project Site to be cleared of storage materials and removal of an un-permitted accessory structure. The public hearing was then continued to May 3, 2022. At the May 3, 2022 public hearing, the Hearing Officer closed the public hearing and approved the Project Permits, subject to the changes recommended by Regional Planning staff.
38. **LEGAL NOTIFICATION.** The Hearing Officer finds that pursuant to Sections 22.222.120, 22.228.040.C, 22.336.070.E.1.b, 22.174.040.E and 22.222.160 of the County Code, 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 the Regional Planning's website. On Jan. 20, 2022, a total of

47 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 notices to those on the courtesy mailing list for The Malibu Zoned District and to any additional interested parties.

39. **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 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 Coastal Development Services Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

Regarding the Minor Conditional Use Permit:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.
- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

Regarding the Oak Tree Permit:

- E. 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.
- F. 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.

PROJECT NO. PRJ2020-000848-(3)
MINOR CONDITIONAL USE PERMIT NO. RPPL2020003011
OAK TREE PERMIT NO. RPPL2020007766

FINDINGS
PAGE 10 OF 10

- G. 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.

THEREFORE, THE HEARING OFFICER:

1. Finds that the Project is categorically exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines sections 15303 and 15304 (Class 3 Exemption, New Construction of Small Structures, and Class 4 Exemption, Minor Alterations to Land categorical exemptions); and
2. Approves **MINOR CONDITIONAL USE PERMIT NO. RPPL2020003011**, subject to the attached conditions; and
3. Approves **OAK TREE PERMIT NO. RPPL2020007766**, subject to the attached conditions.

ACTION DATE: May 3, 2022

RG:MAG:WCC

May 5, 2022

c: Zoning Enforcement, Building and Safety

**LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING**

**CONDITIONS OF APPROVAL
PROJECT NO. PRJ2020-000848-(3)
MINOR CONDITIONAL USE PERMIT NO. RPPL2020003011
OAK TREE PERMIT NO. RPPL2020007766**

PROJECT DESCRIPTION

The project is to authorize a single-family residence, a detached accessory dwelling unit with attached two-car garage, and encroachments into the protected zones of eight oak trees, 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 that the conditions of the grant have been recorded as required by Condition No. 6, and until all required monies have been paid pursuant to Condition No. 9. Notwithstanding the foregoing, this Condition No. 2 and Conditions No. 3, 4, and 8, and 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 10 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.

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. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, 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 not have a termination date.
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. 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 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 **\$400**, which shall be placed in a performance fund and be used exclusively to reimburse Regional Planning for all **expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of this grant.** The fund provides for **two (2)** inspections. Inspections may be unannounced and may be conducted utilizing any available technologies, including, but not limited to, unmanned aircraft systems (UAS).

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 established by Regional Planning 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 22.238 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.
15. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **one (1) digital copy** of a modified Exhibit "A" shall be submitted to Regional Planning by **July 5, 2022**.
16. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **one (1) digital copy** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT-SPECIFIC CONDITIONS – OAK TREE PERMIT

17. This permit shall not be effective until the CUP is approved for the construction of the single-family residence and detached accessory dwelling unit with garage, and demolition of the existing wood perimeter fence, demonstrating the need to encroach upon the said trees.
18. The permittee shall comply with all conditions and requirements contained in the County of Los Angeles Forester and Fire Warden, Forestry Division, letter dated August 17, 2021 (attached hereto), to the satisfaction of said Division, except as otherwise required by said Division and by these conditions.
19. The maintenance and monitoring period for the trees covered by this permit and for any mitigation trees shall be 10 years.
20. The permittee shall be prohibited from removing any existing onsite tree with a diameter of at least six inches, or with two or more trunks totaling at least eight inches in diameter as measured at 54 inches above natural grade. In the event that unauthorized removal(s) occur, onsite mitigation plantings of native trees shall occur at a ratio established by County Code Section 22.174.070, or the regulations otherwise in effect at the time of such removal(s). In no event shall mitigation of oak tree removals occur at a ratio less than 2:1.
21. The permittee shall plant one healthy acorn of the same species of oak (*Quercus* sp.) as the tree removed for each mitigation tree planted. The acorns shall be planted at the same time as and within the watering zone of each mitigation tree.
22. All replacement trees shall be planted on native undisturbed soil and shall be the same species of oak (*Quercus* sp.) as the removed tree. The location of the replacement tree shall be in the vicinity of other oak trees of the same species. A layer of humus and litter from beneath the canopy of the removed tree shall also be applied to the area beneath the canopies of the replacement trees to further promote the establishment of mycorrhizae within their rooting zones.
23. When replacement trees are planted on disturbed soil or are not in the vicinity of the same species of oak (*Quercus* sp.) as the removed tree, planting shall incorporate a mycorrhizal product, either as amendment or in the first two irrigations or watering of planted trees (i.e. "mycorrhizaROOTS" or similar product) in accordance with the label's directions. A layer of humus and litter from beneath the canopy of the removed tree shall also be applied to the area beneath the canopies of the replacement trees to further promote the establishment of mycorrhizae within their rooting zones.

PROJECT SITE-SPECIFIC CONDITIONS

24. This grant shall authorize the construction of a single-family residence, a detached accessory dwelling unit with attached garage, and demolition of the existing wood perimeter fence, pursuant to the approved Exhibit "A".
25. The ADU shall be subject to the governing provisions as in effect on May 26, 2020. The sale of the ADU independent of the SFR is prohibited; rental of the ADU for less than 30 consecutive days is prohibited; and the ADU shall not be used for a home-based occupation if there is a home-based occupation in the SFR.
26. Grading shall be prohibited during the rainy season, defined as October 15 of any year through April 15 of the subsequent year, per County Code Section 22.336.060.D.
27. The permittee shall comply with Rural Outdoor Lighting District provisions pursuant to Sections 22.336.060.B, 22.80.040, and 22.80.050 of the County Code.
28. The permittee shall comply with all conditions set forth in the attached County Public Works Department letter dated August 11, 2021.
29. The permittee shall comply with all conditions set forth in the attached County Fire Department letter dated October 19, 2020.
30. The permittee shall comply with all conditions set forth in the attached County Public Health Department letter dated February 3, 2021.
31. The permittee shall comply with all conditions set forth in the attached County Department of Parks & Recreation letter dated August 16, 2021.
32. The permittee shall comply with all conditions set forth in the attached County Forester letter dated August 17, 2021.

Attachments:

- Exhibit D-1 Public Works Department Letter dated August 11, 2021
- Exhibit D-2 Fire Department Letter dated October 19, 2020
- Exhibit D-3 Health Department Letter dated February 3, 2021
- Exhibit D-4 Parks & Recreation Department Letter dated August 16, 2021
- Exhibit D-5 County Forester Letter dated August 17, 2021
- Exhibit D-6 Oak Trees: Care and Maintenance Guide
- Exhibit D-7 Nesting Birds: Guide to Bird-Friendly Tree and Shrub Trimming and Removal



MARK PESTRELLA, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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

August 11, 2021

IN REPLY PLEASE
REFER TO FILE: LD-4

TO: Rob Glaser
Zoning Permits Coastal Section
Department of Regional Planning

Attention William Chen

FROM: James Chon 
Land Development Division

**CONDITIONAL USE PERMIT – MINOR (RPPL2020003011)
SIERRA CREEK ROAD
ASSESSOR'S MAP BOOK 2058, PAGE 5, PARCEL 12
UNINCORPORATED SANTA MONICA MOUNTAINS**

As requested, Public Works reviewed the zoning permit application and site plan for a new 1,996-square-foot, single-family dwelling and a detached 283-square-foot, accessory-dwelling unit with a 388-square-foot, 2-car garage.

- Public Works recommends that the conditions shown below be applied to the project if ultimately approved by the advisory agency.
- Public Works has comments on the submitted documents; therefore, a Public Hearing shall **NOT** be scheduled until the comments have been addressed.

1. Street

Prior to issuance of a grading or building permit, submit street improvement plans for any work within the street right of way for review and approval.

For questions regarding the street condition, please contact Joseph Nguyen of Public Works, Land Development Division, at (626) 458-7119 or chnghuyen@pw.lacounty.gov.

2. Building and Safety

2.1. Prior to issuance of a building permit, submit a grading/drainage plan to Public Works, Building and Safety Division (Calabasas/Malibu District Office), for review and approval. The grading plans must show and call out the construction of at least all drainage devices and

Rob Glaser
August 11, 2021
Page 2

details; paved driveways; elevation and drainage of all pads, retaining walls, the water-quality devices, and Low-Impact Development (LID) features; and all existing easements. All structures shall meet the Los Angeles County Building, Residential, and Green Building Standards codes.

- 2.2. Comply with County Floodway regulations in accordance with Title 44 SFR, Chapter 60.3, and demonstrate that there is no rise in water surface elevation due to the proposed development.

For questions regarding the building and safety conditions, please contact RaChelle Taccone of Public Works, Building and Safety Division, at (626) 238-2484 or rtaccone@pw.lacounty.gov.

If you have any other questions or require additional information, please contact Toan Duong of Public Works, Land Development Division, at (626) 458-4921 or tduong@pw.lacounty.gov.

JD:la

P:\pub\SUBPCHECK\Plan Checking Files\CUPRPPL202003011 - Sierra Creek Road (2056-005-012)2021-07-13 SUBMITTAL\DPW_Cleared_2021-08-04_RPPL202003011.docx



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

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

CASE NUMBER: RPPL2020003011

MAP DATE: OCTOBER 19, 2020


PROJECT NUMBER: CUP

PLANNER: WILLIAM CHEN

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

HOLDS

ACCESS

1. Fire Apparatus Access Roads must  installed and maintained in a serviceable manner prior to and during the time of construction. Fire Code 501.4
2. All fire lanes shall be clear of all encroachments, and shall be maintained in accordance with the Title 32, County of Los Angeles Fire Code.
3. The dimensions of the approved Fire Apparatus Access Roads shall be maintained as originally approved by the fire code official. Fire Code 503.2.2.1

WATER

4. All fire hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal, and shall be installed in accordance with the County of Los Angeles Fire Department C105.1 CFC.
5. Provide a "Will Serve" letter signed by the local water purveyor.
6. All required PUBLIC fire hydrants shall be installed, tested and accepted prior to beginning construction. Fire Code 501.4
7. Show all existing public fire hydrants to within 300 of all property lines. Provide the distance dimensions and show the location(s) of all public fire hydrants.
8. The required fire flow for the PUBLIC fire hydrants for this project is 1250 gpm at 20 psi residual pressure for 2 hours. One (1) PUBLIC fire hydrant(s) flowing simultaneously may be used to achieve the required fire flow.

Reviewed by: Joseph Youman

Date: November 24, 2020



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

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

CASE NUMBER: RPPL2020003011

MAP DATE: OCTOBER 19, 2020

PROJECT NUMBER: CUP

PLANNER: WILLIAM CHEN

CONDITIONS OF APPROVAL – FUEL MODIFICATION

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

Additional comments pending the information returned by the applicant for Fire Department plan check; presently all outstanding comments have been addressed via plan check.

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



**COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC HEALTH
DIVISION OF ENVIRONMENTAL HEALTH
5050 COMMERCE DRIVE BALDWIN PARK, CA 91706 (626) 430-5380**

February 3, 2021

**CASE: RPPL2020003011
PROJECT: Minor Conditional Use Permit
PLANNER: Chen, William
LOCATION: Sierra Creek Rd, Agoura Hills Ca 91301**

The Department of Public Health-Environmental Health Division has reviewed the above project to construct a single-family dwelling with a 2-car garage and Accessory Dwelling Unit at the above location. The applicant provided a December 4, 2020 "Will Serve" letter from the Las Virgenes Municipal Water District indicating that the project is assured of connection to the water and sewer services, if the proponent satisfies all terms and conditions for service for the above location. The applicant is reminded to comply with the Noise Ordinance in Title 12.08 and to employ dust control measures during demolition, excavation, grading, and construction.

Public Health recommends approval of the above project.

Please contact Shayne LaMont, Land Use Program for any questions regarding this report: slamont@ph.lacounty.gov.



COUNTY OF LOS ANGELES
DEPARTMENT OF PARKS AND RECREATION
"Parks Make Life Better!"

Norma E. García-González, Director

Alina Bokde, Chief Deputy Director

August 16, 2021

TO: William Chen, AICP
Department of Regional Planning

FROM: Julie Yom, AICP
Planning and CEQA Section

SUBJECT: **RPPL2020003011**
APN: 2058-005-012
SIERRA CREEK ROAD, AGOURA HILLS

The Department of Parks and Recreation (DPR) has reviewed the subject project, which proposes to build a new 1,996 sf single family dwelling, for potential impacts on the facilities. The project will not impact any DPR facilities and we have no comments.

Thank you for including this Department in the review of this document. If you have any questions, please contact me at [jyom@parks.lacounty.gov](mailto: jyom@parks.lacounty.gov) or (626) 588-5311.



**COUNTY OF LOS ANGELES
FIRE DEPARTMENT**

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 881-2461
www.fire.lacounty.gov

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THIRD DISTRICT

JANICE HAHN
FOURTH DISTRICT

KATHRYN BARGER
FIFTH DISTRICT

August 17, 2021

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

Dear William Chen:

**OAK TREE PERMIT NUMBER RPPL2020007766
2351 SIERRA CREEK ROAD, AGOURA**

We have reviewed the "Request for Oak Tree Permit #RPPL2020007766." The project is located at 2351 Sierra Creek Road in the unincorporated area of Agoura. 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 Ibarra, the consulting arborist, dated May 14, 2021.

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

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
GLENORA
HAWAIIAN GARDENS
HAWTHORNE
HERMOSA BEACH
HIDDEN HILLS
HUNTINGTON PARK
INDUSTRY

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

LAWNDALE
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

inspecting the project to determine the permittee's compliance with the conditions of approval. The above fees provide for one (1) initial inspection prior to the commencement of construction and two (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'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 eight (8) trees of the Oak genus identified as Tree Number 1, 2, 3, 4, 5, 8, 10, and OP-1 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. 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 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.

William Chen, Planner
August 17, 2021
Page 4

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,



MICHAEL Y. TAKESHITA, ASSISTANT CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

MYT:jl

Enclosure



OAK TREES: Care and Maintenance

This Oak Tree Care and Maintenance Guide offers basic information and practical guidelines aimed at the preservation and continued health and survival of oak trees in the residential landscape.

Increasing pressure for development is changing the oak woodland of Los Angeles County. Heritage oaks which once survived in open rolling hills are now being preserved or replanted and incorporated into the community.

How do we protect these trees during the planning and development process, and ensure their survival once they are in the home garden?

The Oak Tree

Oak Trees in the residential landscape often suffer decline and early death due to conditions that are easily preventable. Damage can often take years to become evident, and by the time the trees show obvious signs of disease it is usually too late to help.

Improper watering, especially during the hot summer months, and disturbance to critical root areas are most often the causes. This booklet will provide guidelines on where these critical areas lie and ways to avoid disturbing them, as well as information on long-term care and maintenance of both natural and planted oaks. Lists of additional resources for more information and demonstration areas to visit are also included.

The Oak Tree Ordinance

The Los Angeles County Oak Tree Ordinance has been established to recognize oak trees as significant historical, aesthetic, and ecological resources. The goal of the ordinance is to create favorable conditions for the preservation and propagation of this unique and threatened plant heritage. By making this part of the development process, healthy oak trees will be preserved and maintained.

The Los Angeles County Oak Tree Ordinance applies to all unincorporated areas of the County. Individual cities may have their own ordinances, and their requirements may be different.

Permit Requirements:

Under the Los Angeles County Ordinance, a person shall not cut, destroy, remove, relocate, inflict damage, or encroach into the *protected zone* (see text) of any ordinance sized tree of the oak tree genus without first obtaining a permit.

Damage includes but is not limited to :

- Burning
- Application of toxic substances
- Pruning or cutting
- Trenching
- Excavating
- Paving
- Operation of machinery or equipment
- Changing the natural grade

Chapter 22.56.2050: Oak Tree Permit Regulations, Los Angeles County, Adopted: August 20, 1982. Amended: September 13, 1988.

For more information about the County Oak Tree Ordinance, visit the Forestry Division's website at:

<http://www.fire.lacounty.gov>

Or contact:

Department of Regional Planning
320 W. Temple Street, 13th floor
Los Angeles, CA 90012-3284
(213) 974-6411
TDD: (213) 617-2292
<http://planning.co.la.ca.us>

Types of oaks commonly found in Los Angeles County:

Many kinds of oak trees are native to Los Angeles County. A few of the more common ones are shown below, but *all* oak trees are covered by the Oak Tree Ordinance.

Older oaks which have thrived under the natural rainfall patterns of dry summers and wet winters often can't handle the extra water of a garden setting. These trees must be treated with special care if they are to survive.

Those oaks that have been planted into the landscape or sprouted naturally tend to be more tolerant of watered landscapes. These vigorous young trees may grow 1½ to 4 feet a year in height under good conditions. Once established these trees would benefit from the same special care outlined in this guide.



Valley Oak QUERCUS LOBATA

LARGE DECIDUOUS TREE 60'-75' HIGH, BROADLY SPREADING 50'-80' WIDE.

LEAVES: DEEP GREEN, 5"-4" LONG; PAPER-LIKE TEXTURE WITH DEEP ROUNDED LOBES ON THE LEAF EDGE.

TENDS TO FAVOR VALLEY BOTTOMS; FOR THIS REASON THE VALLEY OAK HAS DISAPPEARED FROM THE LANDSCAPE MORE RAPIDLY, IMPACTED SEVERELY BY AGRICULTURE AND URBAN DEVELOPMENT.



Coast Live Oak QUERCUS AGRIFOLIA

LARGE EVERGREEN TREE WITH A BROAD, ROUND SHAPE AND LARGE LIMBS. 30'-70' HIGH, 35'-80' WIDE.

LEAVES: GLOSSY GREEN, 1"-3" LONG; SPINY, ROUNDED, AND HOLLY-LIKE; BUT DISTINCTLY CUPPED OR CURLED UNDER AT THE EDGES.



Interior Live Oak QUERCUS WIGLIZENII

EVERGREEN TREE 30'-75' HIGH OR A SHRUB 8'-10' HIGH IN CHAPARRAL AREAS. HAS A FULL, DENSE ROUNDED SHAPE, NOT BROAD OR WITH LARGE LIMBS LIKE A COAST LIVE OAK. THEY TEND TO GROW IN CLUMPS RATHER THAN AS A SINGLE TREE.

LEAVES: DARK GREEN, 1"-4" LONG. EDGES EITHER SMOOTH OR SPINY, BUT ALWAYS FLAT - NOT CURLED UNDER.

OTHER COMMON OAKS:

CALIFORNIA BLACK OAK: QUERCUS KELLOGGII
CANYON LIVE OAK: QUERCUS CHRYSOLEPIS
ENGELMANN OAK: QUERCUS ENGELMANNII

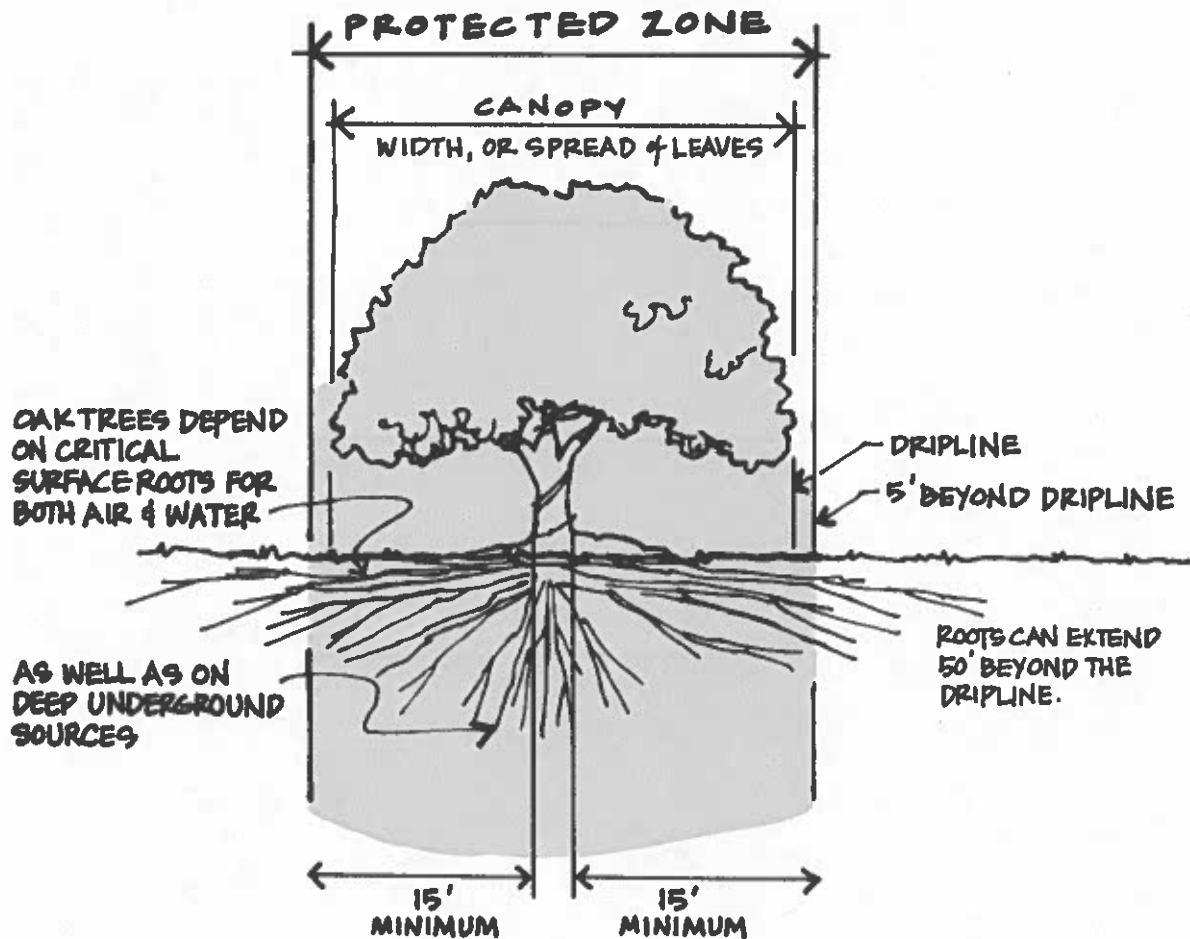
THE PROTECTED ZONE

The **protected zone** defines the area most critical to the health and continued survival of an oak tree. Oaks are easily damaged and very sensitive to disturbances that occur to the tree or in the surrounding environment.

The root system is extensive but surprisingly shallow, sometimes radiating out as much as 50 feet beyond the spread of the tree leaves, or canopy. The ground area at the outside edge of the canopy, referred to as the *dripline*, is especially important: the tree obtains most of its surface water and nutrients here, and conducts an important exchange of air and other gases.

The protected zone is defined in the Oak Tree Ordinance as follows:

"The Protected Zone shall mean that area within the dripline of an oak tree and extending there from to a point at least 5 feet outside the dripline or 15 feet from the trunk, whichever distance is greater."



CONSTRUCTION ACTIVITY WITHIN THE PROTECTED ZONE

Changes in Grade

Any change in the level of soil around an oak tree can have a negative impact. The most critical area lies within 6' to 10' of the trunk: no soil should be added or scraped away. Water should drain away from this area and not be allowed to pond so that soil remains wet at the base.

Retaining walls designed to hold back soil above or below an existing tree should be avoided if at all possible, especially within the protected zone. These types of structures cause critical areas at the dripline to be buried, or require that major roots be severed. Water trapped at the base of the tree could lead to root rot or other impacts, and to the decline and premature death of a highly valued landscape tree.

Construction activities outside the protected zone can have damaging impacts on existing trees. Underground water sources can be cut off due to falling water tables, or drainage may be disrupted.

Trenching

Digging of trenches in the root zone should be avoided. Roots may be cut or severely damaged, and the tree can be killed.

If trenches must be placed within the protected zone, utilities can be placed in a conduit, which has been bored through the soil, reducing damage to the roots. Insist that as many utilities as allowed be placed in a single trench, instead of the common practice of digging a separate trench for each individual line.

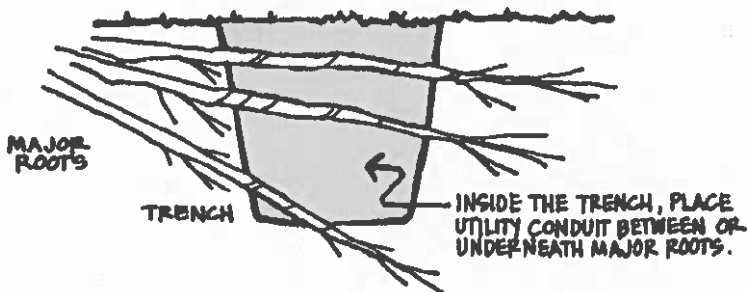
Trenching can also be accomplished using hand tools or small hand held power equipment to avoid cutting roots. Any roots exposed during this work should be covered with wet burlap and kept moist until the soil can be replaced.

Soil Compaction and Paving

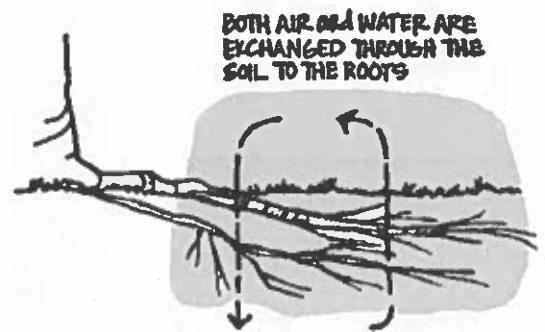
The roots depend upon an important exchange of both water and air through the soil within the protected zone. Any kind of activity that compacts the soil in this area blocks this exchange and can have serious long-term negative effects on the tree.

If paving material must be used, some recommended surfaces include brick paving with sand joints, or ground coverings such as wood chips (note the advantages of natural materials for providing nutrients under mulching).

TRENCHING



SOIL COMPACTION



MAINTENANCE

Watering

The key is prevention – **do not over water**. Improper watering is often overlooked as the cause of tree death because it can take years for the damage to show. Once the tree shows obvious signs of decline, it is often too late to correct the problem.

The seasonal weather pattern for this region is one of dry summers and winter rain. Oak trees are naturally drought tolerant and adapted to this cycle. If the tree is vigorous and thriving it should not require any additional water.

If the natural source of surface or underground water has been altered, some supplemental water may be necessary, but proceed with caution. The goal of any watering schedule for oak trees should be to supplement natural rainfall and it should occur only when the tree would normally receive moisture. This might be in the winter, if rains are unusually late, or in spring if rainfall has been below normal levels.

Over watering, especially during the summer months, causes a number of problems which can lead to decline and eventual death of the tree. It creates ideal conditions for attacks of Oak Root Fungus by allowing the fungus to breed all year. In addition, both evergreen and deciduous oaks grow vigorously in the spring and naturally go dormant in the summer. Extra water only encourages new tip growth which is subject to mildew. Oaks need this period of rest.

Newly planted oaks may need supplemental watering during their first few summers. After they become established water should be applied according to the previous guidelines.

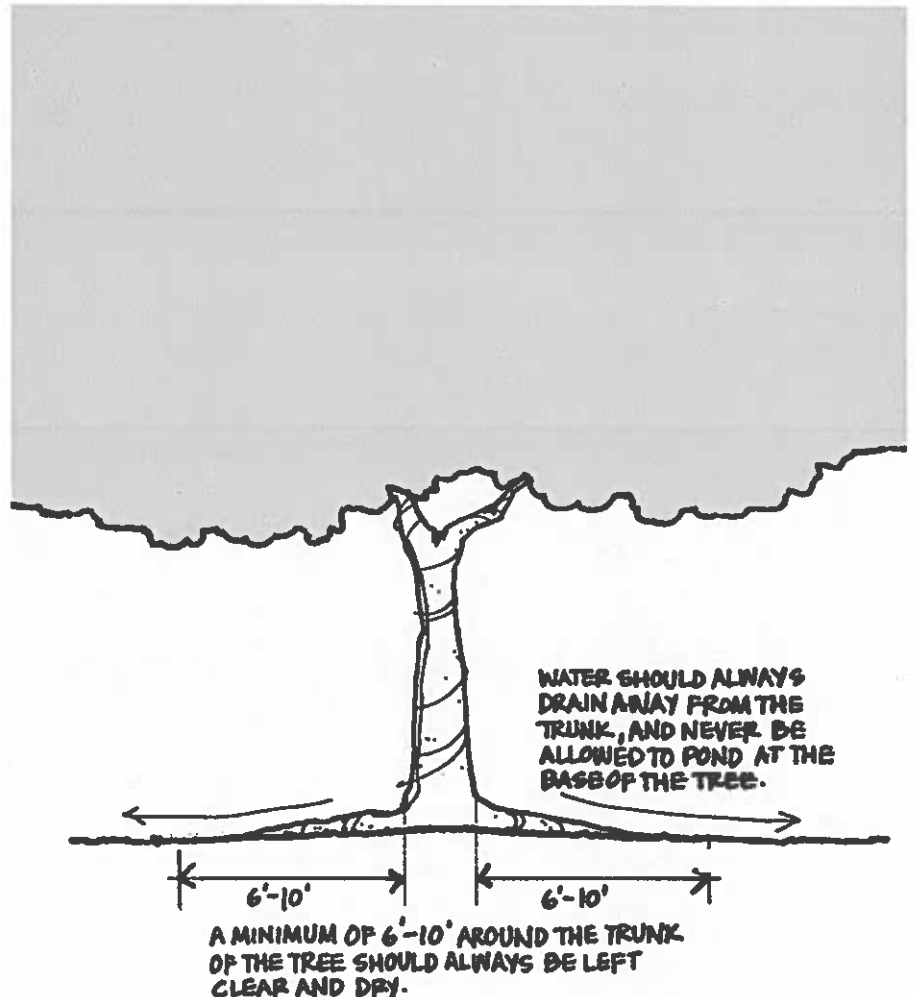
Pruning

For oak trees the periodic removal of dead wood during periods of tree dormancy should be the only pruning needed. Any cutting of green wood opens scars that could allow the entry of organisms or disease.

Before pruning obtain the advice of a certified arborist or other professional and consult the local city or county where the tree is located to find out what regulations apply. Pruning of both live and dead wood can sometimes require a permit.

Mulching

Leaf litter from the tree is the best mulch and should be allowed to remain on the ground within the protected zone. Crushed walnut shells or wood chips can be used, but the oak leaves that drop naturally provide the tree with a source of nutrients. Avoid the use of packaged or commercial oak leaf mulch which could contain Oak Root Fungus. Redwood chips should not be used due to certain chemicals present in the wood.



Disease and Pests

Trees that are stressed, especially because of improper watering practices, are prone to certain diseases and attacks by pests.

The most damaging of these diseases is the Oak Root Fungus *Armillaria mellea*. Occurring naturally in the soil, the fungus thrives under wet conditions and dies back in the summer when soils dry out. This is why summer watering of oaks can be a deadly practice. As noted in the watering guidelines, wet soil in the summer allows the fungus to grow all year. As the population grows, their natural food sources are depleted and they begin feeding on oak tree roots. The fungus does not require an open wound in the tree to gain entry.

Indications of the fungus include:

- die back of branches or tips.
- honey colored fungus at or near the root crown.
- white fan-like fungus between wood and bark.
- the presence of black, shoestring-like growths in the soil.

Once the tree begins to show obvious signs of infection treatment is generally ineffective. The best treatment is to *avoid* the conditions that lead to Oak Root Fungus infections.

Pit Scale, Oak Moth, and other pests: any significant changes in leaf color, branch die back, presence of black sooty materials on leaves or other changes should be noted. Seek the advice of a professional forester, arborist, farm advisor or other expert before the application of any pesticides on an oak tree.

Planting Underneath Oaks

The natural leaf litter is by far the best ground cover within the protected zone. If plants must be placed, the following guidelines should be followed:

There should be no planting within a minimum 6 to 10 feet of the trunk.

Avoid plants that require any supplemental water once established.

Choose plants suited for "dry shade." Those listed in the box below offer some good choices. To see some examples of how these plants have been used under oaks refer to the Additional Resources section on the following page.

PLANTS TO CONSIDER:

Plant Name	Description
<i>Arctostaphylos densiflora</i> 'Howard McMinn' Manzanita	3' high, 6' wide. Toughest of available forms. Whitish-pink flowers.
<i>Arctostaphylos edmundsii</i> Little Sur Manzanita	1-2' high, 4-5' wide. Tolerant of full shade.
<i>Arctostaphylos hookeri</i> Monterey Carpet Manzanita	1-2' high, spreading to 12' wide by rooting branches. White to pink flowers.
<i>Ceanothus griseus horizontalis</i> Carmel Creeper	Less than 2 1/2' tall, low & creeping. Clusters of small blue flowers.
<i>Heuchera spp.</i> Coral Bells	2-4' mound. Flowers on an upright stem 2-3" high and spotted with red or pink.
<i>Mahonia aquifolium compacta</i> Oregon Grape	2-4' high, spreading by underground roots. Bright yellow flower clusters.
<i>Ribes viburnifolium</i> Evergreen or Catalina Currant	2-3' high, spreading to 12' wide. Flowers pink to red in small clusters.

NOTES:

Before deciding on plants, check a source such as the *Sunset Western Garden Book* to determine which plants will grow in your area.

When choosing shade tolerant plants, consider that the ground under the south side of the tree will get more sunlight while the northern side will tend to remain more deeply shaded.

ADDITIONAL RESOURCES and Places to Visit

Public Agencies

County of Los Angeles Fire Department
Prevention Bureau, Forestry Division
5823 Rickenbacker Road, Rm #123
Commerce, CA 90040-3027
(323) 890-4330
<http://www.fire.lacounty.gov/forestry>

**University of California
Oak Woodland Conservation Workgroup**
http://ucanr.edu/sites/oak_range/

Private Organizations

The Theodore Payne Foundation
10459 Tuxford Street
Sun Valley, CA 91352-2126
(818) 768-1802
www.theodorepayne.org

California Native Plant Society
2707 K Street, Suite 1
Sacramento, CA 95816-5113
(916) 447-2677
www.cnps.org

California Oaks
428 13th. Street, Suite 10A
Oakland, CA 94612
(510) 763-0282
www.californiaoaks.org

Arboretums and Botanic Gardens

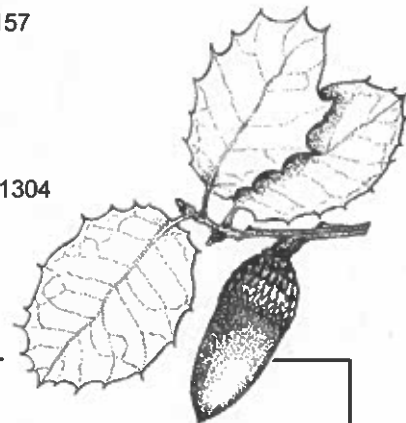
Los Angeles County Arboreta and Botanic Gardens
301 N. Baldwin Ave.
Arcadia, CA 91007-2697
(626) 821-3222
www.arboretum.org

Los Angeles County South Coast Botanic Garden
26300 Crenshaw Blvd.
Palos Verdes Peninsula, CA 90274-2515
(310) 544-1948
www.southcoastbotanicgarden.org

Los Angeles County Descanso Gardens
1418 Descanso Drive
La Canada-Flintridge, CA 91011-3102
(818) 949-4200
www.descansogardens.org

Rancho Santa Ana Botanic Garden
1500 North College
Claremont, CA 91711-3157
(909) 625-8767
www.rsabg.org

The Lummis Home
200 E. Avenue 43
Los Angeles, CA 90031-1304
(818) 243-6488



Publications

For a list of publications both free and for purchase checkout the **University of California Oak Woodland Conservation Workgroup** at http://ucanr.edu/sites/oak_range/

Goldspotted Oak Borer: Integrated Pest Management for Land Managers and Landscape Professionals
University of California Statewide Integrated Pest Management Program. January 2013.



County of Los Angeles Fire Department Forestry Division

County of Los Angeles Board of Supervisors

Hilda L. Solis, First District
Mark Ridley Thomas, Second District
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Janice Hahn, Fourth District
Kathryn Barger, Fifth District

County of Los Angeles Fire Department

Daryl L. Osby, Fire Chief

Brush Clearance Unit
605 N. Angeleno Avenue
Azusa, CA 91702-2904
(626) 969-2375

Camp 17
6555 Stephens Ranch Road
La Verne, CA 91750-1144
(909) 593-7147

Environmental Review Unit
12605 Osborne Street
Pacoima, CA 91331-2129
(818) 890-5719

Fire Plan/Interpretive Unit
12605 Osborne Street
Pacoima, CA 91331-2129
(818) 890-5783

Fuel Modification Unit
605 N. Angeleno Avenue
Azusa, CA 91702-2904
(626) 969-5205

Henninger Flats Forestry Unit
2260 Pinecrest Drive
Altadena, CA 91001-2123
(626) 794-0675

Lake Hughes Forestry Unit
42150 N. Lake Hughes Road
Lake Hughes, CA 93532-9706
(661) 724-1810

Malibu Forestry Unit
942 N. Las Virgenes Road
Calabasas, CA 91302-2137
(818) 222-1108

San Dimas Forestry Unit
1910 N. Sycamore Canyon Road
San Dimas, CA 91773-1220
(909) 599-4615

Saugus Forestry Unit
28760 N. Bouquet Canyon Road
Saugus, CA 91390-1220
(661) 296-8558

Vegetation Management Unit
12605 Osborne Street
Pacoima, CA 91331-2129
(818) 890-5720

www.fire.lacounty.gov

Los Angeles Audubon Society
PO Box 931057
Los Angeles California 90093-1057

Telephone: (323) 876-0202
Fax: (323) 876-7609

www.losangelesaudubon.org



This booklet has been reviewed by the
California Department of Fish and Game

Guide to Bird-Friendly Tree and Shrub Trimming and Removal



May, 2011

When one bugs at a single thing in nature, he finds it attached to the rest of the world. -- Peter Meinke



BIRDS BUILD HOMES TO RAISE YOUNG MUCH LIKE PEOPLE DO

Birds build homes in which to raise their young just as humans do, although their site selections are more varied and often in obscure, hidden places. It is common to think of nests being in tree branches. But some birds build nests on the ground, in bushes and cavities; some build on the sides and eaves of houses, as well as on other man-made structures. They use natural substances and materials to do the job: mud, saliva, spider webs, caterpillar silk, leaf mold, twigs, grasses, and certain other plant fibers. The nest protects the bird's eggs from adverse weather and predators, and keeps eggs and nestlings warm.

THE BIRDS OF LOS ANGELES COUNTY: MORE THAN MEETS THE EYE!

What comes to mind when most people think about city birds are pigeons, mockingbirds, crows, and sparrows. Yet these birds are but a small portion of the more than 120 species that reside in Los Angeles County year round. Annual migration brings in additional species to the area, including more than 60 other breeding species—such as orioles and kingbirds. In total, 350+ species live, nest, or pass through the Los Angeles Basin during any one year. Most of them rely on trees, shrubs, and brush for food, cover, nesting, and rest.

When conducting surveys or inventories, individuals should take caution to avoid walking into heronries, especially under nesting trees (indicated by the ring of white guano around the base of the tree). Should they find themselves within a herony, one should quietly and quickly leave by the same route they entered.

Density of vegetation within and surrounding the colony can influence the impact of disturbances. The removal of vegetation near a colony can open paths into the herony that would not only enable intrusion by humans and predators, but would result in an increased number of exposed nests. Maintaining the vegetation, including trees and shrubs, around a colony provides alternate nest sites and a buffer against disturbance. Furthermore, tree trimming should generally not remove more than the minimum of foliage necessary for human health and safety, and should be done, where it is permitted, in a manner that does not unnecessarily discourage herons and egrets from returning to their altered (trimmed) habitat during the next breeding cycle.

HERON & EGRET BREEDING ACTIVITY:

Great Blue Heron: Mid-November to end of September*
Great Egret: Late February to end of August*
Snowy Egret: Early April to late July*
Green Heron: Early April to early August*
Black-crowned Night Heron: Mid-January to end of September*

SPECIAL CONSIDERATION: CORMORANTS

The Double-crested Cormorant, another colonial nesting species, occupies similar habitat and nesting areas as herons. They also need the protection of buffer zones while nesting, but they appear to be less sensitive to human disturbance than herons.

CORMORANT BREEDING ACTIVITY:

Late March to mid-October (especially in Marina del Rey)**

PLEASE NOTE

Some of the information on herons and cormorants is adapted from "Special Management Practices for Herons," courtesy of the Government of Nova Scotia. Although the information below was provided by biologists in Nova Scotia, it is relevant to these species in most locales. For purposes of these guidelines, local biologists and ornithologists were consulted and relevant dates modified to fit conditions in Los Angeles County.

The [PDF] document "Special Management Practices for Herons" can be found at: <http://www.gov.ns.ca/natr/wildlife/nabrats/terrestrial/pdf/heronsrmp.pdf>

* Information on breeding activity from "Los Angeles County Breeding Bird Atlas" and from breeding bird atlas records from San Diego and Orange Counties, and the Salton Sea.

- **Suspended cupped nests:** are nests not supported from below, but from the rims, sides or both:
- **Penelle nests** suspended from the rims and sides; rather stiff (e.g. those of kinglets and vireos).
- **Adherent nests** are cupped nests whose sides are attached by an adhesive substance (e.g. mud or saliva) to a vertical surface, like those of swifts and some swallows.
- **Ground nests:** are cupped nests on the ground; sides are sometimes extended upward and arched over the top making a domed structure. Several passerines, particularly those that occupy open habitats like grasslands and tundra, build ground nests.

[Information on nests courtesy of Prof. Gary Richison, Ornithologist, Dept. of Biological Sciences, Eastern Kentucky University
<http://people.eku.edu/richison/birdnests.html>]

APPENDIX B

(Species includes Great Blue Heron, Great Egret, Snowy Egret, Green Heron and Black-crowned Night Heron)

SPECIAL CONSIDERATION: HERONS & EGRETS

Herons or nesting colonies of herons are frequently located in areas isolated from human disturbance, such as riparian corridors, marshes, and groves of trees adjacent to water bodies or on islands. However, some herons have adapted minimally to human activity and may build their nests in trees near apartment and condo complexes, ports, and harbors that have large trees planted in their greenscape.

Herons are especially vulnerable to human disturbance and habitat destruction during pair formation and the breeding season (mid-November to September of the following year) when large numbers of birds are concentrated in a rather confined area. Herons are delicate and tend to desert nests and entire colonies if disturbed during periods of pair forming (starting mid-November), nest construction (starting in January) or early egg laying (as early as January). Herons continue to be sensitive to disturbance after hatching and up until the young fledge (up to late-September). In some cases, colonies have even been deserted after destruction or alteration of their habitat during the non-nesting season. Even if herons relocate after deserting a colony, consequences of disturbance include fragmentation of breeding populations, total reproductive failure in colonies, reduced number of breeding pairs, and reduced reproductive output per pair. Ultimately this can affect the stability of the entire regional population (Bowman & Siderius, 1984).

Herons are unpredictable in their response to disruption of a colony and the severity of the response does not always correspond to the magnitude of the disturbance (seemingly innocuous activities can produce serious results). The most important factors to consider when evaluating these effects, are the timing of the disturbance in relation to critical periods of the nesting season and the degree to which the birds are able to adjust to human activities (degree of exposure-induced habituation). Herons are sensitive to humans and mammals moving around under their nesting trees.

Birds generally choose lush locations, such as city parks, schools, business parks, and neighborhoods with high tree density; however, nothing typical should be assumed.

During the spring and summer, many birds, including some migrants, nest in Los Angeles County. Unfortunately, this is also the time of year that cities and residents tend to trim trees, prune shrubs, and clear brush. Severely cutting, trimming, and topping trees and other greenery in the spring and summer can destroy nests and may eliminate valuable nest sites.

There are laws that protect birds, their nests, eggs, and young from being removed, destroyed or harassed. A summary of these laws are contained in this booklet. It is worthwhile mentioning that violating any of these laws may result in fines and imprisonment.

Los Angeles Audubon has created these guidelines to inform city authorities, tree trimming contractors, and the general public about the impact on birds by trimming during the times of the year when they are nesting. With your help, great numbers of birds may be spared the destruction of their nests and young each year. In turn, our birds can achieve healthy populations, and continue to provide ecological and aesthetic benefits to humans. More importantly, it will ensure that future generations will be able to enjoy the bounty of birds that call Los Angeles County home.

IMPORTANT PHONE NUMBERS

To report bird harassment, killing, and/or destruction of bird nests:

CALIFORNIA DEPARTMENT OF FISH AND GAME: (888) 334-2258

For nesting surveys: **(858) 467-4201**

For advice on nesting birds or referrals for nest surveys:

LOS ANGELES AUDUBON: (323) 876-0202

To report bird harassment, killing, and/or destruction of bird nests in county parks:

L.A. COUNTY PARKS & RECREATION: (213) 738-2961

Emergency After Hours: **(213) 974-1234**

To report nest disturbance, inappropriate trimming in the

City of Los Angeles:

L.A. URBAN FORESTRY DIVISION: EMERGENCY: 311

To report nest disturbance, inappropriate trimming in the coastal zone:

CALIFORNIA COASTAL COMMISSION

Enforcement officer: **(562) 590-5223**

LAWS PROTECTING BIRDS



APPENDIX A

TYPES OF BIRD NESTS

- Birds as small as hummingbirds and as large as herons nest on tree branches; so do hawks, owls, and crows. The nests may be found at every level of the tree, from the crown to the under-story; they may be near the crotch, between branch and trunk, or out toward the end of a branch. Birds may use maples, pines, junipers, oaks, sycamore, and palm trees for nesting.
- Some birds, such as some species of sparrow, use grassland and brushy areas, making the nest on the ground.
- Species such as wrens, juncos, and finches may build their nests in bushes and shrubs with dense, compact foliage, or on the ground below them.
- Some swallows and flycatchers build mud nests attached to the sides of buildings, under culverts, and the eaves of houses.
- Woodpeckers, wrens, some species of owls, sapsuckers, and swallows use cavities that they either excavate themselves or use after another has abandoned it. They will use holes found in live and dead trees, stumps, cacti, and sides of old buildings.

The types of nests that birds construct are as varied as the birds themselves. A few of the major examples are:

- **Scrape nests** are simple depressions in the ground (sometimes with a few stones or leaves added), or in the leaf litter. Such nests are used by shorebirds, gulls, terns, nighthawks, vultures, and other species.
- **Burrow nests** are very effective at protecting eggs and young from predators and maintaining an appropriate microclimate for eggs and young. Some birds, like Bank Swallows and Belted Kingfishers, usually construct their own burrows, while others, such as Burrowing Owls, may use the burrows constructed by other species.
- **Cavity nests** are used by numerous passerines, woodpeckers, owls, parrots, and some waterfowl. Woodpeckers construct their own cavity nests and are referred to as primary cavity nesters. Species that use natural cavities or cavities constructed by primary cavity nesters are called secondary cavity nesters.
- **Platform nests** are relatively flat nests that may be located on the ground, in a tree, or on the tops of rooted vegetation or debris in shallow water.
- **Cupped nests** are, of course, cup shaped. Such nests may be constructed of various materials and in a variety of locations. Noted ornithologist, Olin Sewall Pettigill, subcategorized cup nests as follows:
 - **Supported cupped nests:** nests located in the crotches and branches of trees and shrubs, supported mainly from below. Many passerines and hummingbirds build such nests.

Sec. 53.48. SONG BIRDS – KILLING

No person shall kill any song bird or destroy or rob the nest of any such bird.

California State Code:

3503. It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.

3503.5. It is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds of prey) or to take, possess or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.

Federal Migratory Bird Treaty Act

703. Taking, killing, or possessing migratory birds unlawful.

“...it shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to barter, offer to purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export, any migratory bird, any part, nest, or eggs of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird or any part, nest, or egg thereof...”

IMPORTANT FACTS TO CONSIDER WHEN PLANNING A PROJECT

- Trimming or removal of trees can only be conducted safely *outside of the breeding seasons* for the bird species inhabiting the area. A qualified independent biologist or the California Department of Fish and Game should be retained by the City and/or project manager to conduct focused nest surveys prior to any work.
- All persons under contract should be made fully aware of the laws protecting birds and the proper protocols when encountering active nests.
- Hire an arborist that is ISA (International Society of Arborists) certified, a licensed landscaper, or a qualified tree trimmer who knows and cares about a tree's health. Avoid hiring *bargain tree trimmers* or handymen, as they are generally inexperienced and may cause more harm than good to the trees.
- Most trees in Southern California are trimmed *excessively and inappropriately*, especially around apartment complexes and condominiums. This is not only to the detriment of the trees, but it leaves fewer habitats for birds to thrive in. Examples of *unnecessary tree trimming* are:
 - *Thinning out pine trees and conifers to the point that you can see through them.*
 - *Sycamore trees—do not need pruning because they don't drop limbs.*
 - *Removing dead palm fronds that drape down around the trunks of palm trees, which provide valuable nest sites for orioles and kingbirds.*
- Choose tree varieties wisely. Put the right tree in the right place to prevent the need to severely trim or remove trees because they are too big, no longer 'work,' or are causing problems for plumbing, uprooting sidewalks, growing into electrical lines, etc.

Please remember, trees are not ornaments; they are living organisms and will naturally become a host for other living things.

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IMPORTANT FACTS ABOUT NESTING BIRDS



The Time of Year that Birds Typically Nest

Many species nest between March 1 and August 31. California Department of Fish and Game often requires surveys for raptors from January 15 to September 15. But nesting birds, especially hummingbirds, hawks and owls, may be found at any time of year, depending on the species. However, there are several species that court and nest outside this time frame, for example, some herons and egrets, many raptors (birds of prey), and most hummingbirds. See Appendix B for guidance on safe times for trimming near heron and egret nests. Consult an independent qualified biologist for safe trimming times upon discovering any large nest.*

*Certain species such as hawks, owls, herons, egrets, crows, and ravens also often re-use nests. If a large nest made of twigs is encountered, even if unoccupied, assume that it belongs to one of these birds and do not disturb it.

Types of Birds that Nest in Los Angeles County

There are a great variety of species that call Los Angeles County home. The following is a brief list of species, but please note that it is not all-inclusive.

- herons, egrets, cormorants**
- hawks, falcons, owls
- pigeons, doves
- hummingbirds, swallows
- woodpeckers
- crows, ravens, jays
- wrens, bushitts, mockingbirds, orioles, sparrows, finches

NOTES

**See Appendix B for special considerations for Herons, Egrets and Cormorants.

E4

What To Do Before Trimming

It is best to avoid the nesting season altogether and do your tree trimming between September and February. At any time the area should be carefully inspected before you begin your operation. For larger areas and sensitive habitats such as areas of native plants, dense brush, stream sides and stands of trees, it is best to hire a trained biologist to conduct the survey.* Laypersons may attempt to conduct their own nest survey; however in most cases this is not possible or practical. Most birds conceal their nests carefully and will not be visible to the average observer, but they do give obvious clues of their whereabouts. There are several ways to detect bird nests: 1) look on the ground for concentrations of white-colored droppings, then check the vegetation above; 2) as you walk through an area, look for birds flying out of vegetation close to you and intensely scolding you; they may have a nest nearby; 3) sit quietly and watch for birds that may be bringing nest material or food repeatedly to one place. Birds tend to place their nests just on the undersides of the tree canopy and where branches join together.

* See Appendix A for detailed nest descriptions

When an Active Nest Is Found – STOP TRIMMING!

All work that has the potential to disturb or destroy the nest should cease in the immediate vicinity (50 ft is a good rule of thumb for songbirds, 500 ft for raptors). The nest should not be touched or moved. A qualified biologist or the California Department of Fish and Game can assist in making determinations on how far away to remain from the nest and other measures to avoid disturbing or destroying it. Ideally the nest should remain undisturbed until the young have fledged (left the nest on their own) or the nest is abandoned.

Advice on Finding Nests: Professional Nest Surveys

If you are not comfortable or able to perform a nest survey prior to your project, qualified biological consultants can be found online, or the California Department of Fish and Game may be able to assist you. Either one can perform a nest survey of the trees, shrubs, brush, or other vegetation in question. As stated previously, nests are not easy to spot or to identify. Special care needs to be taken to survey the project area if it includes trees, abandoned buildings, brush, vacant lots, and deadfall.

How Finding Nests May Affect a Project

If the nest contains unhatched eggs or young, work within 50 feet or more of the nest may need to be delayed depending on the species involved. When the species is identified, California Department of Fish and Game or Los Angeles Audubon may be able to provide the amount of time until the eggs hatch and nestlings fledge. If the nest is voluntarily abandoned or depredated (and again depending on species) work probably can be continued. However, a precise determination can only be made by an expert such as a consulting biologist or the California Department of Fish and Game.

Why Nests Can't be Disturbed or Moved to Another Location

The parents choose the nest location for specific reasons: proximity to food and water sources; protection from predators and the elements. Birds may abandon their nest (which may already include eggs or young) if it is disturbed or if the parents are harassed. Moving a nest requires special permission from the U.S. Fish and Wildlife Service and is usually only granted for human health and safety reasons.

What You Can Do If You Witness Tree Trimmers Disturbing or Destroying Nests

Ask them to stop, and make them aware it is against the law. Then, a call should be placed to the California Department of Fish and Game. [See IMPORTANT PHONE NUMBERS] Be prepared to provide the exact location of the activity. Specifically note address and cross streets as well as a vehicle license plate number or name of the company doing the trimming.

Why We Should Care About Protecting Birds' Nests

First and foremost, it is the law. Second, birds provide numerous beneficial activities, such as eating many thousands of insect pests, which may eliminate some of the need for toxic pesticides. They also disperse seeds over wide areas, ensuring plant health and biodiversity. Finally, many bird populations nationwide are plummeting primarily due to the impact of human activities. Birds are creatures of the earth, a family of animals with which we share this planet and its limited resources. Our positive, cumulative actions can make the difference in ensuring their long-term survival.

From: ianm@tierrasolymar.com
To: [Tyler Montgomery](#)
Subject: Appeal to Gina Natoli for extension of RPPL2020003011
Date: Wednesday, August 14, 2024 1:35:10 PM

CAUTION: External Email. Proceed Responsibly.

Dear Ms Natoli,

I would like to get a one year extension for the Minor Conditional Use Permit RPPL2020003011 that expired on 5/3/2024.

Two years seemed like plenty of time when we started the building permit portion of our project, but we didn't appreciate the complexity and number of different departments, divisions, and bureaus that needed to review the project, and the time it would take to fill out, and file applications, and get consultants to provide the required information. We have been plugging away steadily at all the requirements. We have received approvals from a handful, and we are close on others. If there are new code requirements that apply to this type of project, we can incorporate them into the project.

Approved

Address
Fuel Modification (pending fees and recording)
Oak Tree
Construction & Demolition
Sewer

Pending

Residential New Construction [the revisions have been submitted, but I think they are waiting for Grading, GMED and Fire Engineering?]
Retaining Wall [same as above]
Grading [this has been the biggest drag on our time as we did not make the best choice of consultants. I have one final revision I have to squeeze out of them]
Geotechnical Study [they are waiting for the final grading review - see item above]

None of these are insurmountable obstacles. We are close, but we aren't done yet.

Thank you for your time.

Ian McIlvaine, Architect (C26334)
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Venice, CA 90291

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