

October 23, 2024

Brett Henry
1732 Aviation Boulevard, Suite 217
Redondo Beach, CA 90278

PROJECT NO. 2020-000422-(3)
CONDITIONAL USE PERMIT NO. RPPL2020000732
5050 OLD SCANDIA LANE, CALABASAS (APN: 2049-022-040)

Dear Mr. Henry,

Hearing Officer Diane Temple, by her action of **October 22, 2024**, 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 LA County Planning (see enclosed Affidavit of Acceptance Instructions).

Appeals: 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 **November 5, 2024**. Appeals must be submitted to 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.

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.

Brett Henry
October 23, 2024
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For questions or for additional information, please contact William Chen, AICP of the Coastal Development Services Section at (213) 893-1090, or wchen@planning.lacounty.gov.

Sincerely,

AMY J. BODEK, AICP
Director of Regional Planning



Robert Glaser, Supervising Regional Planner
Coastal Development Services Section

RG:WCC

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

c: DPW (Building and Safety)
Zoning Enforcement

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING
FINDINGS OF THE HEARING OFFICER
AND ORDER
PROJECT NO. 2020-000422-(3)
CONDITIONAL USE PERMIT NO. RPPL2020000732
ENVIRONMENTAL ASSESSMENT NO. RPPL2020000735

RECITALS

1. **HEARING DATE.** The Los Angeles County (“County”) Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. **RPPL2020000732** (“CUP”) on October 22, 2024.
2. **HEARING PROCEEDINGS.** A duly noticed public hearing was held on October 22, 2024, before the Hearing Officer. Staff provided a presentation and recommendation for approval, subject to attached findings and conditions. The agent, Aaron Clark and the representative, Marc Levun, provided testimony and made themselves available for questions. Mr. Clark requested a 20 year grant term from the Hearing Officer, due to the owner’s investment into the project. The Hearing Officer accepted that the grant term be modified to 20 years. There were no other public comments. The Hearing Officer subsequently then closed the public hearing, adopted the mitigated negative declaration, and the mitigation monitoring and reporting program and approved the project.
3. **ENTITLEMENT(S) REQUESTED.** The permittee, Brett Henry ("permittee"), requests the CUP to authorize construction of a self-storage facility (“Project”) on a property located at 5050 Old Scandia Lane in the unincorporated Santa Monica Mountains North Area (“SMMNA”) ("Project Site") in the M-1 (Light Manufacturing) zone pursuant to Los Angeles County Code ("County Code") Section 22.336.070.C.1.a. The project also includes a request for grading in excess of 5,000 cubic yard of cut plus fill material. Specifically, the project includes approximately 45,140 cubic yards of total grading (38,253 cy of cut, 1,454 cy fill, 5,433 cy over-excavation/compaction, and 36,799 cy of export). An approved haul route for the offsite transportation of 1,000 cubic yards or more of cut or fill material is also required pursuant to County Code Section 22.336.060.3. The Project application was deemed complete on April 22, 2020 and therefore is subject to SMMNA Plan and Community Standards District in effect at the time, prior to the update adopted on May 4, 2021.
4. **LOCATION.** The Project is located at 5050 Old Scandia Lane, in unincorporated Calabasas (APN: 2049-022-040).
5. **PREVIOUS ENTITLEMENT(S).** Conditional Use Permit No. RPPL2017010180 authorized the construction of a new self-storage facility but was not constructed. Revised Exhibit A no. 201500123 authorized modification of a self-storage facility. Conditional Use Permit no. 02-088-(3) authorized a new self-storage facility but was not constructed.

6. **LAND USE DESIGNATION.** The Project Site is located within the C (Commercial) land use category of the Santa Monica Mountains North Area Plan “Area Plan” Land Use Policy Map.
7. **ZONING.** The Project Site is located in the Malibu Zoned District and is currently zoned M-1. Pursuant to County Code Section 22.336.070.C.1.a (Industrial Zones), a CUP is required for self-storage facility.

8. SURROUNDING LAND USES AND ZONING

LOCATION	SMMNA PLAN LAND USE POLICY	ZONING	EXISTING USES
NORTH	City of Hidden Hills	City of Hidden Hills	Undeveloped
EAST	C	M-1	Commercial Offices
SOUTH	C	M-1	Industrial, Manufacturing, Offices, Self-Service Storage Facility
WEST	C	M-2-DP (Heavy Manufacturing – Development Program), C-R (Commercial Recreation)	Pet Cemetery

9. PROJECT AND SITE PLAN DESCRIPTION.

A. Existing Site Conditions

The Project Site is 3.83-acres in size and consists of one legal lot. The Project Site is rectangular in shape with steep to gentle-sloping topography and is undeveloped.

B. Site Access

The Project Site is accessible via Old Scandia Lane to the south. Primary access to the Project Site will be via an entrance/exit on Old Scandia Lane.

C. Site Plan

The Project proposes a total gross development floor area of 156,638 sq. ft. The three storage buildings will total 155,900 sq. ft. of floor area, of which 79,991 sq. ft. is above ground and 75,901 sq. ft. is below ground. The fourth structure is an office building which includes a caretakers unit. The building specifications are as follows:

- Building ‘A’ is 89,990 sq. ft. in gross floor area, with a building footprint of approximately 22,497 sq. ft. Total height is three stories plus a basement and measures 34-feet in height. Building ‘A’ is situated at the southwest

corner of the parcel and is located 10-feet from the side setback (east lot line) and 40-feet from the front setback (south lot line).

- Building 'B' is 25,000 sq. ft. in gross floor area, with a building footprint of approximately 12,500 sq. ft. Total height is one story plus a basement and measures, measuring 15-feet, 4-inches in height. Building 'B' is situated in a diagonal orientation, located approximately 47-feet north of Building 'A'.
- Building 'C' is 40,910 sq. ft. in gross floor area, with a building footprint of approximately 20,345 sq. ft. Total height is one-story plus two basement levels, measuring 16-feet in height. Building 'C' is situated in a diagonal orientation, located approximately 40-feet north of Building 'B'.
- Office building is 2,000 sq. ft. in gross floor area, with a building footprint of approximately 1,000 sq. ft. Total height is located 20' east of Building 'A'. Total height is two-stories, measuring 26-feet in height. The first floor is office use, and the second floor is residential caretaker space.

The project will require approximately 45,140 cubic yards of total grading (38,253 cy of cut, 1,454 cy fill, 5,433 cy over-excavation/compaction, and 36,799 cy of export),

D. Parking

The Project will provide a total of 28 parking spaces. Of the 28 parking spaces, 23 are provided for the self-storage facility use based on the requirement for one (1) standard space per 7,000 sq. ft. of gross floor area (155,900 / 7,000); three (3) are for the office use based on the requirement of one (1) space per 400 sq. ft. of gross floor area (1,000 / 400); and 2 are for the caretakers unit. The Project provides 8 short term bicycle spaces based on 1 space per 20,000 sq. ft. of industrial use (157,900 / 20,000), and 16 long term bicycle spaces based on 1 space per 10,000 sq. ft. of industrial use (157,900 / 20,000).

10. CEQA DETERMINATION. Prior to the Hearing Officer's public hearing on the Project, an Initial Study was prepared for the Project in compliance with the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County. Based on the Initial Study, LA County Planning staff determined that a Mitigated Negative Declaration ("MND") was the appropriate environmental document for the Project. The mitigation measures necessary to ensure the Project will not have a significant effect on the environment are contained in the Mitigation Monitoring and Reporting Program ("MMRP") prepared for the Project.

11. COMMUNITY OUTREACH. The permittee did not perform public outreach prior to the hearing.

12. PUBLIC COMMENTS. No public comments were received as of the public hearing for the project.

13. AGENCY RECOMMENDATIONS.

- A. County Department of Public Works: Recommended clearance to public hearing with conditions in a letter dated April 27, 2022.
- B. County Fire Department: Recommended clearance to public hearing with conditions in a letter dated May 25, 2021.
- C. County Department of Public Health: Recommended clearance to public hearing with conditions in a letter dated August 26, 2020.
- D. County Department of Parks & Recreation: Recommended clearance to public hearing with no conditions in a letter dated April 23, 2020.

14. LEGAL NOTIFICATION. Pursuant to Section 22.222.120 of the County Code, the community was properly notified of the public hearing by mail, newspaper (The Malibu Times), and property posting. Additionally, the Project was noticed and case materials were available on LA County Planning's website. On October 10, 2024, a total of 38 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 21 notices to those on the courtesy mailing list for the Malibu Zoned District and to any additional interested parties.

GENERAL PLAN CONSISTENCY FINDINGS

15. LAND USE POLICY. The Hearing Officer finds that the Project is consistent with the goals and policies of the Area Plan because the C designation is intended for low intensity commercial uses, categories into which this Project falls. The Hearing Officer further finds that the Project does not exceed the 0.5 FAR limitation imposed by the Area Plan.

16. GOALS AND POLICIES. The Hearing Officer finds that the Project is consistent with the applicable goals and policies of the SMMNA Plan:

- VI-19: Require that light industrial and commercial uses include adequately landscaped open space and be designed to relate to the surrounding environment.

The project will include a newly landscaped area with newly planted trees along the parcel frontage facing Old Scandia Lane. In addition, the entire north part of the parcel, which is steeply sloped, will remain undisturbed.

- VI-29: Concentrate light industrial, commercial and office uses adjacent to the Ventura Freeway corridor, and ensure that each project has adequate access, can

handle the traffic, and is accessible to essential services, with appropriate site design standards to enhance community character.

The project site is located just north of the Ventura Freeway and is surrounded by a self-service storage facility and other light industrial uses. The proposed use will therefore complement the existing development pattern in the area.

ZONING CODE CONSISTENCY FINDINGS

17. **PERMITTED USE IN ZONE.** The Hearing Officer finds that the Project is consistent with the M-1 zoning classification as self-storage facility is permitted in such zone with a CUP pursuant to County Code Section 22.336.070.C.1.a.
18. **MINIMUM LOT AREA.** The Hearing Officer finds that the Project is consistent with the development standards for self-service storage facilities pursuant to County Code Section 22.140.560.C. The Project Site conforms to the minimum required lot size of one acre.
19. **RESIDENT MANAGER.** The Hearing Officer finds that the Project is consistent with the development standards for self-service storage identified in County Code Section 22.140.560.D.1, which requires a resident manager at the facility. The Project proposes a caretakers unit with an employee at the facility.
20. **ACCESS AND CIRCULATION.** The Hearing Officer finds that the Project is consistent with the development standards for self-service storage identified in County Code Section 22.140.560.E, which requires vehicular ingress and egress to be limited to one point for each side of the subject property adjoining the street. The Project proposes one entry and exit point at Scandia Lane.
21. **PARKING AND LOADING.** The Hearing Officer finds that the Project is consistent with the development standards for self-service storage identified in County Code Section 22.140.560.F, which requires at least two covered parking spaces adjacent to the managers residence, one parking space for each employee in addition to the manager, one standard parking space for each 7,000 sq. ft. of gross floor area, and sufficient provision of loading areas. The Project proposes 28 total parking spaces along with loading areas and fulfills these requirements.
22. **BICYCLE PARKING SPACES.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.112.100.A. The Project proposes eight (8) short-term and sixteen (16) long-term bicycle parking spaces based on the square feet of the use and fulfills this requirement.
23. **BICYCLE PARKING AMENITIES.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.112.100.C. The Project proposes a shower and changing facility located within the caretakers unit, which is accessible to employees.

24. **GRADING.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.336.060.D. The Project includes a haul route for transporting grading off-site.
25. **SITE DESIGN.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.336.070.G, which requires architectural compatibility with the community and screening requirements. The Project design encompasses structures which are rectangular in geometric shape, which mirrors the scale and style of neighboring structures, which include storage facilities and light manufacturing/commercial uses. Building heights and materials are consistent with adjacent uses.
26. **MAXIMUM FAR.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.336.070.C.4, which imposes the maximum allowable FAR to 0.5 (82,110 sq. ft.). The Project proposes a FAR of 0.49 (81,991 sq. ft.) and does not exceed this threshold.
27. **REQUIRED YARDS.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.140.560.I, which requires a minimum setback of 10 feet from the front lot line. The Project maintains a minimum setback of 10 feet from all yards.
28. **HEIGHT.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.140.560.H.1, which allows the building height to be approved by the Hearing Officer. The Project proposes a maximum height of 38' – 4" for Building A that is located at the southern end of the lot with the lowest grade elevation.
29. **LOT COVERAGE.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.140.560.H.2, which limits the total lot coverage by buildings to not exceed 50 percent. The Project proposes 56,342 sq. ft. which is 34.3 percent and below the threshold.
30. **SIGNS.** The Hearing Officer finds that the Project is conditioned to be consistent with the standard identified in County Code Section 22.336.060.C, which prohibits outdoor advertising signs and Section 22.140.560.N, which establishes the requirements for self-service storage facility signs.
31. **RURAL OUTDOOR LIGHTING DISTRICT.** The Hearing Officer finds that the standards identified in County Code Section 22.80.030 are not applicable to this property.
32. **TREE PLANTING.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Sections 22.126.020.A and 22.140.560.J. The Project proposes a total of 17 trees, which will be placed at every 20 feet of street frontage and provides for a minimum of three (3) trees planted for every 10,000 sq. ft. of developed lot area.

CONDITIONAL USE PERMIT FINDINGS

33. The Hearing Officer finds that the proposed use will be consistent with the adopted General Plan for the area...
34. **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 Project is a use that is consistent with the land use designation and zoning development standards. The Project Site is surrounded by compatible light and heavy manufacturing uses. The design and location of the structures are situated at the closest adjacent ingress and egress points. The Mitigated Negative Declaration and the MMRP conducted for the Project concluded that the impacts will not have a significant effect on the environment.
35. **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 is designed to conform with required development standards for this use. The Project provides sufficient vehicular parking and loading spaces, in addition to bicycle parking spaces. Adequate landscaping and tree planting are proposed in conformance with code requirements. The Project design is consistent with the appearance and function of nearby manufacturing uses.
36. **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 is situated adjacent to Old Scandia Lane, private road which provides adequate ingress and egress for vehicular traffic. Furthermore, the Mitigated Negative Declaration concludes that the Project would result in a low vehicular trip generation and would be supported by existing infrastructure.

ZONE SPECIFIC DEVELOPMENT STANDARDS FINDING

37. **The Hearing Officer finds that the proposed industrial use in an industrial zone is a quiet, non-polluting light industrial use and is compatible with surrounding land uses located within 1,000 feet.** The Project is a permitted light manufacturing use that is consistent with the surrounding light manufacturing and heavy manufacturing uses. The Mitigated Negative Declaration concludes that the Project will be quiet, non-polluting light industrial use.

ENVIRONMENTAL FINDINGS

38. After consideration of the MND and MMRP together with the comments received during the public review process, the Hearing Officer finds on the basis of the whole record before it that there is no substantial evidence that the Project as conditioned will have a significant effect on the environment, and further finds that the MND reflects the independent judgment and analysis of the Hearing Officer.
39. The Hearing Officer finds that the MMRP, prepared in conjunction with the MND, identifies in detail how compliance with its measures will mitigate or avoid potential adverse impacts to the environment from the Project. The Hearing Officer further finds that the MMRP's requirements are incorporated into the conditions of approval for this Project, and that approval of this Project is conditioned on the permittee's compliance with the attached conditions of approval and MMRP. The MMRP proposes mitigation which addresses impacts affecting air quality, biological resources, cultural resources, hydrology water quality, stormwater peak flow, and tribal cultural resources. These areas of environmental impact are found to be less than significant with project mitigation incorporated.
40. The Hearing Officer finds that the permittee is subject to payment of the California Department of Fish and Wildlife fees related to the Project's effect on wildlife resources pursuant to section 711.4 of the California Fish and Game Code.

ADMINISTRATIVE FINDINGS

41. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the Conditional Use Permit to 15 years.
42. **LOCATION OF DOCUMENTS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at LA County Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Coastal Development Services Section, LA County Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. The proposed 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.
- E. The proposed industrial use in an industrial zone is a quiet, non-polluting light industrial use and is compatible with surrounding land uses located within 1,000 feet.

THEREFORE, THE HEARING OFFICER:

1. Certifies that the MND for the Project was completed in compliance with CEQA and the State and County CEQA Guidelines related thereto; certifies that it independently reviewed and considered the MND and that the MND reflects the independent judgment and analysis of the Hearing Officer as to the environmental consequences of the Project; certifies that it considered the MMRP, finding that it is adequately designed to ensure compliance with the mitigation measures during Project implementation; determined that on the basis of the whole record before the Hearing Officer that there is no substantial evidence that the Project will have a significant effect on the environment; adopts the MND and finds that the MMRP is adequately designed to ensure compliance with the mitigation measures during Project implementation; and
2. Approves **CONDITIONAL USE PERMIT NO. RPPL2020000732**, and **ENVIRONMENTAL ASSESSMENT NO. RPPL2020000735** subject to the attached conditions.

ACTION DATE: October 22, 2024

RG:WCC

October 10, 2024

c: Hearing Officer, Zoning Enforcement, Building and Safety

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING

CONDITIONS OF APPROVAL
PROJECT NO. 2020-000422-(3)
CONDITIONAL USE PERMIT NO. RPPL2020000732
ENVIRONMENTAL ASSESSMENT NO. RPPL2020000735

PROJECT DESCRIPTION

The project is to authorize construction of a self-storage facility subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term “permittee” shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning (“LA County Planning”) their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, 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[s]. 9, 10, and 13. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 3, 4, 8, and 10 shall be effective immediately upon the date of final approval of this grant by the County.
3. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with LA County Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in LA County Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring

the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

5. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
6. 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 terminate on October 22, 2044.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with LA County Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least twelve months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
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 **\$1,323.00**, which shall be placed in a performance fund and be used exclusively to reimburse LA County 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 **three (3)** inspection. 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 LA County Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$441.00 per inspection, or the current recovery cost established by LA County Planning at the time any additional inspections are required, whichever is greater.

10. Within five (5) working days from the day after your appeal period ends [**November 12, 2024**], the permittee shall remit processing fees at the County Registrar-Recorder/County Clerk Office, payable to the County of Los Angeles, in connection with the filing and posting of a Notice of Determination (NOD) for this project and its entitlements in compliance with section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Wildlife pursuant to section 711.4 of the California Fish and Game Code, the permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in section 711.4 of the Fish and Game Code, currently **\$2,991.75** (\$2,916.75 for a Negative Declaration or Mitigated Negative Declaration plus \$75.00 processing fee. No land use project subject to this requirement is final, vested or operative until the fee is paid.
11. The permittee shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program (“MMRP”), which are incorporated by this reference as set forth fully herein.
12. Within thirty (30) days of the date of final approval of the grant by the County, the permittee shall record a covenant and agreement, which attaches the Mitigation Monitoring and Reporting Program (“MMRP”) and agrees to comply with the mitigation measures imposed by the Mitigated Negative Declaration for this project, in the office of the Recorder. Prior to recordation of the covenant, the permittee shall submit a draft copy of the covenant and agreement to LA County Planning for review and approval. As a means of ensuring the effectiveness of the mitigation measures, the permittee shall submit annual mitigation monitoring reports to LA County Planning for approval or as required. The reports shall describe the status of the permittee’s compliance with the required mitigation measures.
13. The permittee shall deposit an initial sum of \$6,000.00 with LA County Planning within thirty (30) days of the date of final approval of this grant in order to defray the cost of reviewing and verifying the information contained in the reports required by the MMRP. The permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.
14. 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.

15. 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.
16. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
17. 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 LA County Planning ("Director").
18. 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.
19. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by LA County Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 48 hours of such notification, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

20. 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, **an electronic copy of a modified Exhibit "A" shall be submitted to LA County Planning by December 1, 2024.**
21. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **an electronic 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 – CONDITIONAL USE PERMIT

22. The permittee shall be subject to the conditions of County Code Section 22.140.560.L, which establishes restrictions on outdoor storage for self-storage facilities.

23. The permittee shall be subject to the conditions of County Code Section 22.140.560.M, which establishes restrictions on outdoor lighting for self-storage facilities.
24. The permittee shall be subject to the conditions of County Code Section 22.140.560.N, which establishes restrictions on signs for self-storage facilities.
25. The permittee shall be subject to the conditions of County Code Section 22.140.560.Q, which establishes use restrictions and prohibitions. Rental or lease contracts to each individual lessee shall include clauses in conspicuous print and clear language indicating these prohibitions.

PROJECT SITE-SPECIFIC CONDITIONS

26. This grant shall authorize the construction and operation of a self-storage facility.
27. The permittee shall adhere to the approved haul route for the export of grading.
28. The permittee shall make the shower and changing facility accessible to employees.
29. The permittee shall provide vehicle parking as required by the County Code Section 22.140.560.F, calculated at a parking ratio of one standard parking space for each 7,000 square feet of gross floor area, one parking space per 400 square feet of office space, and one parking space per 400 square feet of caretaker space. The industrial uses has a total floor area of 155,900 square feet with 1,000 square feet for office space use and 1,000 square feet for a caretaker unit. Not less than 28 spaces shall be provided based on the applicable ratio or as required pursuant to the approved Exhibit A.

If the industrial use substantially changes its mode or character of operation or if the permittee changes the use or occupancy or otherwise modifies the subject property so as to provide less parking than the minimum requirement, the permittee shall submit an application for a minor parking deviation, parking permit, variance, or other applicable permit, as determined by the Director, within 90 days of such occurrence.

30. The permittee shall provide bicycle parking as required by the County Code, calculated at a parking ratio of one (1) space for every 20,000 square feet for short-term bicycle parking, and one (1) space for every 10,000 square feet for long-term bicycle parking. The industrial use has a square footage of 157,900 which would require not less than eight (8) short-term spaces and 16 long-term spaces be provided based on the applicable ratio or as required pursuant to the approved Exhibit A.

If the permittee alters the property with an addition of more than 15,000 square feet of floor area so as to provide less parking than the minimum requirement, the permittee shall submit an application for a parking permit, variance, or other applicable permit, as determined by the Director, within 90 days of such occurrence.

31. The permittee shall plant and maintain trees in accordance with County Code Section 22.126.030 and the approved Exhibit A.
32. Pursuant to County Code Section 22.126.030.A.3 a minimum 50 percent shade coverage shall be achieved within 15 years of planting the required trees.
33. Pursuant to County Code Section 22.336.060.D.3 grading shall not begin during the rainy season, as defined as October 15 of any year through April 15 of the subsequent year.
34. A qualified biologist shall implement the Nesting Bird Survey & Protection Plan before fuel modification occurs.
35. The permittee shall comply with all conditions set forth in the attached County Public Works Department letter dated April 27, 2022.
36. The permittee shall comply with all conditions set forth in the attached Fire Department letter dated May 25, 2021.
37. The permittee shall comply with all conditions set forth in the attached Public Health Department letter dated August 26, 2020.

Attachments:

- Exhibit D-1 Public Works Department Letter dated April 27, 2022
- Exhibit D-2 Fire Department Letter dated May 25, 2021
- Exhibit D-3 Public Health Department Letter dated August 26, 2020
- Exhibit D-4 Mitigation Monitoring and Reporting Program
- Exhibit D-5 Parks and Recreation Department Letter dated April 23, 2020
- Exhibit D-6 Nesting Birds: Guide to Bird-Friendly Tree and Shrub Trimming and Removal Oak Trees: Care and Maintenance Guide



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

April 27, 2022

IN REPLY PLEASE

REFER TO FILE:

LD-4

TO: Rob Glaser
Coastal Development Services
Department of Regional Planning

Attention Clark Taylor

FROM: James Chon 
Land Development Division

CONDITIONAL USE PERMIT (RPPL2020000732)
5050 OLD SCANDIA LANE
ASSESSOR'S MAP BOOK 2049, PAGE 22, PARCEL 40
UNINCORPORATED HIDDEN HILLS

As requested, Public Works has reviewed the zoning permit application and site plan for the proposed project. The applicant is requesting a Conditional Use Permit for a 156,638-square-foot storage facility, which will include an office, caretaker's residence, on-site parking, and landscaping.

- 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. Traffic

Prior to issuance of a Certificate of Occupancy, comply with the approved transportation impact analysis.

For questions regarding the traffic condition, please contact Suen Fei Lau of Public Works, Traffic Safety and Mobility Division, at (626) 300-4765 or sflau@pw.lacounty.gov.

2. Building and Safety

- 2.1. Prior to issuance of a Certificate of Occupancy, comply with Low-Impact Development standards (Section 12.84.440) in accordance with the Low-Impact Development Standards Manual, which can be found at https://dpw.lacounty.gov/idd/iddservices/docs/Low_Impact_Development_Standards_Manual.pdf.
- 2.2. Prior to issuance of a building permit, submit grading and drainage plan to Public Works, Building and Safety Division, for review and approval. Provide for the proper distribution of drainage and for contributory drainage from adjoining properties and eliminate the sheet overflow, ponding, and protect the lots from high velocity scouring action.

For questions regarding the drainage conditions, please contact RaChelle Taccone of Public Works, Building and Safety Division, at (818) 880-4150 or rtaccone@pw.lacounty.gov.

3. Water

- 3.1. Prior to issuance of a Certificate of Occupancy, comply with all the requirements stipulated by the signed Will Serve letter dated June 26, 2020.

For questions regarding the water condition, please contact Ambria Vasquez of Public Works, Land Development Division, at (626) 458-4921 or avasquez@pw.lacounty.gov.

If you have any other questions or require additional information, please contact Ed Gerlits of Public Works, Land Development Division, at (626) 458-4953 or egerlits@pw.lacounty.gov.

DK:la



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: RPPL2020000732
PROJECT NUMBER: 2020-000422

MAP DATE: May 25, 2021
PLANNER: Clark Taylor

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

CONDITIONS OF APPROVAL

ACCESS

1. All on-site Fire Apparatus Access Roads shall be labeled as "Private Driveway and Fire Lane" on the site plan along with the widths clearly depicted on the plan. Labeling is necessary to assure the access availability for Fire Department use. The designation allows for appropriate signage prohibiting parking.
2. Fire Apparatus Access Roads must be installed and maintained in a serviceable manner prior to and during the time of construction. Fire Code 501.4
3. A required 32' centerline minimum turning radius must be provided at all turns within Fire Department vehicular access. Provide the turning radius detail or show the dimensions of the final map.

WATER

1. All fire hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal, and shall be installed in accordance with the County of Los Angeles Fire Department C105.1 CFC.
2. All required PUBLIC fire hydrants shall be installed, tested and accepted prior to beginning construction. Fire Code 501.4
3. The required fire flow for the on-site private fire hydrants for this project is 3125 gpm at 20 psi residual pressure for 3 hours. Three (3) on-site fire hydrant(s) flowing simultaneously may be used to achieve the required fire flow
4. Install One (1) Public fire hydrant in the location shown on the site plan.



**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: RPPL2020000732
PROJECT NUMBER: 2020-000422

MAP DATE: May 25, 2021
PLANNER: Clark Taylor

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**

August 26, 2020

**CASE: RPPL2020000732
PROJECT: 2020-000422
PLANNER: Taylor, Clark
LOCATION: 5050 Scandia Lane A Calabasas CA 91302**

The Department of Public Health-Environmental Health Division has reviewed the above project to construct a 156,638 square foot self-storage facility, including an office, caretaker's residence, on-site parking, and landscaping. The applicant provided a June 23, 2020 water and sewer "Will Serve" letter and signed statement indicating they would comply with all terms and conditions of the purveyor.

Public Health requires that the conditions or information requested below are addressed prior to agency approval.

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. Garcia, Acting Director

April 23, 2020

TO: Clark Taylor
Department of Regional Planning

FROM: Jui Ing Chien *JIC*
Planning and CEQA Section

SUBJECT: **RPPL2020000732**
CONDITIONAL USE PERMIT
PROJECT NO.: R2020-000422
APN: 2049-022-040

The proposed project, which will authorize construction and operation of a self-storage facility in Calabasas, has been reviewed for potential impacts on the facilities of the Department of Parks and Recreation (DPR). 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 jchien@parks.lacounty.gov or (626) 588-5317.

**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 tugs at a single thing in nature, he finds it attached to the rest of the world. -- John Muir



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 heronry, 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 heronry 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/habitats/terrestrial/pdf/heronsmp.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:
- **Pensile** 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 Ritchison, Ornithologist, Dept. of Biological Sciences Eastern Kentucky University
[<http://people.eku.edu/ritchisong/birdnests.html>]

APPENDIX B

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

SPECIAL CONSIDERATION: HERONS & EGRETS

Heronries 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



City of Los Angeles Municipal Code:

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...”

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 Pettingill, 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.

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.

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, bushtits, mockingbirds, orioles, sparrows, finches

NOTES

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

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.

An illustration of several oak leaves and a branch. The leaves are detailed with veins and have a lobed, wavy edge. Some leaves are shaded in light gray, while others are white with black outlines. The branch is dark and textured, showing small knots and a rough surface.

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, 3"-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 WISLIZENII

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 KELLOGGI
CANYON LIVE OAK : QUERCUS CHRYSOLEPIS
ENGELMANN OAK : QUERCUS ENGELMANNII

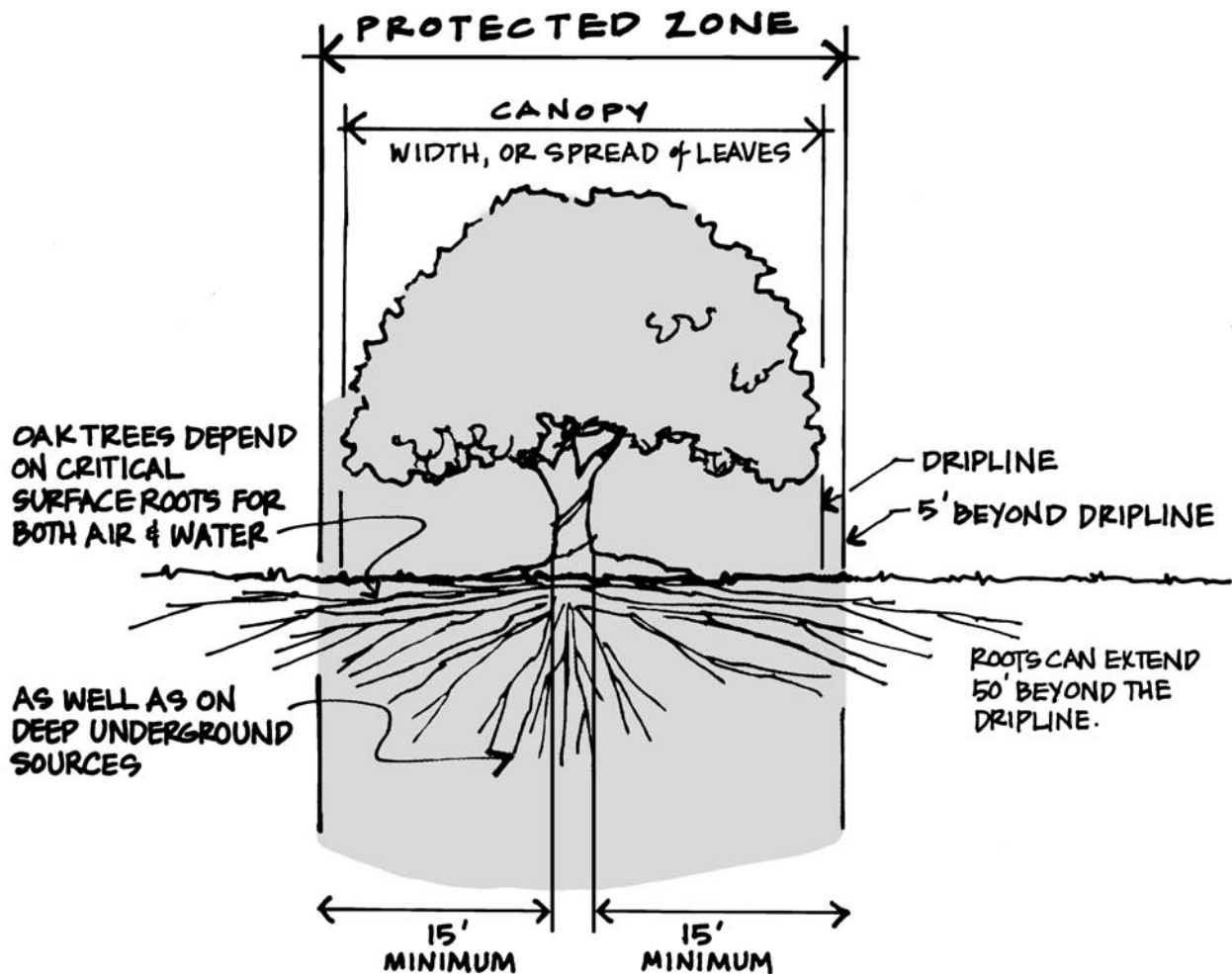
THE PROTECTED ZONE

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.

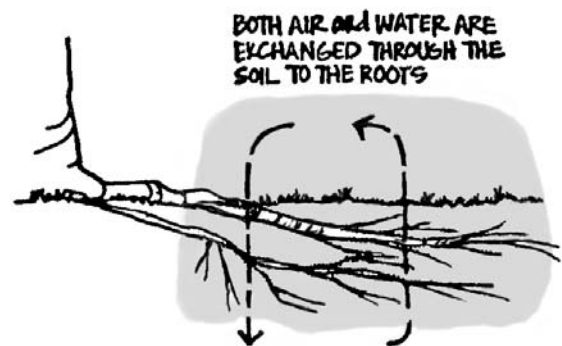
Trenching can also be accomplished using hand tools or small hand held power equipment to avoid cutting roots. Any roots exposed during this work should be covered with wet burlap and kept moist until the soil can be replaced.

Soil Compaction and Paving

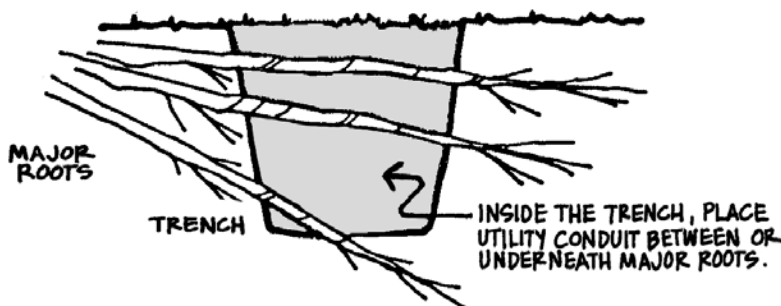
The roots depend upon an important exchange of both water and air through the soil within the protected zone. Any kind of activity that compacts the soil in this area blocks this exchange and can have serious long-term negative effects on the tree.

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*).

SOIL COMPACTION



TRENCHING



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.

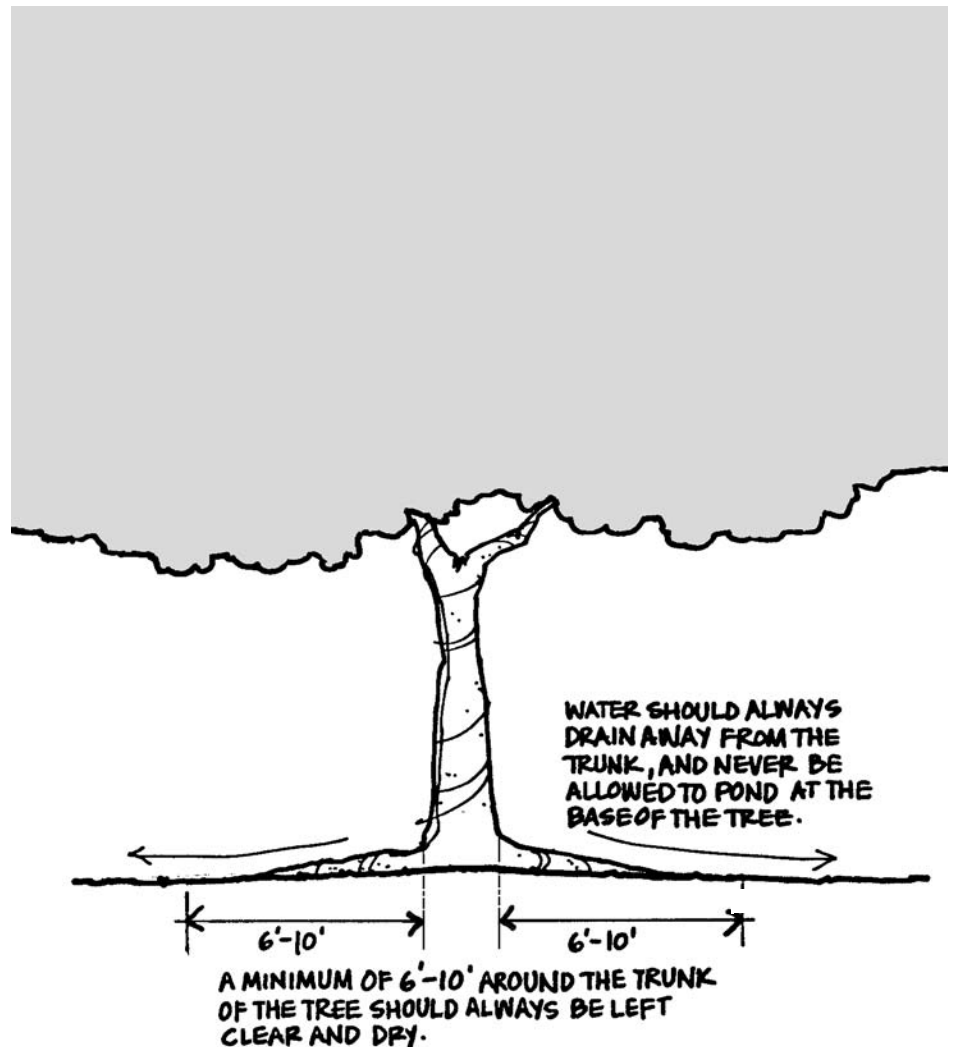
Pruning

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

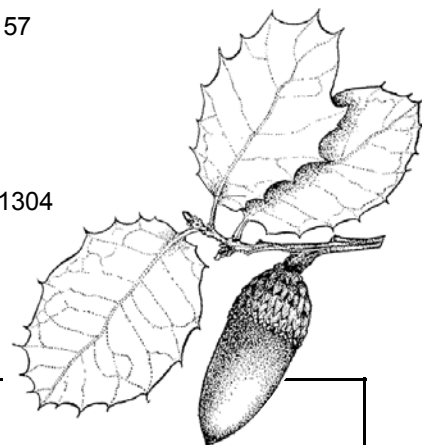
Los Angeles County Arboreta and Botanic Gardens
301 N. Baldwin Ave.
Arcadia, CA 91007-2697
(626) 821-3222
www.arboretum.org

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
Holly J. Mitchell, Second District
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Janice Hahn, Fourth District
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County of Los Angeles Fire Department

Anthony C. Marrone, Fire Chief

Defensible Space Unit
605 N. Angeleno Avenue
Azusa, CA 91702
(626) 969-2375

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

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

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

Grants/Interpretive Unit
12605 Osborne Street
Pacoima, CA 91331
(818) 890-5723

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

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

Technical Operations Unit
12605 Osborne Street
Pacoima, CA 91331
(818) 890-5752

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