

# FINDINGS AND ORDER OF THE PLANNING COMMISSION COUNTY OF LOS ANGELES

**PROJECT NUMBER R2005-00187-(5)  
OAK TREE PERMIT 200800030  
2288 North Villa Heights Road, Pasadena, CA 91107**

**HEARING DATE: 2/11/2009**

## **PROCEEDINGS BEFORE THE PLANNING COMMISSION:**

### **Findings**

1. The subject property is located at 2288 North Villa Heights Road, Pasadena, CA 91107 in the unincorporated community of Kinneola Mesa within the Northeast Pasadena.
2. An oak tree permit is requested to retroactively authorize encroachment upon 32 trees and a yard modification to retroactively authorize the construction of a perimeter wall that exceeds a height of 6 feet.
3. The subject property is currently designated Low Density Residential.
4. The subject property is currently zoned R-1-40000 (Single-family residence, 40,000 square foot required area).
5. The surrounding properties are zoned as follows:  
North: R-1-40000  
South: R-1-20000  
East: R-1  
West: R-1-40000
6. Surrounding land uses within 500 include:  
North: Single-family residence  
South: Single-family residence  
East: Single-family residence  
West: Single-family residence
7. The oak tree report, prepared by consulting arborist Greg Applegate on February 19, 2008, provided information with respect to the oak trees within the project vicinity.
8. The County Forester has reviewed the oak tree report and suggested that the applicant provide mitigation trees at a rate of 2:1 for any tree that dies as a result of the approved encroachments.

9. The Forester has determined that none of the affected trees were heritage oaks.
10. The permit request includes a yard modification for a perimeter wall that exceeds the height allowed by the Zoning Code.
11. The front wall of the subject property runs north-south along the western property line. Walls in the front yard setback may not exceed 42 inches in height. All other walls may not exceed 6 feet in height.
12. There are no other properties in the neighborhood that are completely surrounded by walls that are similar in height to the applicant's. The most common fence choice in the neighborhood is chain link. The perimeter wall on the subject property is out of character with the neighborhood and has blocked the view of two adjacent properties. There are no topographic features or other conditions that justify the modification to wall height.
13. This permit represents retroactive approval for work already done. Any changes or future work that affects the protected oak trees will require additional permits. Changes may include, but are not limited to, requirements of other county agencies.
14. An Initial Study was prepared for this project in compliance with the environmental guidelines and reporting procedures of the County of Los Angeles and the state of California. The Department of Regional Planning has determined that a Negative Declaration is the appropriate environmental documentation for this project under California Environmental Quality Act (CEQA) reporting requirements.
15. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
16. The location of the documents and other materials constituting the record of proceedings upon which the Commission'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, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits I Section, Los Angeles County Department of Regional Planning.

**BASED ON THE FOREGOING, THE PLANNING COMMISSION CONCLUDES:**

1. That the removal or relocation of the oak tree(s) proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated; and
2. That in addition to the above facts, at least one of the following findings apply:  
That the encroachment into the protected zone of 32 oak trees is necessary because the location(s) of the oak trees frustrates the planned improvement or proposed use of the subject property to such an extent that:
  - a. Alternative development plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive, and
  - b. Placement of such tree(s) precludes the reasonable and efficient use of such property for a use otherwise authorized,
3. That the removal and encroachment into the protected zone of the oak tree(s) proposed will not be contrary to, or be in substantial conflict with the intent and purpose of the oak tree permit procedure.
4. AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a Oak Tree Permit as set forth in Section 22.56.2100 of the Los Angeles County Code.

**PLANNING COMMISSION ACTION:**

1. The Regional Planning Commission has considered the Negative Declaration together with any comments received during the public review process, finds on the basis of the whole record before the Commission that there is no substantial evidence the project will have a significant effect of the environment, finds that the Negative Declaration reflects the independent judgment and analysis of the Commission, and adopts the Negative Declaration.
2. In view of the findings of fact and conclusions presented above, Oak Tree Permit 200800030 is approved, but the associated request for a yard modification to allow increased height of the perimeter wall above 42 inches in the front yard setback and 6 feet along the remainder of the perimeter is denied.

c: Hearing Officer, Each Commissioner, Zoning Enforcement, Building and Safety