

FINDINGS AND ORDER OF THE PLANNING COMMISSION COUNTY OF LOS ANGELES

**PROJECT NUMBER R2006-03386
OAK TREE PERMIT 200700038
2340 Villa Heights**

HEARING DATE: 2/4/2009

PROCEEDINGS BEFORE THE PLANNING COMMISSION:

Findings

1. The subject property is located 2340 Villa Heights in the unincorporated community of Kinneloa within the Northeast Pasadena Zone District.
2. The applicant is requesting an oak tree permit to retroactively authorize the removal of one oak tree and the encroachment into the protected zone of 10 oak trees for the construction of an in-ground swimming pool, a tennis court, and other appurtenant facilities.
3. The Subject Property is currently designated Low-Density Residential, National Forest.
4. The Subject property is currently zoned R-1-40,000(Single-Family Residence, 40,000 square foot minimum required area).
5. The Surrounding Properties are zoned as follows:
North: R-1-40,000
South: R-1-40,000
East: R-1 (Single-Family Residence)
West: R-1-40,000
6. Surrounding land uses within 500 include:
North: Vacant
South: Single family residence
East: Single family residences
West: Single family residence
7. The oak tree report, prepared by consulting arborist Greg Applegate on March 30, 2007, provided information with respect to the oak trees within the project vicinity.
8. 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.

An oak tree permit is needed because work authorized under PP46142 resulted in the removal of one oak tree and the encroachment into the protected zones of 10 oak trees on the property. At the time PP46142 was approved, no removals or encroachments were anticipated.

9. 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.
10. 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 proposed construction of proposed use will be accomplished without endangering the health of the remaining trees subject to this Part 16, if any, on the subject property; and
2. 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
3. That in addition to the above facts, at least one of the following findings apply:
That the removal of one and encroachment into the protected zone of 10 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,
4. 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.

5. 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.

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