

## **FINDINGS AND ORDER OF THE HEARING OFFICER COUNTY OF LOS ANGELES**

**PROJECT NUMBER R2007-02453  
OAK TREE PERMIT CASE 200800032**

**HEARING DATE: November 18, 2008**

**REQUEST:**

The applicant is requesting a Oak Tree Permit to construct a two story second dwelling encroaching upon one oak tree in the protected area in the R-2 (Two-Family Residence) zone.

**PROCEEDINGS BEFORE THE HEARING OFFICER:**

Findings

1. The applicant requests to construct a two story, dwelling unit with four additional attached carport parking spaces including two for the proposed residence and two for the existing single-family dwelling having a total of 778 square feet in area. The proposed unit comprises a play room with a bar and a storage area on the first floor having a total of 641 square foot and two bedrooms, a living room, dining/kitchen area, a laundry room on the second floor having a total of 1,668 square feet. The existing dwelling is 1,353 square foot, and the total build area is 4,420 square feet. The lot coverage is 57.50 percent. The access to the subject property is through Manhattan Avenue.
2. The subject property is located at 2525 Manhattan Avenue in Montrose Zoned District and La Crescenta Montrose Community Standards District (CSD).
3. Pursuant to the provisions of Sections 22.56.2160 of the County Code, the community was appropriately notified of the public hearing by library materials and newspaper.
4. The subject property is surrounded by R-2 zone to the east, west and south and R-3 to the north.
5. The property is adjacent to an apartment complex to the north, a single family dwelling to the south, a duplex dwelling to the east and a triplex to the west.
6. The General Plan Designation for the subject site is 3-Medium Density Residential within the Los Angeles County General Plan. The Medium Density Residential areas are suitable for multiple unit development including garden apartments and multiplex development.

7. The subject property is consistent with the La Crescenta Montrose Community Standards District Guidelines.
8. The Department of Regional Planning has determined that a Categorical Exemption, Class 3 – New Construction, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements.
9. The site plan depicts an existing single family dwelling and a proposed two bedroom second residence with four carport spaces. The Oak tree is on the north side of the building encroaching upon the garage area and the deck on the second floor. The proposed dwelling contains two bedrooms on the second floor and a playroom on the first floor. There is only one entrance to the proposed unit on the first floor. The access to the first and second floor is open.
10. The existing house has an illegal addition and shall be legalized prior to finalizing the permit.
11. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13<sup>th</sup> 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 II Section, Los Angeles County Department of Regional Planning.

**BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:**

- A. That the proposed use is consistent with the adopted general plan for the area;
- B. That the requested use at the proposed location 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. That the proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area;
- D. 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;

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required burden of proof for an Oak Tree Permit as set forth in Section 22.56.2100 of the Los Angeles County Code.

HEARING OFFICER ACTION:

1. The Hearing Officer has considered the Categorical Exemption together with any comments received during the public review process, finds on the basis on the whole record before the Hearing Officer that there is substantial evidence the project will have a significant effect on the environment, finds that the Categorical Exemption reflects the independent judgment and analysis of the Hearing Officer, and adopts the Categorical Exemption.
2. In view of the findings of fact and conclusions presented above, Oak Tree Permit Case No 200800032 is **APPROVED** subject to the attached conditions.

c: Hearing Officer, Commission Services, Zoning Enforcement, Building and Safety