

STAFF ANALYSIS
PROJECT NUMBER R2007-02453
OAK TREE PERMIT200800032

ENTITLEMENT REQUEST

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

PROJECT DESCRIPTION

The applicant Ray Sierra is requesting to construct a two-story, two-bedroom, second residence with four additional attached carport parking, two for each dwelling unit. The proposed project consists of a play room with a bar and a storage area on the first floor having a total of 641 square foot and two bedrooms, living room, dining/kitchen, laundry on the second floor with a total of 1,668 square foot. The existing dwelling is 1,353 square foot, and the total lot coverage for the existing and the proposed is 57.50%. The access to the subject property is through Manhattan Avenue.

Requirements for an Oak Tree Permit in the R-2 Zone

Pursuant to Code Section 22.56.2090-F.2, oak tree report requirement maybe waived by the director where there is an impact on a single oak tree in conjunction with a single family dwelling. As per Code Section 22.56.2160 a public hearing is required for an Oak Tree Permit when more than one dwelling unit is proposed in the R-2 zone. The project is subject to the notice requirements of subsection B of Section 22.56.2130.

LOCATION

The subject property is located at 2525 Manhattan in the Montrose Zoned District within the La Crescenta-Montrose unincorporated Los Angeles County in the La Crescenta-Montrose Community Standards District (CSD).

EXISTING ZONING

Subject Property

The subject property is zoned R-2 and surrounding properties are zoned as follows:

North: R-3 (Unlimited Multiple Residence)

East: R-2 (Two-Family Residences)

South: R-2 (Two-Family Residences)

West: R-2 (Two-Family Residences)

Surrounding Properties

Surrounding properties within a 500 foot radius are as follows:

North: Apartments

East: Two Dwelling units

South: Single Family Residence

West: Three Dwelling units

General Plan Consistency

The land use designation for the subject property 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 in addition to high density townhouse developments. Such areas are typically located near urban community centers.

Manhattan Avenue does not have a pedestrian sidewalk. The neighborhood has a garden housing character. The adjacent properties are single-family, duplex or triplexes. There are some apartment buildings on the back of the subject site.

Zoning Ordinance and Development Standards Compliance

The zoning for the subject property is R-2 (Two-Family Residence). According to Section 22.20 part 3 the following development standards apply to the subject property:

Requirement	Required	Proposed
Height	35'	24'
Front Yard Setback	20'	20'
Side Setback	5'	5'
Rear Yard	15'	15'
Parking	4	4

As per provisions of 22.52.1180 item 1 "Each two-family residence requires one and one-half covered, plus one-half uncovered standard parking spaces." Pursuant to 22.52.1180.C "Parking spaces which are required to be covered shall be provided in a garage, carport or other suitable structure located in a place where the erection of such structures is permitted."

The proposed four car carport parking is in compliance with Section 22.52.1180 requirements.

La Crescenta-Montrose Community Standards District

The La Crescenta-Montrose Community Standards District (CSD) guideline does not apply to any specifics of the subject property.

Neighborhood Impact/Land Use Compatibility

The neighborhood has a rural character with a narrow street of about 30 feet width and no sidewalk. The area has a down slope starting from the front side yard of the subject property to the south side of the street. There are many trees in the vicinity adding to the rural characteristic (identity) of the area.

ENVIRONMENTAL DETERMINATION

The Department of Regional Planning has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for

Resources or by local guidelines. A class 3 - New Construction or Conversion of Small Structures is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.56.2160 and 22.56.2130 subsection B of the County Code, the Notice of Public Hearing was advertised in the "News-Press" on October 15, 2008. Two notices were sent to the local community groups and residents on the Zoned District Courtesy List and four notices to public agencies. In addition, eight notices were mailed to the Oak Tree List on record.

Case information materials, including the Notice of Public Hearing and Factual Sheet were sent to the Montrose – Crescenta Library, County of Los Angeles located at 2465 Honolulu Avenue Montrose, CA 91020 on October 16, 2008. The same information was posted on the Department of Regional Planning's Website.

PREVIOUS CASES/ZONING HISTORY

Administrative Oak Tree Permit Case no 200700042 was filed on September 11, 2007 for encroaching upon one oak tree to construct a dwelling unit. The permit was withdrawn and the applicant was advised to apply for an Oak Tree Permit through a Public Hearing as per Code Section 22.56.2160.

Plot Plan 200701550 was also filed on September 11, 2007 and withdrawn to file for an Oak Tree Permit.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Fire Department/Forestry Division

Staff received comments from the County Forester approving the project. The approval recommends to remove a 7" limb and to use piers and bridge-beams instead of continuous footings for the carport foundation, as stated in the oak tree report dated June 28, 2007. The proposed carport garage is 5 feet from the trunk of the oak tree and the construction of the foundation may cause cutting of the roots, the grade beam construction would mitigate to protect the tree. Also, the report suggests using concrete paving stones for the carport floor and driveway to minimize root suffocation.

Site Plan

The site plan depicts an existing single family dwelling and a proposed two bedroom unit with four parking spaces. The Oak tree is on the north side of the building encroaching upon the car carport area and the deck on the second floor. The second dwelling contains two bedrooms on the second floor and a playroom on the first. There is only one entrance to the proposed unit on the first floor. The access to the first and second floor remains open. The proposed unit shall accommodate only one family.

Site Visit

Staff visited the site on June 5, 2008. The area has a rural character with mostly duplex and single family homes. There are also few apartment units and triplexes in the surrounding areas. The street has no sidewalk and is only 30' wide. The existing one-story house is built in a cottage style. The access has a slight slope from the street, but the house is built on a flat lot. The oak tree is very unique and has about 160 years old. The front of the house has a nice porch and landscaping which adds to the rural character of the neighborhood. The owner stated that he is going to place additional landscaping on the east side of the property with landscaping bullet lighting every 10 feet. Also, the owner referred to a paving stone for the driveway to allow breathing of the tree roots. Two motion sensors would be installed facing the driveway and the garage areas. Currently, there is only one light bulb mounted to the wall on the existing house.

Issues

The existing house has an unpermitted structure consisting of a large bedroom with a laundry room and a bathroom totaling 600 square foot. The existing house and the unpermitted addition have direct access through the hallway and constitute one house. The addition also has a sliding door opening to the yard. As per the owner the addition has drywall and stucco on three sides and wood and stucco wall on the west side. Staff requested that the applicant provide plans to legalize this existing addition; however, the applicant asked to condition the legalizing of the addition until final plans are modified by the Department of Public Works for a second floor addition on top of the illegal structure. Also, County records indicate that during 2001 and 2006 two other structures were built on the site and it appears those structures encroached the oak tree. Those structures have been removed sometime after June 2006. The oak tree report does not indicate any major damages to the tree. The proposed deck height may interfere with the existing oak tree branches. Further, the landscaping in the yard is not maintained and there are a lot of shrubs and weeds. The proposed carport is 5 feet from the tree. The applicant stated that the driveway will have a paving stone material to allow air to the roots of the tree and prevent the tree from suffocating. The owner states he will be thinning or trimming the oak tree prior to building the deck. The oak tree report recommends removing a limb.

BURDEN OF PROOF

As required by Section 22.56.2100 of the Los Angeles County Code, in addition to the information required in the permit application, the applicant shall substantiate to the satisfaction of the Hearing Officer, the following facts:

- A. 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

- B. 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
- C. That in addition to the above facts, at least one of the following findings apply:
1. That the removal or relocation of the oak tree(s) proposed is necessary as continued existence at present location(s) 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, or
 - b. Placement of such tree(s) precludes the reasonable and efficient use of such property for a use otherwise authorized, or
 - c. That the oak tree(s) proposed for removal or relocation interferes with utility services or streets and highways, either within or outside of the subject property, and no reasonable alternative to such interference exists other than removal of the tree(s), or
 - d. That the condition of the oak tree(s) proposed for removal with reference to seriously debilitating disease or danger or falling is such that it cannot be remedied through reasonable preservation procedures and practices;
- D. That the removal 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.

The applicant has adequately addressed the required Burden of Proof requirements. The applicant's Burden of Proof statement is attached to this report.

PUBLIC COMMENTS

Staff has not received any public comments at the time of this report.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

STAFF EVALUATION

The existing addition to the single family dwelling is not legal. Staff recommends that the applicant files for a Clean Hands Waiver with the Department of Regional Planning to enable continued operation of the existing uses while the subject site is brought into compliance with Los Angeles County zoning and building codes. Compliance with building codes and issuance of building permits for undocumented existing structures is required prior to the public hearing.

The oak tree report indicates mitigation measures to prevent any future harm to the tree as a result of the construction of the proposed dwelling unit. Staff recommends that the approval be conditioned upon obtaining building permits for the illegal addition to the

house. Also, additional conditions to be added to use bridge beam as needed for the carport area and to use concrete paving stones for the carport floor and the driveway to minimize root suffocation as recommended by the forester and the owner. Last, the concrete on the north-west corner of the root crown shall be moved without damaging the tree.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends APPROVAL of project number R2007-02453, OAK TREE PERMIT no 200800032, subject to the attached conditions.

Prepared by Jeantine Nazar, Regional Planning Assistant II
Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits II Section

Attachments:
Draft Conditions of Approval
Applicant's Burden of Proof statement
Environmental Document
Site Photographs
Site Plan
Land Use Map