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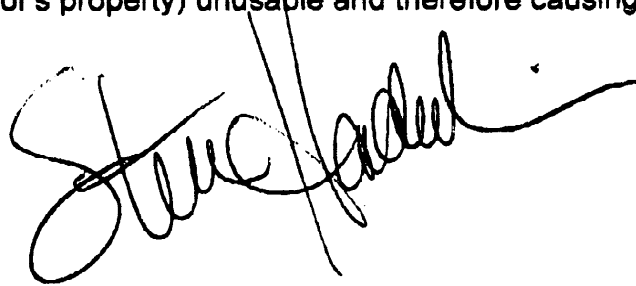
From: Steve Haderlein
To: Richard Bruckner; Michael Beck
Cc: Rhonda Stone
Date: 6/16/2009 9:38:27 AM
Subject: request for appeal

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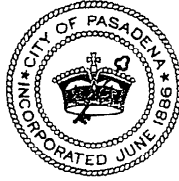
CITY CLERK
CITY OF PASADENA

I am requesting that the application for Private Tree Removal (TR - 2009 - 00152, 3839 Mayfair Drive) be appealed to the Board of Zoning Appeals. See attached. I believe that finding #4 of the attached has been met because the roots of the tree are making the owner's property (and the neighbor's property) unusable and therefore causing a substantial hardship.

Steve Haderlein



06/22/2009
7.B.10



PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION

June 8, 2009

Arturo Leos
3839 Mayfair Drive
Pasadena, CA 91101

RE: NOTICE OF DECISION
Application for Private Tree Removal (No discretionary application)
3839 Mayfair Drive – TR-2009-00152

Dear Mr. Leos:

Your application for the removal of a protected tree under the provisions of the Pasadena Municipal Code (§8.52.070 and 8.52.075) has been reviewed by the Planning and Development Department. This was an application requesting permission for the following:

**Removal of one Ficus Macrophylla located in the rear yard setback---DBH: 80”;
Height: 70’; Spread: 60’**

After careful consideration of this application, and with full knowledge of the property and vicinity, the findings in Attachment A to this letter have been adopted. Based upon these findings, the application is hereby **disapproved**.

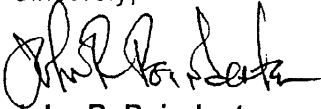
*This decision becomes effective **Thursday, June 18, 2009**.* Before the effective date, the City Council or the Planning Commission may call for a review of this decision. In addition, you or any interested person may appeal this decision to the Board of Zoning Appeals before the effective date by filing an appeal in writing. The last day to file an appeal for this decision is **Wednesday, June 17, 2009**. Appeal applications must cite a reason for objecting to a decision. The regular appeal fee is \$650.00. The appeal fee for non-profit community-based organizations pre-registered with Neighborhood Connections is \$325.00.

Since the application was disapproved, no new application for the same, or substantially the same, project shall be filed within one year of the date of denial except on the ground of new evidence or proof of changed circumstances; or if the denial was without prejudice. Disapproval is statutorily exempt from the California Environmental Quality Act.

Mr. and Mrs. Leos
Request for Tree Removal TR2009-00152
June 8, 2009
Page 2 of 3

For further information regarding this case, please contact **Jacqueline Ellis at, (626) 744- 6709.**

Sincerely,



John R. Poindexter
Planning Manager

Attachments A: Findings of Fact for Private Tree Removal Permit

cc: Code Enforcement, Case File (TR2009-00152), Reading File; Planning Commission (9); City Council, Field Reps., City Clerk, Director of Planning and Development, Public Works – Forestry Operations.

**ATTACHMENT A
FINDINGS OF FACT FOR PRIVATE TREE REMOVAL PERMIT TR2009-00152**

Note: Indicate how **none** of the following findings can be made:

1. *There is a public benefit as defined in Section 8.52.020 (R), or a public health, safety or welfare benefit, to the injury or removal that outweighs the protection of the specific tree.* The applicant has indicated that the tree lost a limb and is a potential danger to the residents and neighborhoods that use their backyards in the area. This is not sufficient enough reason since regular pruning of the tree would prevent the weakened limbs from falling from the tree.
2. *The present condition of the tree is such that it is not reasonably likely to survive.* The tree is healthy. Given this, it is recommended that a certified arborist supervise the pruning of the tree's limbs.
3. *There is an objective feature of the tree that makes the tree not suitable for the protections of this chapter.*
4. *There would be a substantial hardship to a private property owner in the enjoyment and use of real property if the injury or removal is not permitted.* The Moreton Bay Fig tree is located in the rear yard of a single family dwelling. The residence can be used despite the location of the tree. The tree does not limit the enjoyment of the backyard. Although the tree's roots has caused some damage to the adjacent fence and neighbors cement slab in the dog run, there has been no damage to structures such as garages or any residence. Additionally, the dog run, the tree appears to be healthy.
5. *To not permit the injury to or removal of a tree would constitute a taking of the underlying real property.* The Moreton Bay Fig tree is located in the rear yard of a single family dwelling. The residence can be used despite the location of the tree. The tree does not limit the enjoyment of the backyard.
6. *The project, as defined in Section 17.12.020, includes a landscape design plan which will result in a tree canopy coverage of greater significance than the tree canopy coverage being removed, within a reasonable time after completion of the project.* The applicant has not provided landscape plans to demonstrate that this finding can be met.