

## Communication from Public

**Name:** Jamie T. Hall

**Date Submitted:** 04/01/2025 01:05 PM

**Council File No:** 24-1471

**Comments for Public Posting:** Dear Members of the Energy and Environment Committee: I am writing on behalf of the Appellant to request a continuance of today's hearing re the CEQA Appeal for 10453 Sandal Lane. The City published a 561 page Staff Report on March 27, 2025. The Staff Report attaches two expert reports - one dated January 29, 2025 another dated February 2025. The Staff Report says that these reports were provided to the City on February 6, 2025 (Staff Report at p. 17). And yet the City did not provide the Staff Report or the expert reports to my client until March 27, 2025 - which is the last day in which additional evidence can be submitted in complaint with LAMC Section 197.01(G). The City essentially withheld all of the new evidence prepared by the applicant until it was too late for Appellant to respond to it. This is fundamentally unfair. In order for the City not to violate my client's due process and right to a fair hearing, a continuance must be granted so that my client can review and comment on these expert reports. The law is clear. Due process "contemplates a meaningful opportunity to present evidence contrary [to an application] and a meaningful consideration of that evidence." Natural Resources Defense Council v. Fish & Game Com. (1994) 28 Cal.App.4th 1104, 1126. Fundamental fairness and due process requires a continuance of today's hearing. Thank you.

## Communication from Public

**Name:** Jamie T. Hall

**Date Submitted:** 04/01/2025 02:25 PM

**Council File No:** 24-1471

**Comments for Public Posting:** Dear Members of the Energy and Environment Committee: This firm represents Bruno Naylor (“Naylor” or “Appellant”), a resident in the immediate neighborhood of the proposed new one-story 3,036 square foot single-family dwelling with a pool, on a vacant lot of approximately 5,469 square feet (“Project”). My client just recently became aware of a new issue of concern regarding this Project that must be brought to your immediate attention. Please see the attached letter which details that the proposed replacement trees and shrubs cannot be lawfully planted in their present locations under existing fire regulations. As such, the Project will have a significant effect on the environment.

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April 1, 2025

## **VIA ELECTRONIC UPLOAD AND E-MAIL**

Energy and Environment Committee  
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**Re: CEQA Appeal for Tree Removal Project Located at 10453 Sandal Lane;  
BPW-2024-0635; Council File No. 24-1471**

Dear Members of the Energy and Environment Committee:

This firm represents Bruno Naylor ("Naylor" or "Appellant"), a resident in the immediate neighborhood of the proposed new one-story 3,036 square foot single-family dwelling with a pool, on a vacant lot of approximately 5,469 square feet ("Project"). My client just recently became aware of a new issue of concern regarding this Project that must be brought to your immediate attention.

**I. The Location of the Replacement Trees Does Not Comply with Applicable Fire Regulations; Because the Replacement Trees Cannot be Lawfully Maintained, They Cannot Offset the Environmental Impacts of the Project**

In order to avoid the conclusion that the loss of protected trees and shrubs will cause a significant effect on the environment, the City has relied on alleged "regulatory compliance measures" in the form of replacement trees and shrubs. However, the location of the replacement trees and shrubs does not comply with existing fire regulations and therefore these trees and shrubs cannot be legally maintained. Without such replacement trees and shrubs, the Project necessary **will** have a significant effect on the environment. As such, there are unusual circumstances that preclude the City from deeming this project exempt as a Class 3 project.

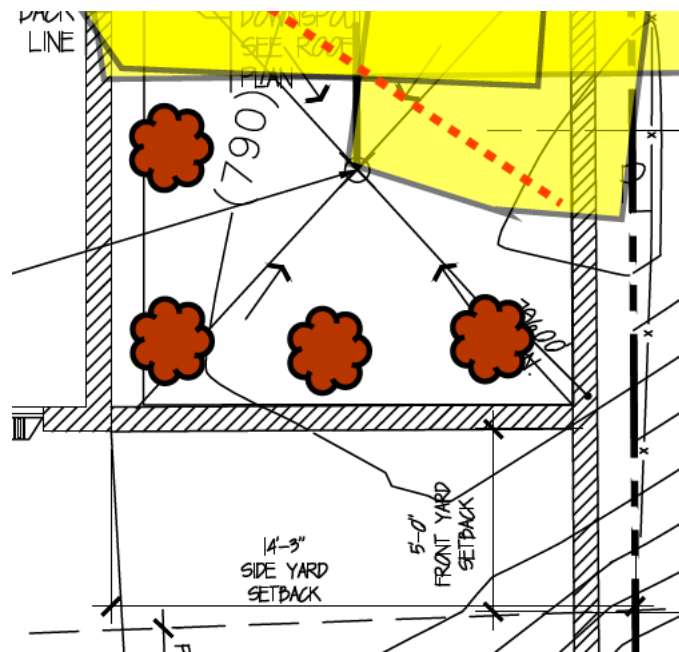
Appellant has commissioned an expert report from Diana Nicole, an accredited ecological horticulture professional and tree expert. A true and correct copy of this Report is attached hereto as **Exhibit A**. Ms. Nicole makes the following observations:

**“1. Spacing Between Mitigation Shrubs and Distance from Structures**

According to California Fire Code<sup>1</sup> section 4906.4.1<sup>2</sup>, groupings of shrubs shall be separated from structures a minimum of 30 feet.

- Four Toyon (*Heteromeles arbutifolia*) shrubs are proposed to be grouped 5 feet apart and 2 feet from a structure at the time of immature planting.”

A screenshot from the tree replacement plan showing these four replacement Toyon shrubs is shown below. As you can see, the shrubs are located just two feet away from the proposed home.



Additionally, Ms. Nicole makes the following additional observations:

**“2. Spacing Between Mitigation Trees and Distance from Structures**

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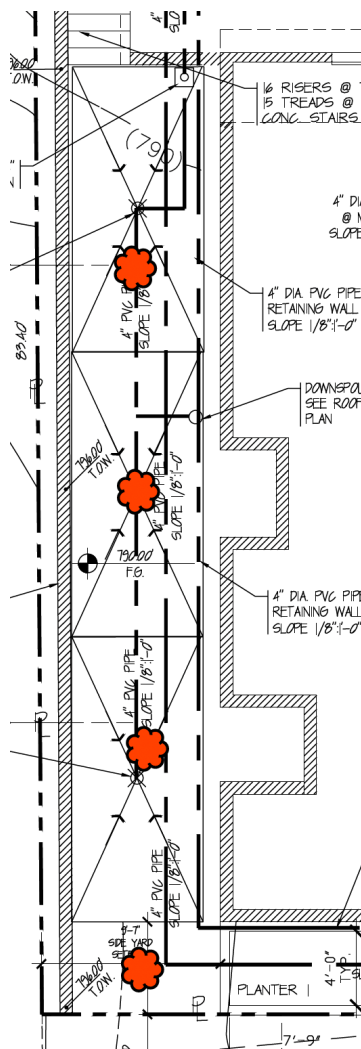
<sup>1</sup> Chapter 49 of the California Fire Code may be accessed at <https://up.codes/viewer/california/ca-fire-code-2022/chapter/49/requirements-for-wildland-urban-interface-fire-areas#49>

<sup>2</sup> The City has adopted the California Fire Code with certain exceptions and modifications not applicable here.. LAMC Section 57.4901.

Per Section 4906.4.2, new trees shall be planted and maintained so that the tree's canopy dripline at maturity is a minimum of 10 feet horizontal distance from any combustible structure and adjacent trees.

- Four Southern California Black Walnut (*Juglans californica*) trees are proposed to be planted 12 feet apart and 5 feet from structures and fences."

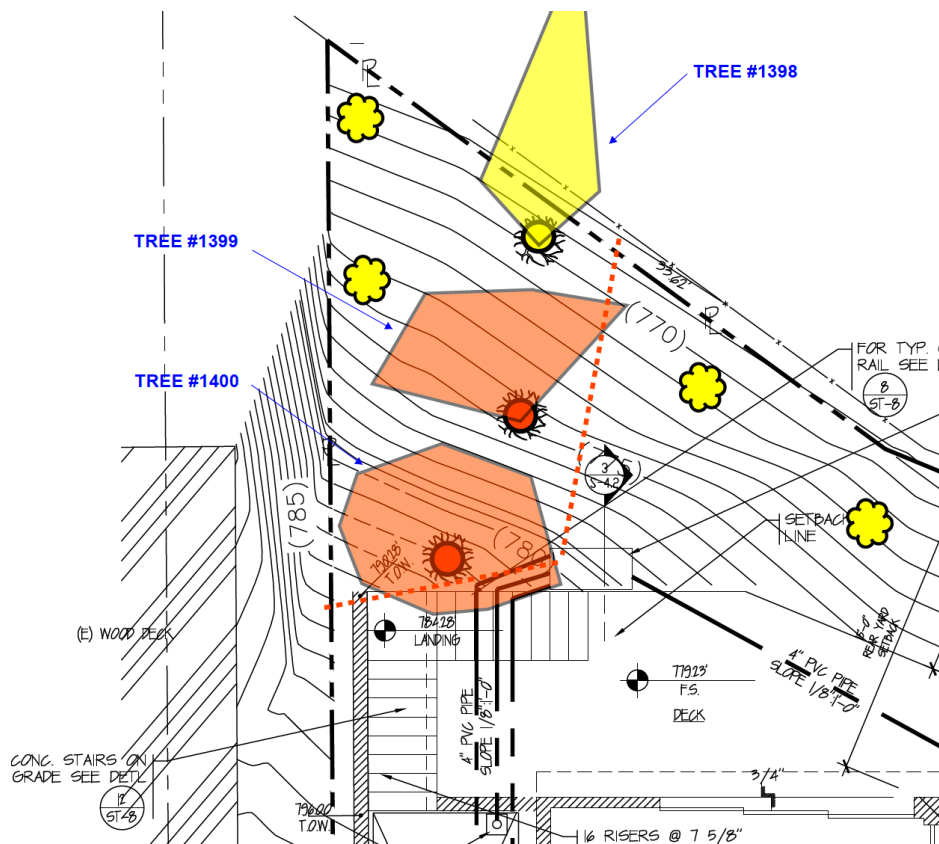
A screenshot from the tree replacement plan showing the location of the four replacement walnut trees next to the proposed new home is shown below. As you can see, the proposed replacement walnut trees are planted just 5 feet away from the proposed structure.



Additionally, Ms. Nicole makes the following observations with regard to the proposed replacement oak trees:

- “Four Coast Live Oak (*Quercus agrifolia*) are currently proposed to be planted 12 feet apart and one Coast Live Oak mitigation tree will be encroaching into the adjacent neighbor’s wood deck at maturity.”

A screenshot from the tree replacement plan showing the location of the oak trees and their proximity to the neighbor’s wood deck is shown below. As you can see, the proposed replacement oak trees are located too close to one another and the nearby wooden deck.



Ms. Nicole concluded that the proposed tree and shrubs replacement plan does not comply with existing fire regulations. The Report states:

**“3. The Mitigation Plan Creates Noncompliant and Dangerous Conditions — Now and in the Future**

The proposed mitigation plantings are not only noncompliant at the time of installation, but are guaranteed to exacerbate fire risk as they mature, violating both the intent and letter of the fire code.”

The Report goes on to state:

“It is my expert opinion that the current mitigation planting plan for 10453 Sandal Lane is noncompliant with applicable Los Angeles Fire Code and California Building Code Chapter 49 provisions, both now and at maturity. The design ignores essential considerations of plant growth, spacing, and defensible space, and if implemented, will result in a hazardous, high-maintenance landscape in a Very High Fire Hazard Severity Zone (VHFHSZ).”

Because the tree and shrub replacements will not be able to be installed and maintained, the City cannot rely on proposed replacements as a basis to conclude that the Project will not have a significant effect on the environment. And without them, the Project will have a significant effect on the environment.

## **II. Conclusion**

Based on the foregoing, the appeal should be granted. Thank you for your consideration of this matter. I may be contacted at [jamie.hall@channellawgroup.com](mailto:jamie.hall@channellawgroup.com) if you have any questions, comments or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jamie T. Hall', with a stylized, cursive script.

Jamie T. Hall

# **Exhibit A**



**TREE REPORT & TREE MITIGATION PLAN REVIEW  
10453 W SANDAL LANE, LOS ANGELES, CA 90077**

**PREPARED FOR :**

**JAMIE T. HALL  
CHANNEL LAW GROUP, LLP**

**BY: DIANA NICOLE ZOGRAN, MS  
March 31, 2025**

**OVERVIEW:**

According to the Los Angeles City Fire Department (LAFD) Fire Zone Map, the Project site is within a Very High Fire Hazard Severity Zone (VHFHSZ), which establishes defensible space, vegetation clearance and landscaping requirements. As such, it is subject to vegetation management regulations under Chapter 49 of the California Fire Code, which was adopted in 2023 by the Los Angeles Department of Building and Safety (LADBS) for new construction within Wildland-Urban Interface areas. See L.A.M.C. 57.4901. Chapter 49 includes the development of minimum requirements for defensible space and landscape plans and long-term vegetation management to reduce the hazards of fire in the VHFHSZ.

**SCOPE OF WORK:**

The Board of Public Works approved the removal of one protected Southern California Black Walnut (*Juglans californica*) tree and one protected Coast Live Oak (*Quercus agrifolia*) tree, and one protected Toyon (*Heteromeles arbutifolia*) shrub with a mitigation planting scheme of four 15 gallon or 24 inch box sized *Juglans California*, *Quercus agrifolia* trees, and *Heteromeles arbutifolia* shrubs at 10451 Sandal Lane (Project). I have reviewed the tree removal and mitigation planting plan for concerns about the plan, and conclude that the Project would violate the existing regulations of the City of Los Angeles.

These regulations require strict adherence to spacing, height, clearance from structures, and fuel load reductions, all designed to minimize fire risk. These requirements apply to both new construction and associated landscaping, including mitigation plantings.

## **OBSERVATIONS AND COMMENTS:**

### **1. Spacing Between Mitigation Shrubs and Distance from Structures**

According to California Fire Code section 4906.4.1, groupings of shrubs shall be separated from structures a minimum of 30 feet.

- Four Toyon (*Heteromeles arbutifolia*) shrubs are proposed to be grouped 5 feet apart and 2 feet from a structure at the time of immature planting.

### **2. Spacing Between Mitigation Trees and Distance from Structures**

Per Section 4906.4.2, new trees shall be planted and maintained so that the tree's canopy dripline at maturity is a minimum of 10 feet horizontal distance from any combustible structure and adjacent trees.

- Four Southern California Black Walnut (*Juglans californica*) trees are proposed to be planted 12 feet apart and 5 feet from structures and fences.
- Four Coast Live Oak (*Quercus agrifolia*) are currently proposed to be planted 12 feet apart and one Coast Live Oak mitigation tree will be encroaching into the adjacent neighbor's wood deck at maturity.

### **3. The Mitigation Plan Creates Noncompliant and Dangerous Conditions — Now and in the Future**

The proposed mitigation plantings are not only noncompliant at the time of installation, but are guaranteed to exacerbate fire risk as they mature, violating both the intent and letter of the fire code.

- Southern California Black Walnut (*Juglans californica*) is shown spaced just approximately 12 feet apart and 5 feet from the structures, with canopies depicted as only 2 ½ feet wide. However, this species typically reaches 20 feet in diameter, making future compliance impossible without continual heavy pruning that would compromise the plant's health and longevity.
- Coast Live Oak (*Quercus agrifolia*) matures to an average canopy spread of 30 to 70 feet. Yet, the mitigation trees have been placed 12 feet from adjacent newly planted mitigation Coast Live Oaks, and 12 feet from the adjacent property wood deck, precluding the minimum 10-foot setback required from combustible infrastructure (Section 4906.4.2) at maturity, making future compliance impossible without continual heavy pruning that would compromise the plant's health and longevity.
- Toyon (*Heteromeles arbutifolia*) easily grows to 15 feet wide and tall, but is proposed as a group planting at only 2 feet from the structure, despite the code's requirement for 30-foot minimum horizontal distance from structures unless maintained 18 feet apart from other shrubs (section 4906.4.1).

## **Summary and Conclusion:**

This review reveals a fundamental flaw in the planting design: it appears to depict initial planting dimensions of only 2 feet canopies and fails to account for mature size, in direct contradiction to landscape design provisions that require spacing to be measured based on mature size and dripline (Section 4906.4.2.1). In effect, the mitigation plan sets up a mitigation scheme that is doomed to become noncompliant with the defensible space requirements mandated for VHFHSZ parcels by failing to comply with minimum spacing and clearance mandates outlined by LADBS and LAFD and contradicting the City's own fire hazard reduction policies for vegetation in the Wildland-Urban Interface.

It is my expert opinion that the current mitigation planting plan for 10453 Sandal Lane is noncompliant with applicable Los Angeles Fire Code and California Building Code Chapter 49 provisions, both now and at maturity. The design ignores essential considerations of plant growth, spacing, and defensible space, and if implemented, will result in a hazardous, high-maintenance landscape in a Very High Fire Hazard Severity Zone (VHFHSZ).

/s Diana Nicole

March 31, 2025

**About the Expert.** Diana Nicole Zogran is an accredited ecological horticulture professional and tree expert. She is known for advancing a scientific approach to landscape design and land care. The Walt Disney Company has been among her Fortune 100 and Fortune 500 clients. She has provided professional services for the largest residential real estate development and management corporations in the nation, non-profits, and private property owners for over 30 years. Diana graduated with a Master's in Horticulture Science from the University of Florida.