

SUPPLEMENTAL REPORT TO THE HEARING OFFICER

DATE ISSUED: April 24, 2025

HEARING DATE: May 6, 2025 AGENDA ITEM: 5

PROJECT NUMBER: RPPL2021-004689

PERMIT NUMBER(S): Oak Tree Permit No. RPPL2021011244
Environmental Assessment No. RPPL2024003297

SUPERVISORIAL DISTRICT: 5

PROJECT LOCATION: 849 Madre Street, East Pasadena-East San Gabriel

OWNER/APPLICANT: Sushil and Kamatchi Anand/Larry Lachner

INCLUSIONARY HOUSING ORDINANCE ("IHO"): The Project is not subject to the IHO.

CASE PLANNER: Marie Pavlovic, Senior Planner
mpavlovic@planning.lacounty.gov

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:

LA County Planning staff ("Staff") recommends **APPROVAL** of Project Number RPPL2021-004689, Oak Tree Permit No. 202100112244 based on the revised Draft Findings and subject to the revised Draft Conditions of Approval.

Staff recommends the following motion:

CEQA:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND ADOPT THE NEGATIVE DECLARATION FOR THE PROJECT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.

ENTITLEMENT(S):

I, THE HEARING OFFICER, APPROVE OAK TREE PERMIT NO. 20210011244 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

A. Entitlement(s) Requested

Oak Tree Permit ("OTP") to authorize encroachments into the protected zone of 18 non-heritage oak trees (tree nos. 1, 3, 4, 5, 6, 8, 9, 10, 11, 16, 17, 22, 27, 29, 30, 31, 33, and 34 associated); removal of five oak trees (tree nos. 2, 7, 12, 28, and 32), including two heritage oaks (tree nos. 7 and 12), and limb removal from one non-heritage tree no. 11 to

facilitate construction of a single-family residence (“SFR”), accessory dwelling unit (“ADU”), swimming pool, tennis court, and appurtenant features (“Project”) in the R-1-40,000 (Single-Family Residence – 40,000 Square Feet Minimum Required Lot Area) Zone pursuant to County Code Section 22.174.040 (Application and Review Procedures). The other three non-heritage oak trees (tree nos. 2, 28, and 32) are dead and recommended for removal by Board Certified Master Arborist, Chris Falco, in an oak tree report dated September 27, 2024. Review of the SFR and accessory structures will be completed under a separate Site Plan Review (RPPL2021013302) (“related SPR”).

B. Project Updates


During the March 18, 2025 public hearing, the Hearing Officer recommended relocation of the tennis court, removal of the southern driveway approach, and for all utilities to be located within one utility trench instead of two. The applicant agreed to modify the Project accordingly and confirmed that the Project will utilize one utility trench. The applicant requested a reduction in the number of replacement plantings. The Hearing Officer expressed being open to a reduced number of replacement plantings if the County’s technical experts, the County Forester and Fire Warden (“Forester”) and LA County Planning’s staff biologist (“County Biologist”), agreed on a suitable alternative. The Hearing Officer also requested to review the revised site plans reflecting one utility trench, the removal of the southern driveway approach, and relocation of the tennis court before continuing the hearing to May 6, 2025.

After the March 18, 2025 public hearing, both the Forester and County Biologist have reviewed and agreed that 10 of the 20 15-gallon replacement trees could be planted off-site. All 20 replacement plantings continue to be subject to the two-year monitoring period by the Forester, whether off- or on-site.

Also attached is a revised Site Plan and revised Findings and Conditions for the Hearing Officer’s consideration.


Report

Reviewed By:

 signed for Michele Bush
Michele Bush, Supervising Regional Planner

Report

Approved By:


Susan Tae, AICP, Assistant Deputy Director

Attachments:

1. Revised Site Plan
2. Revised Draft Findings and Revised Draft Conditions of Approval

New SFR With Attached ADU
849 Madre Street
Pasadena CA 91107

Site Data:
Lot Size: 60,560
Legal Description: PM 372-3-4 THAT POR IN TRA 7698 OF LOT 3

Proposed SFR
First Floor: 3314 S/F
Garage: 792 S/F
2nd Level: 3623 S/F
Total: 6937 S/F+792 Garage

Non Habitable Covered Areas:
Front Porch: 99 S/F
Rear Patio: 277 S/F
Breezeway: 1166 S/F
Covered Balcony 1: 253 S/F
Covered Balcony 2: 224 S/F

Accessory Structures
ADU: 464 S/F
ADU Garage: 485 S/F
ADU 2nd Level: 721 S/F
Total ADU: 1185 S/F

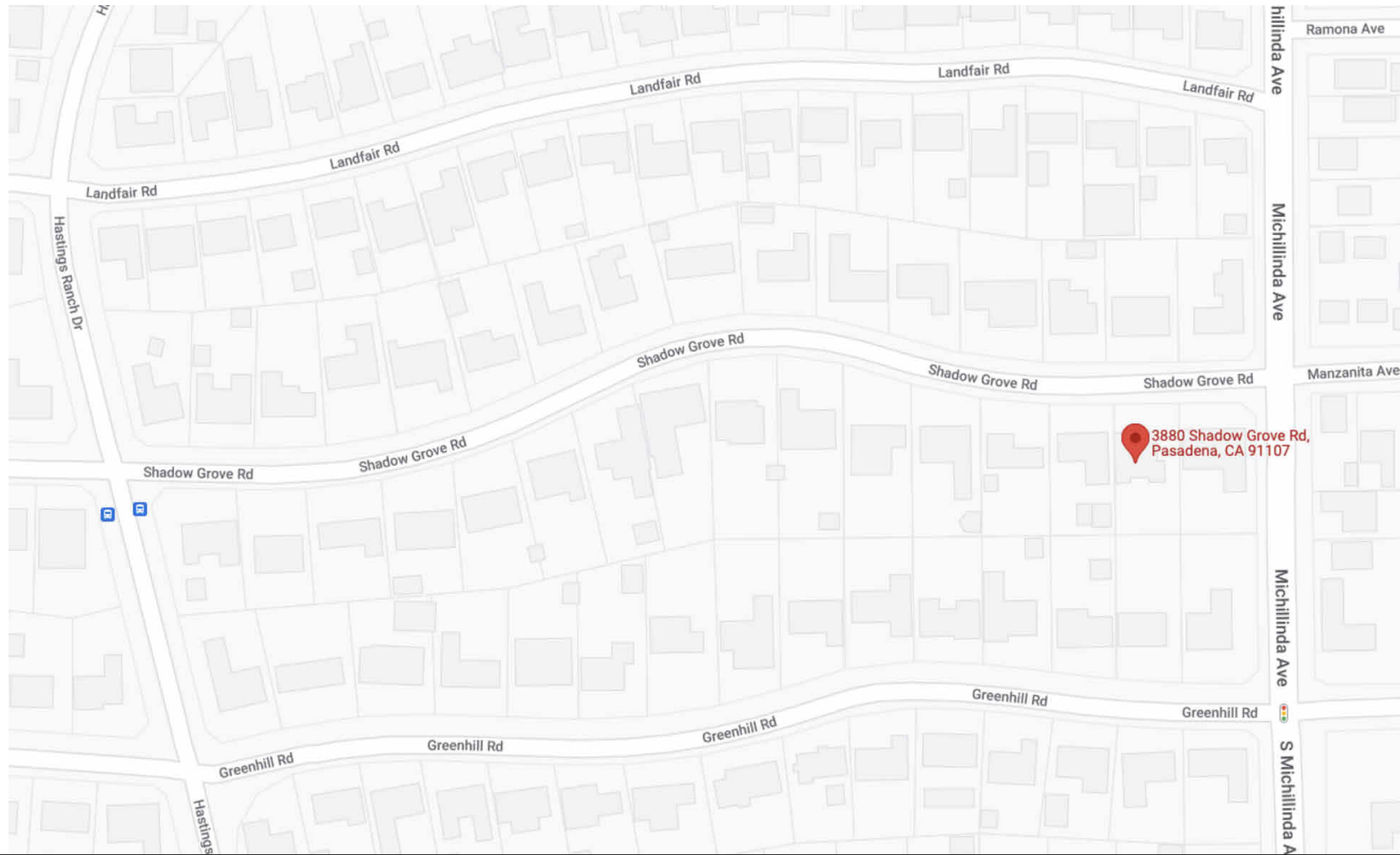
Proposed Site Data:
Building Height: 29'-8"
Bedrooms: 8
Fire Sprinklers: Yes
Zoning: EAST PASADENA - EAST SAN GABRIEL
Covered Parking: 6
APN: 5377-019-019
Occupancy: R3 / U
Construction Type: VB

Elevator, Pool, Spa, Waterfall, Fire Sprinklers, & Solar Shall be Deferred Submittals under Separate Permit.
Electrical, Mechanical and plumbing under Separate permit

Code in Effect:
Building Code: 2022 CBC, CPC, CEC, CRC, CMC, CGBC, and 2022 CAI Green Code & 2023 La County Building Code Amendments!

Work Description:
Construct 6937 S/F home with 792 S/F attached Garage
Construct 1200 S/F ADU with 485 S/F Garage
Construct 40 x 35 Tennis court

- Plan Notes
- 1. CALGreen requirements shall be inspected by a licensed third party inspector.
 - 2. All Mechanical installers shall be certified
 - 3. All NON-COMPLIANT plumbing fixtures within this residence shall be replaced with water-conserving plumbing fixtures." Buildings finale on or after 01/01/94 are exempt from this requirement.
 - 4. Stormwater shall be retained on site during construction. See A 1.3 Site Plan for Sandbag location
 - 5. Duct leakage testing is required to verify a total leakage rate of less than 6% of the total fan flow.
 - 6. Operations and Maintenance Manual is required to be provided to the owner at time of final inspection."
 - 7. Fire Sprinklers are required increase to structure by more than 1000 sq.ft.
 - 8. Automatic Fire Sprinklers system shall be designed and installed per NFPA 13D, 2022 Edition
 - 9. A separate permit is required to be obtained for the fire sprinkler system from Pasadena fire department.
 - 10. Sprinkler drawings shall be submitted within 30 days of the issuance of building permit.
 - 11. Obtain fire flow test report from the Pasadena Water Department (626) 744-7064 and enclose a copy with building plans resubmit package.
 - 12. PROTECTED TREES SHALL NOT BE REMOVED AND/OR IMPACTED
 - 13. Approved Address Numbers Placed in a position that is plainly legible and visible from the street or road fronting the property. Numbers hall contrast with background and shall be Arabic number or alphabetical letters and be a minimum of 4" high with a mimum stroke of 1/2" (CRC R319.1)
 - 14. All new paved parking areas, circulation aisles, and access are paved with Portland concrete cement
 - 15. All New Exterior Mechanical Equipment Shall be Screened or Located out of View from Public Right-of Way (17.40.150.A)
 - 16. Curb drains will be per APWA 151 and require a separate permit from the Department of Public Works.



Sheet List	
Sheet Number	Sheet Name
A 1.1	Cover Page
A 1.2	Green Notes
A 1.3	Site Plan
A 1.4	Fire Department Site Plan
A 1.5	Buidling General Notes
A 2.1	1st Level Floor Plan
A 2.2	2nd Level Floor Plan
A 2.3	Roof Plan
A 2.4	ADU Plans
A 3.0	Elevations
A 3.1	Elevations
A 3.2	Elevations
A 3.3	Elevations
A 4.0	Sections
A 4.1	Sections
D1.1	Details
E 1.1	1st Level Electrical Plan
E 1.2	2nd Level Electrical Plan
E 1.3	1st Level Lighting Plan
E 1.4	2nd Level Lighting Plan
E 1.5	ADU Electrical
E 1.6	ADU Lighting
L1.1	Landscape
S 1.0	Structural Specifications
S 1.1	Structural Specifications
S 1.2	Structural Specifications
S 2.0	Foundation Plan
S 3.0	2nd Floor Framing W/1st Floor Walls
S 3.1	Roof Framing W/2nd Floor Walls
S 4.0	Foundation Details
S 5.0	Framing Details
S 5.1	Framing Details
S 5.2	Framing Details
S 5.3	Check Title
S 6.0	Check Title
T24 - 1	Title 24 Specs
T24 - 2	Title 24 Specs
T24 - 3	Title 24 Specs
T24 - 4	Title 24 Specs



DYNAMO
CONSTRUCTORS,INC.

Project Consultants:
Designer:
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20455 Covina Hills Road,
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dynamobuild@yahoo.com
(626) 391-1259

Contractor:
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(626) 289-8808

Structural Engineer:
PolyTech Consulting, Inc.
Recardo R. Garcia, P.E.
(C66957)
11520 Jefferson Blvd., STE 226
Culver City, CA 90230

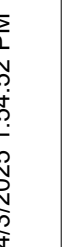
Sushil Anand
504.338.6596

849 Madre Street,
Pasadena CA 91107

Cover Page

Project number	Project Number
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No Grading will Be done to site



DYNAMO
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Project Consultants:

Designer:
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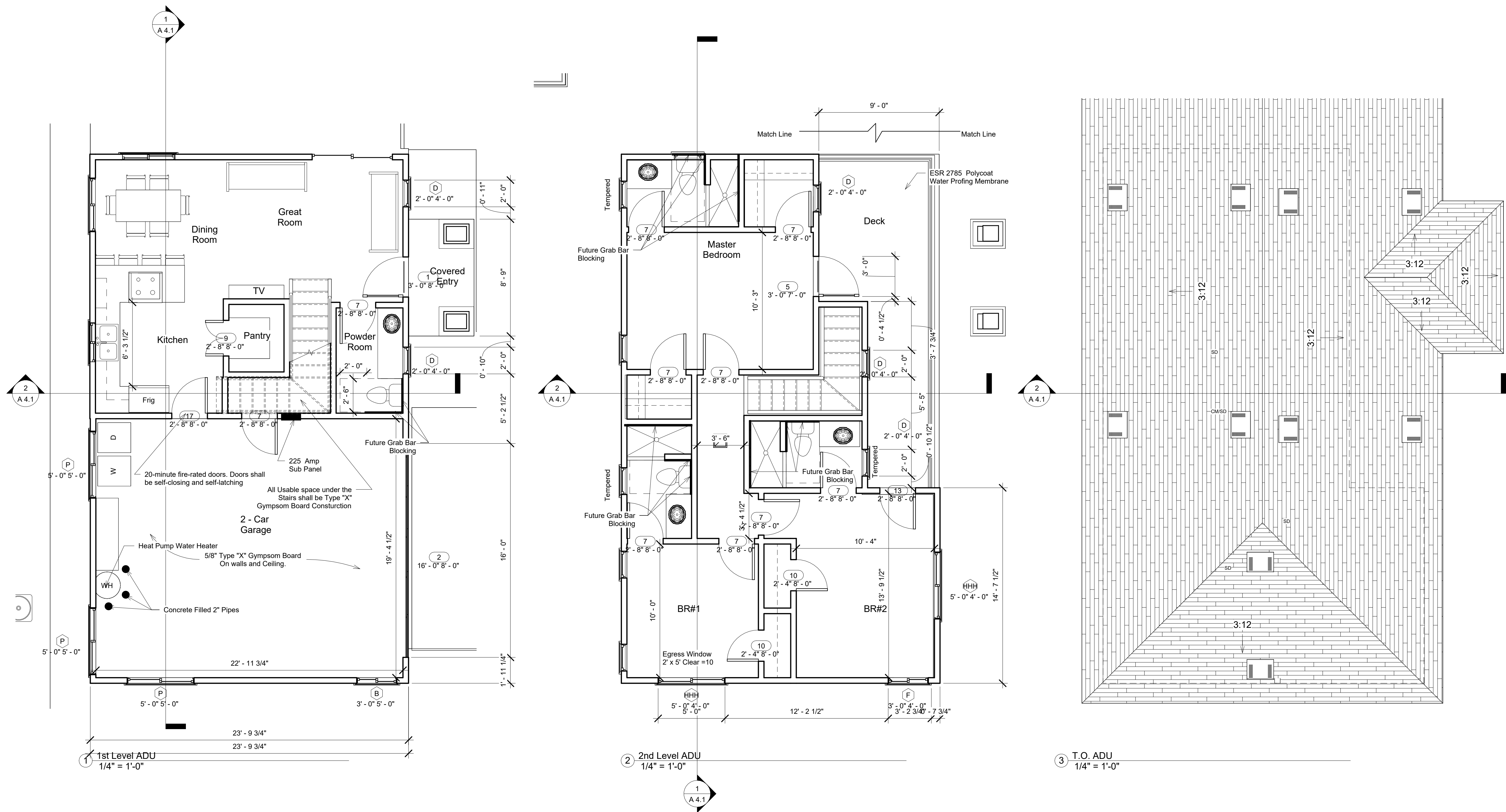
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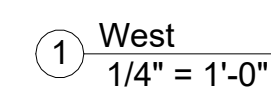
Sushil Anand
504.338.6596

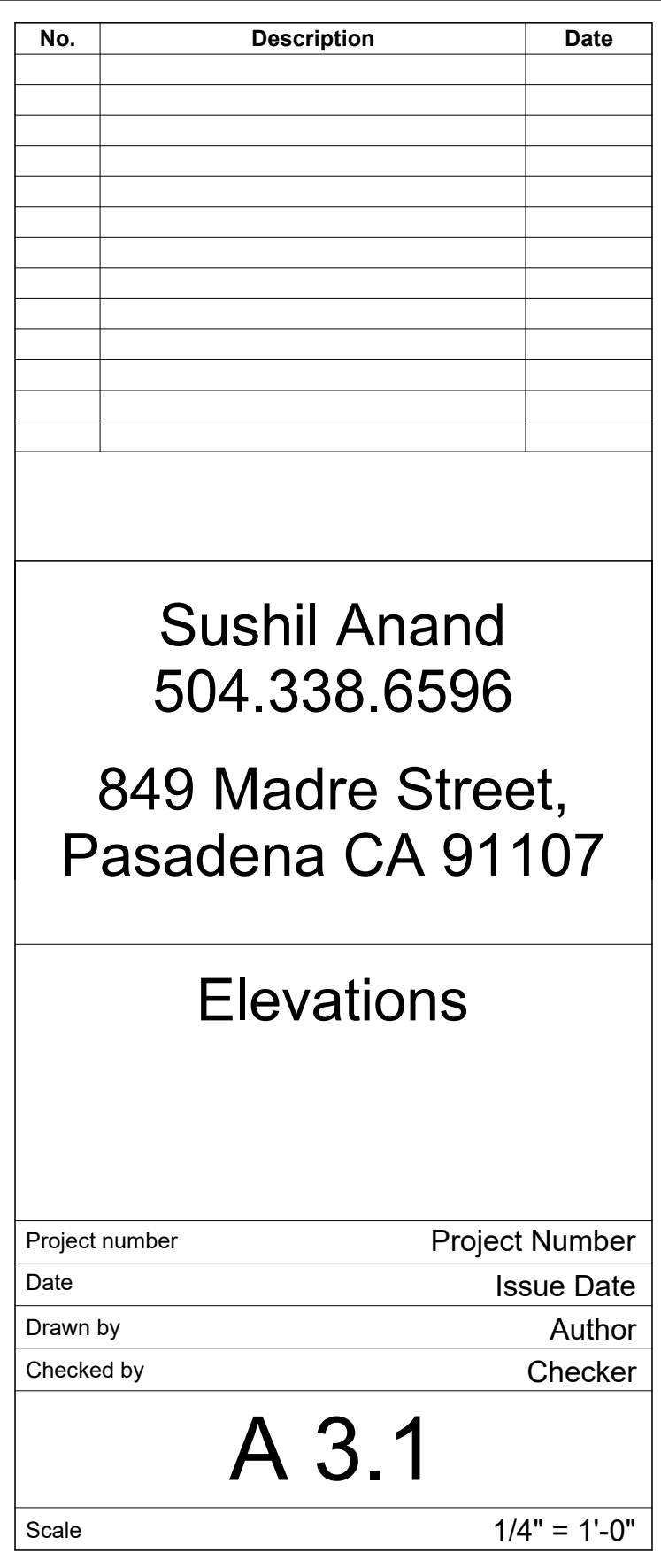
849 Madre Street,
Pasadena CA 91107

ADU Plans

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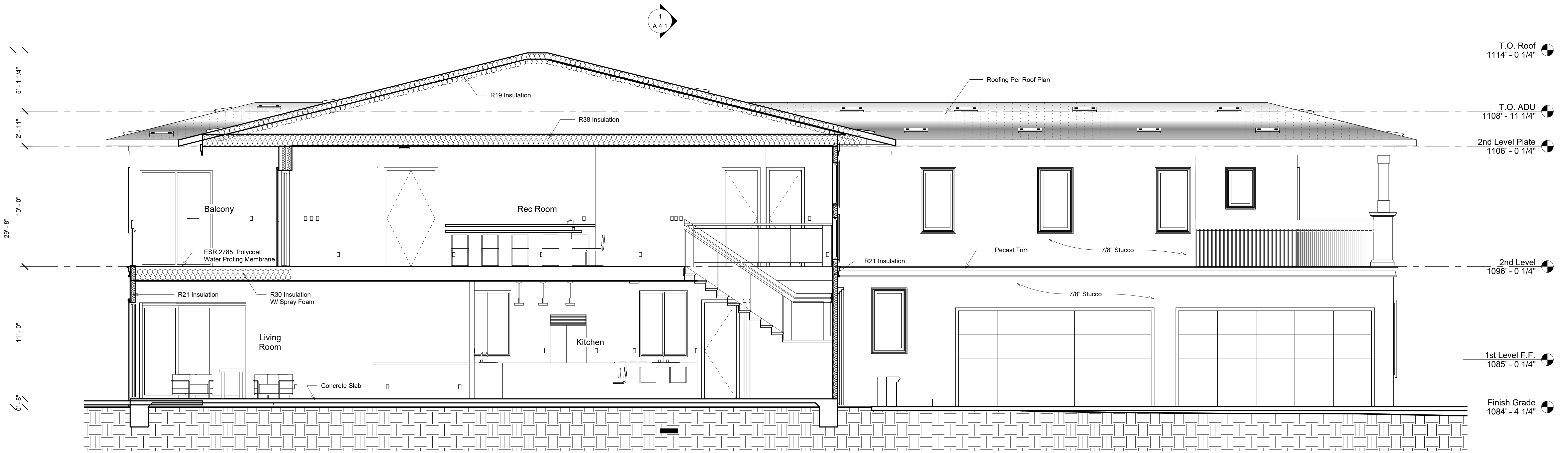


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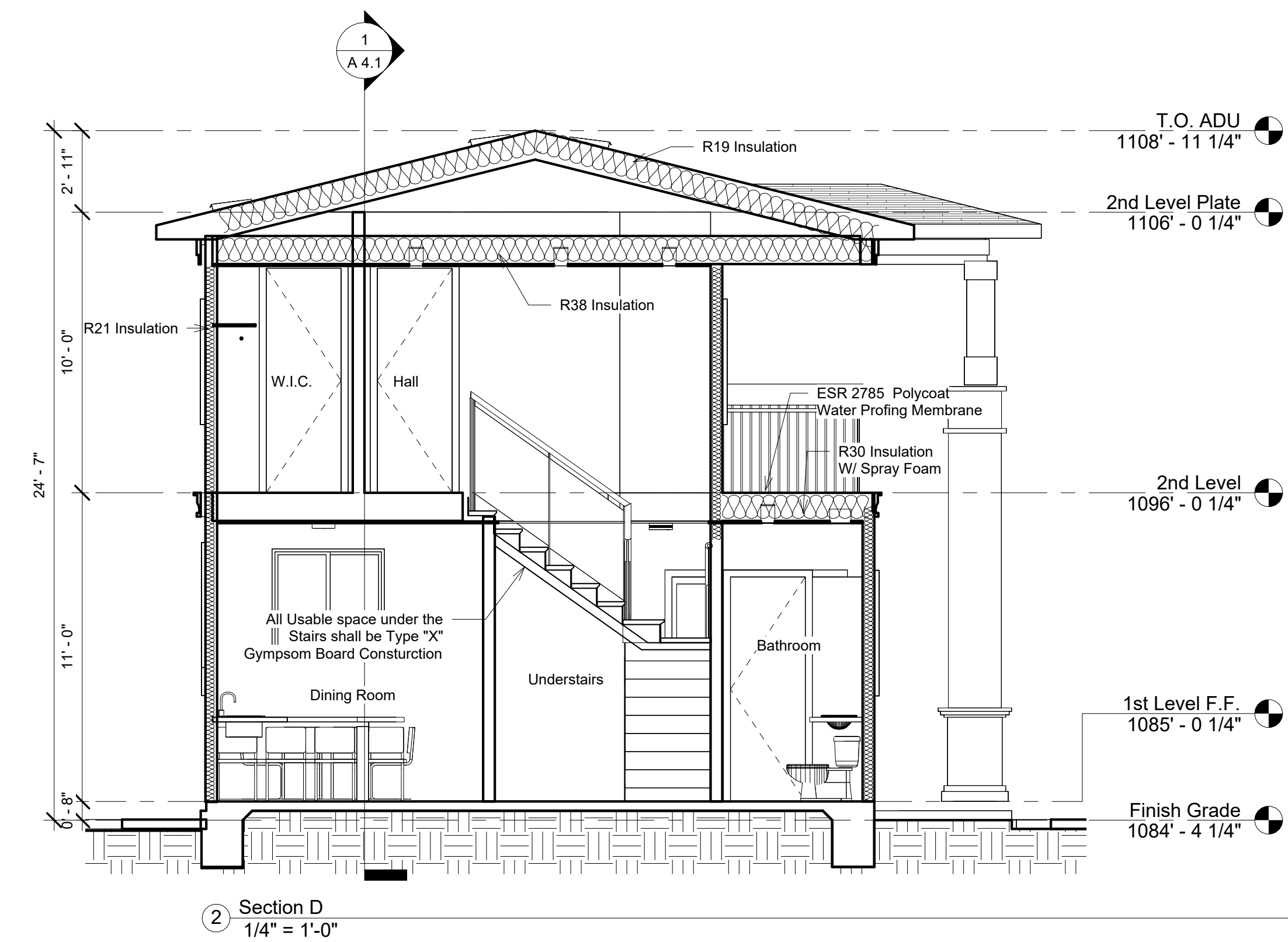


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No.	Description	Date
Sushil Anand 504.338.6596 849 Madre Street, Pasadena CA 91107		
Sections		

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LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING
UPDATED DRAFT FINDINGS OF THE HEARING OFFICER
AND ORDER
PROJECT NO. PRJ2021-004689
OAK TREE PERMIT NO. RPPL2021011244

RECITALS

1. **HEARING DATE(S).** The Los Angeles County (“County”) Hearing Officer conducted a duly noticed public hearing in the matter of Oak Tree Permit No. **RPPL2021011244** (“OTP”) on May 6, 2025, continued from March 18, 2025.
2. **HEARING PROCEEDINGS.** A duly noticed public hearing was held before the Hearing Officer on March 18, 2025 and continued to May 6, 2025. The Hearing Officer heard a presentation from LA County Planning staff and testimony from the applicant, Sushil Anand, and his representative, Lawrence Lachner. Mr. Lachner confirmed during his testimony that only one utility trench would be dug for the residence. Mr. Lachner reiterated that the goal of the Project is to minimize impacts to the oak trees while delivering a product that meets his client’s needs. Mr. Lachner spoke about the challenges of designing the residence due to the large number of oak trees on the property and requested a reduction in the number of replacement plantings.

Mr. Anand spoke about his application processing journey and confirmed that the Project went through several design iterations to minimize impacts to the oak trees.

The Hearing Officer discussed concerns regarding the location of the tennis court, the semi-circular driveway unnecessarily impacting Oak Tree Nos. 9 and 10, and whether the property can accommodate 20 replacement tree plantings, given the coverage of existing oak trees. The Hearing Officer said she would be open to fewer, but larger replacement trees, with an extended monitoring period. , but deferred the question to the County’s technical experts, the Forester and LA County Planning’s staff biologist. The Hearing Officer asked the owner if he would be amenable to removing the southern driveway approach. The applicant/agent agreed to relocate the tennis court and remove the southern driveway access, and again asked for a reduction in replacement plantings. The Hearing Officer continued the hearing to give time for revising site plans reflecting one utility trench, the removal of the southern driveway approach, and relocation of the tennis court.

3. **ENTITLEMENT(S) REQUESTED.** The Permittee, Sushil and Kamatchi Anand ("Permittee"), requests the OTP to authorize encroachments into the protected zone of 18 non-heritage oak trees, five oak tree removals (including two heritage trees), and removal of a limb greater than two inches in diameter from tree no. 11, a non-heritage tree, to facilitate construction of a single-family residence (“SFR”), an attached accessory dwelling unit (“ADU”), swimming pool, tennis court, and appurtenant features (“Project”) on a property located at 849 Madre Street (Assessor’s Parcel

Number 5377-019-019 and 5377-019-020) in the unincorporated community of East Pasadena ("Project Site").

4. **ENTITLEMENT(S) REQUIRED.** The OTP is a request to authorize encroachments into the protected zone of 18 non-heritage oak trees (tree nos. 1, 3, 4, 5, 6, 8, 9, 10, 11, 16, 17, 22, 27, 29, 30, 31, 33, and 34); removal of five oak trees (tree nos. 2, 7, 12, 28, and 32), including two heritage oaks (Nos. 7 and 12); and removal a limb from Tree No. 11, a non-heritage tree, to facilitate construction of an SFR, ADU, swimming pool, tennis court, and appurtenant features in the R-1-40,000 (Single-Family Residence – 40,000 Square Feet Minimum Lot Area) Zone. The other three non-heritage oak trees (tree nos. 2, 28, and 32) are dead and recommended for removal by Board Certified Master Arborist, Chris Falco, in an oak tree report dated September 27, 2024.
5. **ENTITLEMENT(S) REQUIRED.** The SFR and accessory structures is being reviewed under Site Plan Review application RPPL2021013302).

All trees are identified as coast live oaks (*Quercus agrifolia*), ranging in size from 6 to 60 inches in diameter at breast height ("DBH"), as reported by Cris Falco, Board Certified Master Arborist, in an Oak Tree Report for the Project dated September 27, 2024.

Oak Tree	DBH (in inches)	Height (in feet)	Health	Impact	Encroach ment ("E") or Removal ("R")
#1	13	22	Fair	Fence footings	E
#2	25 (estimated)	40	Dead	Permeable driveway pavers, fence	R
#3	18	40	Good	Permeable driveway pavers, utility trench	E
#4	22	35	Good	Permeable pavers, utility trench, fence footings	E
#5	11	25	Fair	Permeable driveway pavers, utility trench, SFR,	E
#6	17	30	Good	Permeable driveway pavers, utility trench, fence footings	E
#7 (Heritage)	44	45	Fair	Permeable driveway pavers, utility trench, SFR, fence	R

#8	17, 9	28	Fair	Permeable driveway pavers, fence footings	E
#9	6, 12	25	Fair	Permeable driveway pavers, utility trench, fence footings	E
#10	10	20	Good	Permeable driveway pavers, utility trench, fence footings	E
#11	27 (estimated)	38	Good	ADU with limb in place, no encroachment after removal of the lateral limb	E
#12 (Heritage)	60	50	Fair	SFR, Permeable driveway pavers, utility trench	R
#13	19	35	Fair	No	£
#14	24	50	Good	No	£
#15 (Heritage)	38	55	Good	No	£
#16	22	40	Good	Fence footings	E
#17	18	35	Good	Fence footings	E
#18	15	25	Good	No	£
#19	10	16	Fair	No	£
#20	19	40	Good	No	£
#21	27	50	Good	No	£
#22	24	35	Fair	Fence footings	E
#23 (off-site)	16 (estimated)	35	Fair	No	£
#24 (off-site)	20 (estimated)	35	Fair	No	£
#25 (off-site)	22 (estimated)	40	Fair	No	£

#26	16	25	Good	No	E
#27	16 (estimated)	25	Good	fence	E
#28	20	40	Dead	<u>Tennis court</u> , fence	R
#29	31	50	Poor	Fence footings	E
#30	22	50	Good	Fence footings	E
#31	33	50	Fair	Fence footings	E
#32	13	22	Dead	Fence	R
#33	34	30	Fair	Fence footings	E
#34	24	35	Fair	Tennis court , <u>fence</u>	E
#35 (off-site)	13 (estimated)	25	Fair	No	E
#36 (off-site)	21 (estimated)	30	Fair	No	E

6. **LOCATION.** The Project is located at 849 Madre Street within the East Pasadena Zoned District and West San Gabriel Valley Planning Area.

7. **RELATED ENTITLEMENT:** Site Plan Review No. RPPL2021013302 (“related SPR”) is a related request under a separate ministerial review to authorize the construction of the SFR and accessory structures (ADU, tennis court, and swimming pool) (“associated single-family residential development”).

8. **PREVIOUS ENTITLEMENT(S).** No previous land use entitlements have been issued for the property. The Project Site is currently vacant.

LAND USE DESIGNATION. The Project Site is located within the H2 (Residential 2 – Up to 2 Dwelling Units Per Net Acre) and W (Water) land use categories of the General Plan Land Use Policy Map. An easement for the flood channel known as Eaton Wash is dedicated over the back portion of the property and fenced off from the portion of the property that will be developed for the described SFR and accessory structures. Further, this portion of the property has a separate Assessor Parcel Number, ending in -020, which is not included in the OTP application.

9. **ZONING.** The Project Site is located in the East Pasadena Zoned District and is currently zoned R-1-40,000. Pursuant to County Code Section 22.174.030 (Applicability), an OTP is required for the removal of oak trees, encroachment into the protected zone of oak trees, and the pruning of branches greater than two inches in diameter. Although the Project is located in the Chapman Wood Community Standards District (“CSD”), the Project application was deemed complete prior to the adoption of the CSD.

10. SURROUNDING LAND USES AND ZONING

LOCATION	GENERAL PLAN LAND USE POLICY	ZONING	EXISTING USES
NORTH	H2 and W	R-1-40,000	SFRs
EAST	H2	R-1-40,000	SFRs
SOUTH	H2, H9 (Residential 9 – Up to 9 Dwelling Units Per Net Acre), W, and P (Public and Semi-Public)	R-1-40,000, R-1- 10,000 (Single- Family Residence- 40,000 Square Feet Minimum Lot Area) and R-1 (Single- Family Residence – 5,0000 Minimum Lot Area)	SFRs
WEST	H2, W, P	R-1-40,000 and R- 1-10,000	SFRs

11. PROJECT AND SITE PLAN DESCRIPTION.

A. Existing Site Conditions

The subject property consists of two Assessor Parcel Nos. 5377-019-019 and -020. The Project Site, or buildable area, is 1.63 gross acres (1.35 net) acres in size and consists of only Parcel -019. The subject property is located in two different tax rate areas resulting in the two Assessor Parcel Numbers (“APNs”) because Parcel -020 has a flood control easement (Eaton Wash) over the parcel which renders it unusable for any other purpose. Further, the parcel’s land use designation of W is intended for the establishment of uses relating to bodies of water, not residential development. Therefore, Parcel -020 is not a part of the Project and not analyzed as part of the OTP application review, and is physically cordoned off from the buildable parcel (-019). The Project Site has flat topography, contains 31 oak trees on-site and five off-site oak trees, and is vacant.

B. Site Access

The Project Site is accessible via Madre Street, a 60-foot-wide public right-of-way, to the east.

C. Site Plan

The site plan depicts a total of 36 oak trees, 31 on-site and five off-site on the adjacent northerly property, building footprints for a new SFR and attached ADU with a tennis court and swimming pool located in the rear yard, as well as appurtenant features including, but not limited to, the permeable driveway, utility lines, and proposed perimeter fence with front gate. Although oak trees are spread throughout the site, the heaviest concentration of oak trees is along the easterly and southerly property boundaries. These improvements will encroach into the

protected zone of 18 non-heritage oak trees (tree nos. 1, 3, 4, 5, 6, 8, 9, 10, 11, 16, 17, 22, 27, 29, 30, 31, 33, and 34), remove five oak trees including two heritage trees (tree nos. 7 and 12), ranging in size from 6 to 60 inches in diameter at breast height (DBH”) and require the removal of one limb from oak tree no. 11, a non-heritage tree, as well as removal of two living oak trees, one of which is an heritage tree, and three dead trees (tree nos. 2, 28, 32) as stated on the site plan and Oak Tree Report. All trees are identified as Oak genus (*Quercus agrifolia*), in an oak tree report prepared by Cris Falco, Board Certified Master Arborist dated September 27, 2024.

12. CEQA DETERMINATION.

Prior to the Hearing Officer's public hearing on the Project, an Initial Study was prepared for the Project in compliance with the California Environmental Quality Act (Public Resources Code section 21000, et seq.) (“CEQA”), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County. Based on the Initial Study, staff from LA County Planning determined that a Negative Declaration (“ND”) was the appropriate level of environmental document for the Project as the Project will have a less than significant impact in all environmental topic areas, including biological resources. The Project will be conditioned to plant replacement oak trees for each oak tree that is removed, except for the dead trees, identified by the certified arborist and confirmed by the County Forester. The heritage trees that are alive and proposed for removal have large cavities in the base of the trees, which can pose a hazard to people and property. These trees will be replaced at a ratio of 10:1 (10 plantings for each removal). The Initial Study also concluded that the project would have an impact on the oak woodland as the removal of dead trees and trees with compromised structural integrity, dead limbs, and herbaceous ground cover would result in a decrease of any existing or passing wildlife use, including loss of nesting and denning with the removal of old oaks with cavities; however, Project compliance with the standard replacement plantings regulations, as required by Title 22, would provide sufficient protection of oak trees resulting in a less than significant impact on biological resources. Further, Project conditions also require replacement plantings for any trees that fail as a result of encroachment, 2:1 for non-heritage oak trees and 10:1 for heritage trees. Therefore, the Project would not result in a significant impact on the environment.

13. COMMUNITY OUTREACH. No community outreach was conducted for the Project.

14. PUBLIC COMMENTS. No correspondence was received from the public regarding the Project.

15. AGENCY RECOMMENDATIONS.

County Fire Department, Forestry Division: Recommended clearance to public hearing with conditions in a letter dated September 27, 2024. The County Forester’s letter indicates that the oak tree report submitted by the applicant is accurate and complete as to the location, size, and conditions of approval, which have been incorporated into this OTP.

16. **LEGAL NOTIFICATION.** Pursuant to Section 22.174.040.E (Oak Tree Permits – Application with a Public Hearing) of the County Code, the community was properly notified of the public hearing by mail, and the Daily Journal, and property posting. Additionally, the Project was noticed and case materials were available on LA County Planning's website. On January 28, 2025, a total of 194 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as nine notices to those on the courtesy mailing list for the East San Gabriel Zoned District and to any additional interested parties.

GENERAL PLAN CONSISTENCY FINDINGS

17. **LAND USE POLICY.** While the Hearing Officer finds that the Project is for an OTP, the associated by-right single-family residential development is consistent with the goals and policies of the General Plan because the H2 land use category is intended for the development of single-family residences and issuance of an OTP will facilitate the development of a SFR and attached ADU, which is a land use that is permitted by right within the R-1 Zone. The Hearing Officer further finds that the Project is necessary to ensure the protection of oak trees which are valued historical, aesthetic, and ecological resources within the County.

12. **GOALS AND POLICIES.** The Hearing Officer finds that while the Project is for an OTP, the associated SFR development is consistent with the following goals and policies of the General Plan:

- Goal LU 7: *Compatible land uses that complement neighborhood character and the natural environment.*
- Land Use Element, Policy 4.1: *Encourage infill development in urban and suburban areas on vacant, underutilized, and/or brownfield sites.*
- Land Use Element, Policy 5.1: *Encourage a mix of residential land use designations and development regulations that accommodate various densities, building types, and styles.*

The encroachment into the protected zone of 18 non-heritage oak trees, removal of five oak trees including two heritage oak trees, and limb removal of one non-heritage oak tree are necessary to facilitate the development of a SFR, ADU, accessory structures, and appurtenant features. The development of a SFR in conjunction with an ADU is allowed and encourages infill development in such a residential community as East Pasadena. Maintaining the healthy oak trees on the premises while developing the vacant property with a single-family residential use that includes an ADU, accessory structures, and appurtenant features that comply with the Zoning Code will ensure complementary development that is consistent with the General Plan.

ZONING CODE CONSISTENCY FINDINGS

18. **PERMITTED USE IN ZONE.** The Hearing Officer finds that while the Project is for an OTP, the associated single-family residential development is consistent with the R-1-40,000 zoning classification and oak tree removals, cutting of branches greater than two inches in diameter, and encroachments into the protected zone of oak trees are permitted in such zone with an OTP pursuant to County Code Section 22.174.030 (Applicability).
19. **REQUIRED YARDS.** The Hearing Officer finds that while the Project is for an OTP, the associated single-family residential development will be consistent with the County Code Section 22.18.040 (Development Standards for Residential Zones) which requires a minimum front setback of 20 feet, rear setback of 15 feet, and side setback of 5 feet. The proposed residence maintains a 15-foot side yard, parallel to the northerly property line and a four-foot side yard is provided between the attached ADU and southerly property line. State ADU law requires a minimum side setback of 4 feet and overrides any conflicting local setbacks. A 71-foot front setback and 309-foot rear setback are also provided. Compliance with the required yards will be verified during review of the related SPR prior to issuance of a building permit.
20. **BUILDING HEIGHT.** The Hearing Officer finds that while the Project is for an OTP, the associated single-family residential development will be consistent with the county Code Section 22.18.040 (Development Standards for Residential Zones) which limits the height of a single-family residence to 35 feet. The residential building height, currently at 21 feet, will be reviewed for conformity under a separate ministerial permit.
21. **FENCING.** The Hearing Officer finds that while the Project is for an OTP, the associated single-family residential development, which includes proposed fencing, will be consistent with the standard identified in the County Code Section 22.110.070.B (Fences, Walls, and Landscaping) which limits the height of rear yard fences and walls to 6 feet and 3.5 feet for front yards. The Project proposes a six-foot high wrought perimeter fence which will be setback from the front property line a distance of at least 40 feet from Madre Street. Compliance with the fence/wall standards will be verified during review of the related SPR prior to issuance of a building permit.
22. **ACCESSORY DWELLING UNIT.** The Hearing Officer finds that while the Project is for an OTP, the associated proposed and any future ADUs will be reviewed for consistency with the standards identified under the State ADU law which requires ADUs to be located 20 feet from the front property line and 4 feet from the side and rear property lines, and no taller than 25 feet. The proposed attached ADU is sited four feet from the side property boundary (southerly) and more than 50 feet from the front and rear property boundaries. Compliance with the ADU standards will be verified during review of the related SPR prior to issuance of a building permit.
23. **ACCESSORY STRUCTURES.** The Hearing Officer finds that while the Project is for an OTP, the associated proposed accessory structures, except the ADU, will be reviewed for consistency with the standards identified in County Code Section 22.110.040.B (Accessory Structures and Equipment).

OAK TREE PERMIT FINDINGS

24. **The Hearing Officer finds that the proposed construction or proposed use will be accomplished without endangering the health of the remaining oak trees subject to Title 22 regulations on the subject property.** Of the 36 oak trees on or adjacent to the Project Site, the protected zone of 18 non-heritage oak trees will be encroached upon; one limb of Tree No. 11, a non-heritage tree, will be removed; and five oak trees (tree nos. 2, 7, 12, 28, and 32), including two heritage oaks (oak tree no. 7 and 12) will be removed with the related construction of the SFR, attached ADU, swimming pool, tennis court, and other appurtenant features. No adverse impact to any remaining oak tree is anticipated. All but five (three of which are either dead or have a large cavity in the base of the tree) of the 31 on-site oak trees will remain in place with measures imposed to protect the trees from construction impacts through the County Forester recommended conditions of approval. The five off-site oak trees (tree nos. 23, 24, 25, 35, 36) will not be impacted by the development as the proposed perimeter fence is designed to avoid the protected zones of these oaks and no encroachment would result to these neighboring oak trees. The Project conditions of approval require the Permittee to provide mitigation trees should any protected tree fail as a result of the approved encroachments, and to plant mitigation trees within one (1) year of the permitted oak tree removal, and to require the use of hand tools to minimize and prevent damage to any of the on-site trees to be encroached upon.
25. **The Hearing Officer finds that the removal or relocation of the oak trees proposed will not result in soil erosion through the diversion of increased flow of surface waters which cannot be satisfactorily mitigated.** The Project Site is undeveloped. Removal of five oak trees will not result in soil erosion as 31 oak trees will remain in place. Further, construction of a SFR and accessory structures will be subject to the Low Impact Development Ordinance and reviewed by the Department of Public Works prior to issuance of a building permit. Therefore, erosion requirements to control drainage and minimize site runoff will apply to the Project Site.
26. **The Hearing Officer finds that the removal or relocation of the oak trees proposed is necessary as continued existence at present locations frustrates the planned improvement or proposed use of the subject property to such an extent that (i) Alternative development plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive, or (ii) Placement of such oak trees precludes the reasonable and efficient use of such property for a use otherwise authorized.** A total of 36 oak trees form the sphere of influence of the oak woodland. Due to the sheer number of oak trees that cover the property, it is difficult for construction of the primary SFR, accessory structures, and appurtenant features to avoid all oak trees. The majority of the oak trees are clustered along the southerly and easterly property lines. The proposed removal of five oak trees, three of which are dead, allow for reasonable development of the property, consistent with the prescribed land use category and zoning. An alternative site plan with a different primary building footprint and detached ADU indicated more impacts to oak trees.

27. The Hearing Officer finds that the removal of the oak trees proposed will not be contrary to or be in substantial conflict with the intent and purpose of the Oak Tree Permit procedure. To balance development and the environment, the Zoning Code permits oak trees to be removed, so long as a development's design preserves the greatest practicable number of trees and ensures their replacement and propagation. The Project is subject to the County's Oak Tree Ordinance, which requires the planting of replacement trees at a ratio of 2:1 for non-heritage oak tree removals. The Forester is recommending a replacement ratio of 10:1 for the removal of healthy heritage oak trees, which means a total of 20 replacement trees will need to be planted. The arborist has identified three oak trees that are either dead or have large cavities in their base (No. 7, 28, 32) necessitating removal and confirmed by the Forester; therefore, replacement trees are not required for the removal of the dead oak trees.

ENVIRONMENTAL FINDINGS

28. After consideration of the ND, together with the public comments received during the public review process for the environmental document, the Hearing Officer finds on the basis of the whole record before it that there is no substantial evidence that the Project as conditioned will not have a significant effect on the environment, and further finds that the ND reflects the independent judgment and analysis of the Hearing Officer. The Project includes conditions requiring replacement trees to be planted at a ratio of 10 new trees for each living heritage tree that is removed. Additionally, Project conditions also require replacement plantings for any trees that fail as a result of encroachment, 2:1 for non-heritage oak trees and 10:1 for heritage trees.

29. The Hearing Officer finds that the Permittee is subject to payment of the California Department of Fish and Wildlife fees related to the Project's effect on wildlife resources pursuant to section 711.4 of the California Fish and Game Code, which is required for an ND determination.

ADMINISTRATIVE FINDINGS

30. LOCATION OF DOCUMENTS. 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 LA County Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Foothills Development Services Section, LA County Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

A. The proposed construction or proposed use will be accomplished without endangering the health of the remaining oak trees subject to County Title 22 (Planning and Zoning) regulations on the subject property.

- B. The removal of the oak trees proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated.
- C. The removal of the oak trees proposed is necessary as continued existence at the present location frustrates the planned improvement or proposed use of the subject property to such an extent that alternate development plans cannot achieve the same permitted density and that placement of such tree precludes the reasonable and efficient use of such property or a use otherwise authorized.
- D. The removal of the oak trees proposed will not be contrary to or be in substantial conflict with the intent and purpose of the oak tree permit procedure.

THEREFORE, THE HEARING OFFICER:

- 1. Certifies that the Negative Declaration for the Project was completed in compliance with CEQA and the State and County Guidelines related thereto; certifies that it independently reviewed and considered the Negative Declaration and that the Negative Declaration reflects the independent judgment and analysis of the Hearing Officer as to the environmental consequences of the Project; determined that on the basis of the whole record before the Hearing Officer that there is no substantial evidence that the Project will not have a significant effect on the environment; and adopts the Negative Declaration; and
- 2. Approves **OAK TREE PERMIT NO. RPPL2021011244**, subject to the attached conditions.

ACTION DATE: May 6, 2025

MRB:MP

March April 24, 2025

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING

UPDATED DRAFT CONDITIONS OF APPROVAL
PROJECT NO. PRJ2021-004689
OAK TREE PERMIT NO. RPPL2021011244

PROJECT DESCRIPTION

The project is a request to remove five oak trees identified as tree nos. 2, 7, 12, 28, and 32, including two heritage oak trees (tree nos. 7 and 12); remove the limb from oak tree no. 11, a non-heritage tree, and encroach into the protected zone of 18 non-heritage oak trees identified as tree nos. 1, 3, 4, 5, 6, 8, 9, 10, 11, 16, 17, 22, 27, 29, 30, 31, 33, and 34 associated with the construction of a primary single-family residence, attached accessory dwelling unit (“ADU”), and other accessory structures, equipment, and features.

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term “Permittee” shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the Permittee, and the owner of the subject property if other than the Permittee, have filed at the office of the Los Angeles County (“County”) Department of Regional Planning (“LA County Planning”) their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and until all required monies have been paid pursuant to attached County Forester and Fire Warden (“Forester”) letter dated June 20, 2024. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 3, 4, 7, and 9 shall be effective pursuant to Section 22.222.230 (Effective Date of Decision and Appeals) of the County Code.
3. The Permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009 or any other applicable limitations period. The County shall promptly notify the Permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the Permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the Permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the Permittee shall within ten days of the filing make an initial deposit with LA County Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in LA County Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to Permittee or Permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the Permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the Permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the Permittee according to County Code Section 2.170.010 (Fees For Providing County Records).

5. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
6. Upon any transfer or lease of the property during the term of this grant, the Permittee, or the owner of the subject property if other than the Permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
7. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
8. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the Permittee to cease any development or activity not in full compliance shall be a violation of these conditions. No provision of any easement of any other encumbrance on the property shall exempt the Permittee and/or property owner from compliance with these conditions and applicable regulations. If inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the Permittee shall be financially responsible and shall reimburse LA County Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$441.00 per inspection, or the current recovery cost established by LA County Planning at the time any additional inspections are required, whichever is greater. Inspections may be unannounced and may be conducted utilizing any available technologies, including, but not limited to, unmanned aircraft systems (UAS).
9. Within five (5) working days from the day after your appeal period ends **May 13, 2025**, the Permittee shall remit processing fees at the County Registrar-Recorder/County Clerk Office (i.e. County Clerk's Office), payable to the County of Los Angeles, in connection with the filing and posting of a Notice of Determination ("NOD") for this project and its entitlements in compliance with section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Wildlife pursuant to section 711.4 of the California Fish and

Game Code, the Permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in section 711.4 of the Fish and Game Code, currently **\$2,968.75** (\$3,043.75 for a Negative Declaration or Mitigated Negative Declaration plus \$75.00 processing fee), or **\$4,243.25**. (~~\$4,168.25 for an Environmental Impact Report plus \$75.00 processing fee.~~) No land use project subject to this requirement is final, vested or operative until the fee is paid.

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.238 of the County Code.
11. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
12. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
13. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Site Plan, or a subsequent Site Plan approved by the Director of LA County Planning ("Director").

PROJECT SITE-SPECIFIC CONDITIONS

14. This grant shall authorize the removal of five oak trees identified as 2, 7, 12, 28, 32, including two heritage oak trees (7 and 12), removal of a limb from oak tree no. 11, a non-heritage tree, and encroachment into the protected zone of 18 non-heritage trees identified as tree nos. 1, 3, 4, 5, 6, 8, 9, 10, 11, 16, 17, 22, 27, 29, 30, 31, 33, and 34 associated with the construction of a primary single-family residence, accessory dwelling unit, permeable driveway, patio, pool, proposed fencing, and related trenching.
15. This grant shall not be effective until a site plan review is approved for the construction of the single-family residence, attached accessory dwelling unit, pool, tennis court, and all other project features.
16. Only one utility trench shall encroach into the protected zone of oak tree nos. 9 and 10.
17. Only one driveway access point and related curb cut shall encroach into the protected zone of oak tree nos. 3 through 6.

18. The permittee shall comply with all conditions and requirements contained in the County Forester ("Forester") letter dated October 22, 2024 (attached hereto), to the satisfaction of said Forester, except as otherwise required by the Forester and by these conditions
19. Before commencing work authorized or required by this grant, the consulting arborist shall submit a letter to the Director and Forester stating that he or she has been retained by the permittee to perform or supervise the work, and that he or she agrees to report to the Director and the Forester, any failure to fully comply with the conditions of the grant. The arborist shall also submit a written report on permit compliance upon completion of the work required by this grant. The report shall include a diagram showing the exact number and location of all mitigation trees planted as well as planting dates. Oak tree removals shall be performed in a manner consistent with state law. Refer to the Nesting Birds: Guide to Bird-Friendly Tree and Shrub Trimming and Removal, attached as Exhibit D-3.
20. The permittee shall provide mitigation trees of the Oak genus at a rate of ~~two to one (2:1)~~ and ten to one (10:1) for each healthy heritage tree removed, for a total of ~~20 trees~~ two (2) trees or ten (10) trees. The permittee shall provide mitigation trees of the Oak genus at a rate of two to one (2:1) for any tree specified, and (10:1) for Heritage oaks, above that dies as a result of the approved encroachments. In addition, any tree that reaches ordinance size during the construction and monitoring period shall be included in this permit and subject to these conditions of approval.
21. In lieu of planting 20 replacement trees on-site, the applicant may plant 10 trees at 15 gallons on-site and 10 trees at 15 gallons off-site. A total of 20 replacement trees shall be planted and are subject to a 2-year monitoring period by the Fire Department's Forestry Unit.
22. Each mitigation tree shall be at least a 15-gallon specimen in size and measure one (1) inch or more in diameter one (1) foot above the base. Free form trees with multiple stems are permissible provided the combined diameter of the two (2) largest stems of such trees measure a minimum of one (1) inch in diameter one (1) foot above the base.
23. Mitigation trees shall consist of indigenous varieties of Quercus agrifolia, grown from a local seed source.
24. Prior to the planting of replacement oak trees, the Permittee shall submit a Replacement Planting Plan to the Forester and LA County Planning for approval. Mitigation trees shall be planted within one (1) year of the permitted Oak tree removals. Mitigation trees shall be planted on-site or within the same community if approved by the Forester. If mitigation trees are deemed impossible by the Forester, only then a contribution to the County of Los Angeles Oak Forest Special Fund may be made in the amount equivalent to the Oak resource loss. The contribution shall be calculated by the consulting arborist and approved by the Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."

25. In the event of the death of any oak tree as a result of the Project encroachments and related to the planting of mitigation trees for the one oak tree removal, the permittee shall:
- a. Plant one healthy acorn of the same species of oak (*Quercus* sp.) as the tree removed for each mitigation tree planted. The acorns shall be planted at the same time as and within the watering zone of each mitigation tree.
 - b. All replacement trees shall be planted on native undisturbed soil and shall be the same species of oak (*Quercus* sp.) as the removed tree. The location of the replacement tree shall be in the vicinity of other oak trees of the same species. A layer of humus and litter from beneath the canopy of the removed tree shall also be applied to the area beneath the canopies of the replacement trees to further promote the establishment of mycorrhizae within their rooting zones.
 - c. When replacement trees are planted on disturbed soil or are not in the vicinity of the same species of oak (*Quercus* sp.) as the removed tree, planting shall incorporate a mycorrhizal product, either as amendment or in the first two irrigations or watering of planted trees (i.e. "mycorrhizaROOTS" or similar product) in accordance with the label's directions. A layer of humus and litter from beneath the canopy of the removed tree shall also be applied to the area beneath the canopies of the replacement trees to further promote the establishment of mycorrhizae within their rooting zones.
 - d. Where grading or any other similar activity is specifically approved within the protected zone, the permittee shall provide an individual with special expertise acceptable to the Director to supervise all excavation or grading proposed within the protected zones and to further supervise, monitor and certify to the Forester the implementation of all conditions imposed in connection with the permittee's oak tree permit.
 - e. Any excavation or grading allowed within the protected zone or within 15 feet of the trunk of a tree, whichever distance is greater, shall be limited to hand tools or small hand-power equipment.

Attachments:

- Exhibit D-1 Fire Department Letter dated October 22, 2024
- Exhibit D-2 Oak Trees: Care and Maintenance Guide
- Exhibit D-3 Nesting Birds: Guide to Bird-Friendly Tree and Shrub Trimming and Removal