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CITY PLANNING**

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(213) 978-1300

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**Agenda Item VI(k)
MRCA
12/2/2020**

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200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

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DIRECTOR

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May 3, 2019

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

**ADDITIONAL INFORMATION REGARDING PROTECTED TREES AND SHRUBS
ORDINANCE; CF 13-1339**

On May 4, 2018, a report from the City Planning Commission (CPC) was transmitted to your Committee, which recommended approval of an ordinance that would expand protected-tree regulations to the Mexican Elderberry and Toyon shrubs and clarify certain provisions. At its public hearing, the CPC received conflicting testimony regarding the appropriate minimum size for these shrubs to be eligible for protection. Though the CPC took an action, it also instructed the Planning Department to continue a dialog with interested parties to find an amenable resolution prior to the matter being considered by the Planning and Land Use Management Committee.

After numerous meetings with the interested parties, a partial compromise was reached regarding the appropriate minimum size for the shrubs to be eligible for protection. An agreement has been reached that the minimum size should be at least one stem that is 2 inches or more in diameter, rather than the 4 inches in the May 4, 2018 CPC report. However, the interested parties have not been able to come to full agreement on the height at which the diameter measurement is taken. City departments have agreed that height should remain at 4.5 feet above the ground, which is the industry standard and the height recommended by the Planning Commission. However, a letter to PLUM from the Community Forest Advisory Committee, dated January 29, 2019, recommends instead that the height at which the diameter measurement is taken should be 2.5 feet above the ground.

In addition, after the CPC's recommendation was transmitted to Council, additional sections of the L.A. Municipal Code (LAMC) were identified as requiring technical updates necessary for consistency with the CPC's policy recommendation. Therefore, the Planning Department recommends adoption of the attached revised ordinance, which reflects the consensus reached by the City departments regarding the appropriate minimum size for the Mexican Elderberry and Toyon shrubs to be eligible for protection and includes the technical correction needed to update the inadvertently omitted sections of the LAMC in accordance with the CPC's intent.

For questions regarding this report please contact Patrick Whalen at Patrick.Whalen@lacity.org
or (213) 978-1370.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning



Kevin J. Keller, AICP
Executive Officer

VPB:KJK:ALV:TR:pw

Attachment: Revised Ordinance

Revised Ordinance, May 03, 2019

ORDINANCE NO. _____

An ordinance amending provisions of Sections 12.21, 17.02, 17.05, 17.06, 46.00, 46.01, 46.02, 46.03, 46.04, and 46.06 of the Los Angeles Municipal Code (LAMC) to modify provisions pertaining to "Protected Tree" to include the Mexican Elderberry (*Sambucus mexicana*) and Toyon (*Heteromeles arbutifolia*) and update regulations.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Subdivision 12 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read as follows:

12. Protected Tree and Shrub Relocation and Replacement. All existing protected trees and shrubs and relocation and replacement trees and shrubs specified by the Advisory Agency in accordance with Sections 17.02, 17.05, 17.06, 17.51 and 17.52 of this Code shall be indicated on a plot plan attached to the building permit issued pursuant to this Code. In addition, the trees or shrubs shall be identified and described by map and documentation as required by the Advisory Agency. A Certificate of Occupancy may be issued by the Department of Building and Safety, provided the owner of the property or authorized person representing the owner of the property (licensed contractor) obtains from the Advisory Agency in consultation with the City's Chief Forester, prior to the final inspection for the construction, a written or electronic document certifying that all the conditions set forth by the Advisory Agency relative to protected trees have been met.

Sec. 2. The definition of Protected Tree in Section 17.02 of the Los Angeles Municipal Code is amended to read as follows:

Protected Tree or Shrub – Any of the following Southern California indigenous tree species, which measure four inches or more in cumulative diameter, four and one-half feet above the ground level at the base of the tree, or any of the following Southern California indigenous shrub species which contains at least one stem that measures ~~four~~ two inches or more in diameter, four and one-half feet above the ground level at the base of the shrub:

Protected Trees:

- (a) Oak tree including Valley Oak (*Quercus lobata*) and California Live Oak (*Quercus agrifolia*), or any other tree of the oak genus indigenous to Southern California but excluding the Scrub Oak (*Quercus berberidifolia*).

(b) Southern California Black Walnut (*Juglans californica*)

(c) Western Sycamore (*Platanus racemosa*)

(d) California Bay (*Umbellularia californica*)

Protected Shrubs:

(a) Mexican Elderberry (*Sambucus mexicana*)

(b) Toyon (*Heteromeles arbutifolia*)

The definition shall not include any tree or shrub grown or held for sale by a licensed nursery, or trees planted or grown as part of a tree planting program.

Sec. 3. The definition of Tree Expert in 17.02 of the Los Angeles Municipal Code is amended to read as follows:

Tree Expert – A person with at least four years of experience in the business of transplanting, moving, caring for and maintaining trees who is either (a) a certified arborist with the International Society of Arboriculture and who holds a valid California license as an agricultural pest control advisor, or (b) a certified arborist with the International Society of Arboriculture and who is a licensed landscape architect, or (c) a registered consulting arborist with the American Society of Consulting Arborists.

Sec. 4. Subdivision 7 of Subsection H of Section 17.05 of the Los Angeles Municipal Code is amended to read as follows:

7. Where the Advisory Agency finds the project is consistent with the dwelling unit density permitted by the General Plan, and that the public health, safety or welfare and good subdivision design will be promoted by the preservation of protected trees and shrubs, the Advisory Agency may permit the required area of one or more of the lots in a subdivision in an "RA," "RE," "RS" or "R1" Zone to be reduced by an amount sufficient to provide for protected tree and shrub preservation in accordance with Section 17.05 R. of this Code. Provided, however, that in no event shall the reduction exceed 50 percent of the required lot area; no "RA" or "RE" lot shall be reduced below 50 feet in width; no "RS" or "R1" lot shall be reduced below 40 feet in width; and no lot in a designated "K" Horsekeeping District shall be reduced below 17,500 square feet.

Sec. 5. Subsection R of Section 17.05 of the Los Angeles Municipal Code is amended to read as follows:

R. Protected Tree or Shrub Regulations. No protected tree or shrub may be relocated or removed except as provided in this article or Article 6 of Chapter IV of this Code. The term "removed" or "removal" shall include any act that will cause a protected

tree or shrub to die, including but not limited to acts that inflict damage upon the root system or other parts of the tree or shrub by fire, application of toxic substances, operation of equipment or machinery, or by changing the natural grade of land by excavation or filling the drip line area around the trunk.

1. **Required Determinations.** Subject to historical preservation requirements set forth in Subdivision 3. of this subsection, when a protected tree or shrub exists within a proposed subdivision, the tree or shrub may be relocated or removed if the Advisory Agency, in consultation with the City's Chief Forester, determines the existence of either (a) or (b) below:

(a) There has been prior applicable government action in which:

(i) The removal of the tree or shrub had been approved by the Advisory Agency; or

(ii) The property upon which the protected tree or shrub is located has been the subject of a determination by the City Planning Commission, the City Council, a Zoning Administrator, or an Area Planning Commission, the appeal period established by this Code with respect to the determination has expired, the determination is still in effect, and pursuant to the determination, the protected tree or shrub's removal would be permissible; or

(iii) A building permit has been issued for the property upon which the protected tree or shrub is located, the permit is still in effect, and the removal or relocation is not prohibited by the permit.

(b) The removal of the protected tree or shrub would not result in an undesirable, irreversible soil erosion through diversion or increased flow of surface waters that cannot be mitigated to the satisfaction of the City's Chief Forester, and the physical condition or location of the tree or shrub is such that:

(i) Its continued presence in its existing location prevents the reasonable development of the property; or

(ii) According to a report required pursuant to Section 17.06 C., acceptable to the Advisory Agency and prepared by a tree expert, there is a substantial decline from a condition of normal health and vigor of the tree or shrub, and its restoration through appropriate and economically reasonable preservation procedures and practices is not advisable; or

(iii) It is in danger of falling due to an existing and irreversible condition.

(iv) Its continued presence at its existing location interferes with proposed utility services or roadways within or without the subject property, and the only reasonable alternative to the interference is the removal of the tree or shrub; or

(v) It has no apparent aesthetic value, which will contribute to the appearance and design of the proposed subdivision; or it is not located with reference to other trees, shrubs or monuments in such a way as to acquire a distinctive significance at the location.

2. **Supplemental Authority.** In the event the Advisory Agency, in consultation with the City's Chief Forester, determines pursuant to Subdivision 1.(b) above, that a protected tree or shrub may be removed or relocated, the Advisory Agency may:

(a) Require relocation elsewhere on the same property where a protected tree or shrub has been approved for removal, and where the relocation is economically reasonable and favorable to the survival of the tree or shrub. Relocation to a site other than upon the same property may be permitted where there is no available or appropriate location on the property and the owner of the proposed off-site relocation site consents to the placement of a tree or shrub. In the event of relocation, the Advisory Agency may designate measures to be taken to mitigate adverse effects on the tree or shrub.

(b) Permit protected trees or shrubs of a lesser size, or trees or shrubs of a different protected species, to be planted as replacement trees or shrubs for protected trees or shrubs permitted by this Code to be removed or relocated, if replacement trees or shrubs required pursuant to this Code are not available. In that event, the Advisory Agency may require a greater number of replacement trees or shrubs.

3. **Historical Monuments.** The Advisory Agency, except as to Subdivision 1.(b)(iii) above, shall require retention of a protected tree or shrub at its existing location, if the tree or shrub is officially designated as an Historical Monument or as part of an Historic Preservation Overlay Zone.

4. **Requirements.** In the event the Advisory Agency, in consultation with the City's Chief Forester, determines pursuant to Subdivision 1. (b) above that a protected tree or shrub may be removed or relocated, the Advisory Agency shall require that:

(a) The protected tree or shrub be replaced within the property by at least four specimens of a protected variety included within the definition set forth in Section 17.02 of this article, except where the protected species is relocated pursuant to Subdivision 2(a) above. A protected tree shall only be replaced by other protected tree varieties and shall not be replaced by shrubs. A protected shrub shall only be replaced by other protected shrub varieties and shall not be replaced by trees. The size of each replacement tree shall be a 15-gallon, or larger, specimen, measuring one inch or more in diameter at a point one foot above the base, and not less than seven feet in height, measured from the base. The size and number of replacement trees shall approximate the value of the tree to be replaced.

(b) The subdivider record those covenants and agreements approved by the Advisory Agency necessary to assure compliance with conditions imposed by the Advisory Agency and to assure protected tree and shrub preservation.

(c) The subdivider provide protected tree and shrub maintenance information to purchasers of lots within the proposed subdivision.

(d) The subdivider post a bond or other assurance acceptable to the City Engineer to guarantee the survival of trees and shrubs required to be replaced or permitted or required to be relocated, in a manner to assure the existence of continuously living trees and shrubs at the approved replacement or relocation site for three years from the date that the trees or shrubs are replaced or relocated. The City Engineer shall use the provisions of Section 17.08 G. as its procedural guide in satisfaction of the bond requirements and processing. Any bond required shall be in a sum estimated by the City Engineer to be equal to the dollar value of the replacement tree or shrub or of the tree or shrub that is to be relocated. In determining value for these purposes, the City Engineer shall consult with the Advisory Agency, the City's Chief Forester, the evaluation of trees guidelines approved and adopted for professional plantsmen by the International Society of Arboriculture, the American Society of Consulting Arborists, the National Arborists Association and the American Association of Nurserymen, and other available, local information or guidelines.

5. Grading. The Advisory Agency is authorized to prohibit grading or other construction activity within the drip line of a protected tree or shrub.

Sec. 6. Subdivision 13 of Subsection B of Section 17.06 of the Los Angeles Municipal Code is amended to read as follows:

13. The approximate location and general description of any large or historically significant trees and of any protected trees or shrubs and an indication as to the proposed retention or destruction of the trees or shrubs.

Sec. 7. Subsection C of Section 17.06 of the Los Angeles Municipal Code is amended to read as follows:

C. Protected Tree and Shrub Reports for Tentative Tract Maps No application for a tentative tract map approval for a subdivision where a protected tree or shrub is located shall be considered complete unless it includes a report, in a form acceptable to the Advisory Agency and the City's Chief Forester, which pertains to preserving the tree or shrub and evaluates the subdivider's proposals for the preservation, removal, replacement or relocation of the tree or shrub. The report shall be prepared by a tree expert and shall include all protected trees and shrubs identified pursuant to Section 17.06 B.13. of this Code. In the event the subdivider proposes any grading, land movement, or other activity within the drip line of a protected tree or shrub referred to in the report, or proposes to relocate or remove any protected tree or shrub, the report shall also evaluate any mitigation measures proposed by the subdivider and their anticipated effectiveness in preserving the tree or shrub.

Sec. 8. Subsection D of Section 17.51 of the Los Angeles Municipal Code is amended to read as follows:

D. Protected Tree or Shrub Reports for Parcel Maps. No application for a preliminary parcel map approval for a parcel where a protected tree or shrub is located shall be considered complete unless it includes a report pertaining to preserving the tree or shrub. The report shall be prepared by a tree expert and shall evaluate the subdivider's proposals for protected tree or shrub preservation, removal, replacement and/or relocation. In the event the subdivider proposes any grading, land movement, or other activity within the drip line of any protected tree or shrub referred to in the report, or proposes to relocate or remove any tree or shrub, the report shall also evaluate any mitigation measures proposed by the subdivider and the anticipated effectiveness in preserving the tree or shrub.

Sec. 9. Section 46.00 of the Los Angeles Municipal Code is amended to read as follows:

Sec. 46.00. PROTECTED TREE AND SHRUB REGULATIONS.

No protected tree or shrub may be relocated or removed except as provided in Article 7 of Chapter 1 or this article. The term "removed" or "removal" shall include any act that will cause a protected tree or shrub to die, including but not limited to acts that inflict damage upon the root system or other part of the tree or shrub by fire, application of toxic substances, operation of equipment or machinery, or by changing the natural grade of land by excavation or filling the drip line area around the trunk.

Sec. 10. Section 46.01 of the Los Angeles Municipal Code is amended to read as follows:

Sec. 46.01. DEFINITION.

"PROTECTED TREE OR SHRUB" means any of the following Southern California indigenous tree species, which measures four inches or more in cumulative diameter, four and one-half feet above the ground level at the base of the tree, or any of the following Southern California indigenous shrub species, which contains at least one stem that measures ~~four~~ two inches in diameter, four and one-half feet above the ground level at the base of the shrub: Protected Trees:

- (a) Oak tree including Valley Oak (*Quercus lobata*) and California Live Oak (*Quercus agrifolia*), or any other tree of the oak genus indigenous to California but excluding the Scrub Oak (*Quercus berberidifolia*).
- (b) Southern California Black Walnut (*Juglans californica*)
- (c) Western Sycamore (*Platanus racemosa*)
- (d) California Bay (*Umeellularia californica*)

Protected Shrubs:

(a) Mexican Elderberry (*Sambucus mexicana*)

(b) Toyon (*Heteromeles arbutifolia*)

This definition shall not include any tree or shrub grown or held for sale by a licensed nursery, or trees or shrubs planted or grown as a part of a planting program.

Sec. 11. Section 46.02 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 46.02. REQUIREMENTS FOR PUBLIC WORKS PERMITS TO RELOCATE OR REMOVE PROTECTED TREES AND SHRUBS.

No person shall relocate or remove any protected tree or shrub, as that term is defined in Section 46.01, where the protected tree or shrub is not regulated pursuant to Article 7 of Chapter I of this Code, without first having applied for and obtained a permit from the Board of Public Works or its designated officer or employee, except as otherwise provided in this section.

An application for a permit shall indicate, in a manner acceptable to the Board of Public Works, by number on a plot plan, the location of each protected tree or shrub, and shall identify each protected tree or shrub proposed to be retained, relocated or removed. If any grading is proposed that may affect the protected tree or shrub, a copy of the grading permit plan in compliance with Division 70 of Article 1 of Chapter IX of this Code shall be submitted with the application.

(a) **Exemptions.** The Board of Public Works shall exempt from and not require issuance of a permit for the relocation or removal of a protected tree or shrub where the Board is satisfied that:

1. The proposed relocation or removal of the protected tree or shrub has been approved by the Advisory Agency pursuant to Article 7 of Chapter I of this Code; or
2. The land upon which the protected tree or shrub is located has been the subject of a determination by the City Planning Commission, the City Council, a Zoning Administrator or an Area Planning Commission, the appeal period established by this Code with respect to the determination has expired, the determination is still in effect, and pursuant to the determination the protected tree's or shrub's removal would be permissible; or
3. A building permit has been issued for any property and is still in effect with respect to the property under consideration and its implementation would necessitate the removal or relocation.

(b) **Board Authority.** The Board of Public Works may grant a permit for the relocation or removal of a protected tree or shrub, unless otherwise provided in this section or unless the tree or shrub is officially designated as an Historical Monument or as part of an Historic Preservation Overlay Zone, if the Board determines that the removal of the protected tree or shrub will not result in an undesirable, irreversible soil erosion through diversion or increased flow of surface waters, which cannot be mitigated to the satisfaction of the City; and

1. It is necessary to remove the protected tree or shrub because its continued existence at the location prevents the reasonable development of the subject property; or

2. The protected tree or shrub shows a substantial decline from a condition of normal health and vigor, and restoration, through appropriate and economically reasonable preservation procedures and practices, is not advisable; or

3. Because of an existing and irreversible adverse condition of the protected tree or shrub, the tree or shrub is in danger of falling, notwithstanding the tree or shrub having been designated an Historical Monument or as part of an Historic Preservation Overlay Zone.

(c) **Additional Authority.** The Board of Public Works or its authorized officer or employee may:

1. Require as a condition of a grant of permit for the relocation or removal of a protected tree or shrub, that the permittee replace the tree or shrub within the same property boundaries by at least four specimens of a protected variety included within the definition set forth in Section 46.01 of this Code, in a manner acceptable to the Board. A protected tree shall only be replaced by other protected tree varieties and shall not be replaced by shrubs. A protected shrub shall only be replaced by other protected shrub varieties and shall not be replaced by trees. In size, each replacement tree shall be at least 15-gallon, or larger, measuring one inch or more in diameter one foot above the base, and be not less than seven feet in height measured from the base. The size and number of replacement trees or shrubs shall approximate the value of the tree or shrub to be replaced.

2. Permit protected trees or shrubs of a lesser size or trees or shrubs of a different protected species to be planted as replacement trees or shrubs, if replacement trees or shrubs of the size and species otherwise required pursuant to this Code are not available. In that event, a greater number of replacement trees or shrubs may be required.

3. Permit a protected tree or shrub to be moved to another location on the property, provided that the environmental conditions of the new location are favorable to the survival of the tree or shrub, and there is a reasonable probability that the tree or shrub will survive.

Sec. 12. Subsection A of Section 46.03 of the Los Angeles Municipal Code is amended to read as follows:

Sec. 46.03. PERMIT CONDITIONS.

(a) A permit issued pursuant to this article shall (1) specify and approve the location or locations to which said tree or shrub may be relocated, (2) designate the species, number, and size of any replacement ~~tree or trees~~ or shrubs, and (3) set forth any other conditions or requirements deemed necessary by the Board of Public Works, or its authorized officer or employee, to implement the provisions of this article.

Sec. 13. Section 46.04 of the Los Angeles Municipal Code is amended to read as follows:

Sec. 46.04. FEES.

A fee shall be charged for issuance of any permit pursuant to this article, which permits the removal of one or more protected trees or shrubs. The fee shall be determined and adopted in the same manner as provided in Section 12.37 I.1. of the Los Angeles Municipal Code for establishing fees.

Sec. 14. Section 46.06 of the Los Angeles Municipal Code is amended to read as follows:

Sec. 46.06. WITHHOLDING OR REVOCATION OF BUILDING PERMITS FOR ILLEGAL REMOVAL OR RELOCATION OF PROTECTED TREES AND SHRUBS.

(a) The Bureau of Street Services, after notice and hearing pursuant to Subsections (b) and (c) of this section, shall have the authority to request the Superintendent of Building to withhold issuance of building permits, except for permits that are necessary to comply with a Department of Building and Safety order, for a period of time up to a maximum of ten years as requested by the Bureau and to revoke any building permit issued for which construction has not commenced with respect to any property on which any protected tree or shrub has been removed or relocated in violation of Section 46.00 of this Code.

The request shall be made in writing by the Director of the Bureau of Street Services or his/her designee and shall specifically state the start date and end date of the period of time the Bureau, or the Board of Public Works on appeal, have deemed necessary pursuant to Subsection (c) of this section. The period shall commence on the date the Bureau first becomes aware of the removal of

the tree [or shrub](#). Provided, however, the authority of the Bureau to act shall not apply to a purchaser, or to his or her agent, who in good faith and for valuable consideration has acquired title to the property subsequent to the illegal removal or relocation of any protected trees and prior to the recordation of the notice of intent as provided for in Subsection (b) of this section.

(b) The Bureau shall notify the applicant or permittee in writing of its intent to act pursuant to this section. The notice shall state that the applicant or permittee may submit any evidence it deems relevant on this matter, the hearing to be held on a date specified in the notice. A copy of the notice shall also be mailed to the owner of the property, if different from the applicant or permittee, as shown on the last equalized assessment roll, and to any person holding a deed of trust, mortgage or other security interest in the property as revealed by a title search with respect to the property. A copy of the notice shall also be recorded by the Bureau with the County Recorder.

(c) The Bureau hearing shall be set on a date no earlier than 20 days after the date of the mailing of the notice provided for in Subsection (b) above. At the hearing, if the facts indicate, the Bureau shall make a finding that the applicant or permittee is not a purchaser in good faith and for valuable consideration who acquired title to the property subsequent to the illegal removal or relocation of the protected tree [or shrub](#) and prior to the recordation of the notice of intent as provided for in Subsection (b) above. In the event the Bureau finds that a protected tree [or shrub](#) was removed or relocated in violation of Section 46.00 of this Code, it shall specify to the Superintendent of Building the length of time the issuance of building permits shall be withheld and whether building permits for which construction has not commenced shall be revoked. In making its determination, the Bureau shall consider the following factors: the number of trees [and/or shrubs](#) removed or relocated, the size and age of the trees [or shrubs](#) removed or relocated, the knowledge and intent of the owners of the property with respect to the removal or relocation and prior violations of law with respect to removal or relocation of protected trees [and shrubs](#). The applicant or permittee shall be notified in writing of the Bureau's determination within 30 days of the hearing.

(d) The applicant or permittee may appeal to the Board of Public Works any determination by the Bureau to request the Superintendent of Building to revoke or withhold issuance of building permits, including the length of time imposed. The appeal must be filed with the Board of Public Works within 30 days of the date of mailing of the notice of determination as provided for in Subsection (c) above. Further, any action by the Department of Building and Safety resulting from any of the provisions of this section, including building permit revocation, shall not be appealable to the Board of Building and Safety Commissioners.

(e) Any final determination of the Bureau or the Board of Public Works on appeal, to request the Superintendent of Building to withhold issuance of building permits or to revoke a building permit, shall be forwarded to the Superintendent within ten days of the Bureau or Board's determination and shall also be set forth in an affidavit, which shall be recorded by the Bureau with the County Recorder within ten days of the Bureau or Board's determination.

Sec. 15. The City Clerk shall certify that...

ORDINANCE NO. _____

An ordinance amending provisions of Sections 12.21, 17.02, 17.05, 17.06, 46.01, and 46.02 of the Los Angeles Municipal Code (LAMC) to modify provisions pertaining to "Protected Tree" to include the Mexican Elderberry (*Sambucus mexicana*) and Toyon (*Heteromeles arbutifolia*) and update regulations.

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Sec. 4. Subdivision 7 of Subsection H of Section 17.05 of the Los Angeles Municipal Code is amended to read as follows:

7. Where the Advisory Agency finds the project is consistent with the dwelling unit density permitted by the General Plan, and that the public health, safety or welfare and good subdivision design will be promoted by the preservation of protected trees and shrubs, the Advisory Agency may permit the required area of one or more of the lots in a subdivision in an "RA," "RE," "RS" or "R1" Zone to be reduced by an amount sufficient to provide for protected tree and shrub preservation in accordance with Section 17.05 R. of this Code. Provided, however, that in no event shall the reduction exceed 50 percent of the required lot area; no "RA" or "RE" lot shall be reduced below 50 feet in width; no "RS" or "R1" lot shall be reduced below 40 feet in width; and no lot in a designated "K" Horsekeeping District shall be reduced below 17,500 square feet.

Sec. 5. Subsection R of Section 17.05 of the Los Angeles Municipal Code is amended to read as follows:

R. Protected Tree or Shrub Regulations. No protected tree or shrub may be relocated or removed except as provided in this article or Article 6 of Chapter IV of this Code. The term "removed" or "removal" shall include any act that will cause a protected tree or shrub to die, including but not limited to acts that inflict damage upon the root system or other parts of the tree or shrub by fire, application of toxic substances, operation

of equipment or machinery, or by changing the natural grade of land by excavation or filling the drip line area around the trunk.

1. **Required Determinations.** Subject to historical preservation requirements set forth in Subdivision 3. of this subsection, when a protected tree or shrub exists within a proposed subdivision, the tree or shrub may be relocated or removed if the Advisory Agency, in consultation with the City's Chief Forester, determines the existence of either (a) or (b) below:

(a) There has been prior applicable government action in which:

(i) The removal of the tree or shrub had been approved by the Advisory Agency; or

(ii) The property upon which the protected tree or shrub is located has been the subject of a determination by the City Planning Commission, the City Council, a Zoning Administrator, or an Area Planning Commission, the appeal period established by this Code with respect to the determination has expired, the determination is still in effect, and pursuant to the determination, the protected tree or shrub's removal would be permissible; or

(iii) A building permit has been issued for the property upon which the protected tree or shrub is located, the permit is still in effect, and the removal or relocation is not prohibited by the permit.

(b) The removal of the protected tree or shrub would not result in an undesirable, irreversible soil erosion through diversion or increased flow of surface waters that cannot be mitigated to the satisfaction of the City's Chief Forester, and the physical condition or location of the tree or shrub is such that:

(i) Its continued presence in its existing location prevents the reasonable development of the property; or

(ii) According to a report required pursuant to Section 17.06 C., acceptable to the Advisory Agency and prepared by a tree expert, there is a substantial decline from a condition of normal health and vigor of the tree or shrub, and its restoration through appropriate and economically reasonable preservation procedures and practices is not advisable; or

(iii) It is in danger of falling due to an existing and irreversible condition.

(iv) Its continued presence at its existing location interferes with proposed utility services or roadways within or without the subject property, and the only reasonable alternative to the interference is the removal of the tree or shrub; or

(v) It has no apparent aesthetic value, which will contribute to the appearance and design of the proposed subdivision; or it is not located with

reference to other trees, shrubs or monuments in such a way as to acquire a distinctive significance at the location.

2. **Supplemental Authority.** In the event the Advisory Agency, in consultation with the City's Chief Forester, determines pursuant to Subdivision 1.(b) above, that a protected tree or shrub may be removed or relocated, the Advisory Agency may:

(a) Require relocation elsewhere on the same property where a protected tree or shrub has been approved for removal, and where the relocation is economically reasonable and favorable to the survival of the tree or shrub. Relocation to a site other than upon the same property may be permitted where there is no available or appropriate location on the property and the owner of the proposed off-site relocation site consents to the placement of a tree or shrub. In the event of relocation, the Advisory Agency may designate measures to be taken to mitigate adverse effects on the tree or shrub.

(b) Permit protected trees or shrubs of a lesser size, or trees or shrubs of a different protected species, to be planted as replacement trees or shrubs for protected trees or shrubs permitted by this Code to be removed or relocated, if replacement trees or shrubs required pursuant to this Code are not available. In that event, the Advisory Agency may require a greater number of replacement trees or shrubs.

3. **Historical Monuments.** The Advisory Agency, except as to Subdivision 1.(b)(iii) above, shall require retention of a protected tree or shrub at its existing location, if the tree or shrub is officially designated as an Historical Monument or as part of an Historic Preservation Overlay Zone.

4. **Requirements.** In the event the Advisory Agency, in consultation with the City's Chief Forester, determines pursuant to Subdivision 1. (b) above that a protected tree or shrub may be removed or relocated, the Advisory Agency shall require that:

(a) The protected tree or shrub be replaced within the property by at least four specimens of a protected variety included within the definition set forth in Section 17.02 of this article, except where the protected species is relocated pursuant to Subdivision 2(a) above. A protected tree shall only be replaced by other protected tree varieties and shall not be replaced by shrubs. A protected shrub shall only be replaced by other protected shrub varieties and shall not be replaced by trees. The size of each replacement tree shall be a 15-gallon, or larger, specimen, measuring one inch or more in diameter at a point one foot above the base, and not less than seven feet in height, measured from the base. The size and number of replacement trees shall approximate the value of the tree to be replaced.

(b) The subdivider record those covenants and agreements approved by the Advisory Agency necessary to assure compliance with conditions imposed by the Advisory Agency and to assure protected tree and shrub preservation.

(c) The subdivider provide protected tree and shrub maintenance information to purchasers of lots within the proposed subdivision.

(d) The subdivider post a bond or other assurance acceptable to the City Engineer to guarantee the survival of trees and shrubs required to be replaced or permitted or required to be relocated, in a manner to assure the existence of continuously living trees and shrubs at the approved replacement or relocation site for three years from the date that the trees or shrubs are replaced or relocated. The City Engineer shall use the provisions of Section 17.08 G. as its procedural guide in satisfaction of the bond requirements and processing. Any bond required shall be in a sum estimated by the City Engineer to be equal to the dollar value of the replacement tree or shrub or of the tree or shrub that is to be relocated. In determining value for these purposes, the City Engineer shall consult with the Advisory Agency, the City's Chief Forester, the evaluation of trees guidelines approved and adopted for professional plantsmen by the International Society of Arboriculture, the American Society of Consulting Arborists, the National Arborists Association and the American Association of Nurserymen, and other available, local information or guidelines.

5. **Grading.** The Advisory Agency is authorized to prohibit grading or other construction activity within the drip line of a protected tree or shrub.

Sec. 6. Subdivision 13 of Subsection B of Section 17.06 of the Los Angeles Municipal Code is amended to read as follows:

13. The approximate location and general description of any large or historically significant trees and of any protected trees or shrubs and an indication as to the proposed retention or destruction of the trees or shrubs.

Sec. 7. Subsection C of Section 17.06 of the Los Angeles Municipal Code is amended to read as follows:

C. Protected Tree and Shrub Reports for Tentative Tract Maps No application for a tentative tract map approval for a subdivision where a protected tree or shrub is located shall be considered complete unless it includes a report, in a form acceptable to the Advisory Agency and the City's Chief Forester, which pertains to preserving the tree or shrub and evaluates the subdivider's proposals for the preservation, removal, replacement or relocation of the tree or shrub. The report shall be prepared by a tree expert and shall include all protected trees and shrubs identified pursuant to Section 17.06 B.13. of this Code. In the event the subdivider proposes any grading, land movement, or other activity within the drip line of a protected tree or shrub referred to in the report, or proposes to relocate or remove any protected tree or shrub, the report shall also evaluate any mitigation measures proposed by the subdivider and their anticipated effectiveness in preserving the tree or shrub.

Sec. 8. Subsection D of Section 17.51 of the Los Angeles Municipal Code is amended to read as follows:

D. Protected Tree or Shrub Reports for Parcel Maps. No application for a preliminary parcel map approval for a parcel where a protected tree or shrub is located

shall be considered complete unless it includes a report pertaining to preserving the tree or shrub. The report shall be prepared by a tree expert and shall evaluate the subdivider's proposals for protected tree or shrub preservation, removal, replacement and/or relocation. In the event the subdivider proposes any grading, land movement, or other activity within the drip line of any protected tree or shrub referred to in the report, or proposes to relocate or remove any tree or shrub, the report shall also evaluate any mitigation measures proposed by the subdivider and the anticipated effectiveness in preserving the tree or shrub.

Sec. 9. Section 46.01 of the Los Angeles Municipal Code is amended to read as follows:

Sec. 46.01. DEFINITION.

“PROTECTED TREE or Shrub” means any of the following Southern California indigenous tree species, which measures four inches or more in cumulative diameter, four and one-half feet above the ground level at the base of the tree, or any of the following Southern California indigenous shrub species, which contains at least one stem that measures four inches in diameter, four and one-half feet above the ground level at the base of the shrub:

Protected Trees:

- (a) Oak tree including Valley Oak (*Quercus lobata*) and California Live Oak (*Quercus agrifolia*), or any other tree of the oak genus indigenous to California but excluding the Scrub Oak (*Quercus berberidifolia*).
- (b) Southern California Black Walnut (*Juglans californica*)
- (c) Western Sycamore (*Platanus racemosa*)
- (d) California Bay (*Umeellularia californica*)

Protected Shrubs:

- (a) Mexican Elderberry (*Sambucus mexicana*)
- (b) Toyon (*Heteromeles arbutifolia*)

This definition shall not include any tree or shrub grown or held for sale by a licensed nursery, or trees or shrubs planted or grown as a part of a planting program.

Sec. 10. Paragraph (c) of Section 46.02 of the Los Angeles Municipal Code is amended to read as follows:

(c) **Additional Authority.** The Board of Public Works or its authorized officer or employee may:

1. Require as a condition of a grant of permit for the relocation or removal of a protected tree or shrub, that the permittee replace the tree or shrub within the same property boundaries by at least four specimens of a protected variety included within the definition set forth in Section 46.01 of this Code, in a manner acceptable to the Board. A protected tree shall only be replaced by other protected tree varieties and shall not be replaced by shrubs. A protected shrub shall only be replaced by other protected shrub varieties and shall not be replaced by trees. In size, each replacement tree shall be at least 15-gallon, or larger, measuring one inch or more in diameter one foot above the base, and be not less than seven feet in height measured from the base. The size and number of replacement trees shall approximate the value of the tree to be replaced.

2. Permit protected trees or shrubs of a lesser size or trees or shrubs of a different species to be planted as replacement trees or shrubs, if replacement trees or shrubs of the size and species otherwise required pursuant to this Code are not available. In that event, a greater number of replacement trees or shrubs may be required.

3. Permit a protected tree or shrub to be moved to another location on the property, provided that the environmental conditions of the new location are favorable to the survival of the tree or shrub, and there is a reasonable probability that the tree or shrub will survive.

Sec. 11. The City Clerk shall certify that...

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

DATE: October 14, 2020

TO: Public Works and Gang Reduction Committee
Attention: Office of the City Clerk
City Hall, Room 395

FROM: Adel H. Hagekhalil P.E. 
Executive Director and General Manager
Bureau of Street Services

Rachel Malarich 
City Forest Officer
Office of Forest Management

**SUBJECT: OFFICE OF FOREST MANAGEMENT AND BUREAU OF STREETS SERVICES
(STREETSLA) – JOINT REPORT ON COUNCIL FILE 13-1339**

RECOMMENDATIONS

That the Council, subject to the approval of the Mayor:

- Instruct the Department of City Planning (DCP) to amend the draft ordinance as described in the body of this report to ensure the City's ability to fulfill replacement requirements when off-site replacements are necessary; and
- Instruct the Bureau of Street Services (StreetsLA), in coordination with the City Administrative Officer (CAO), to report on required staffing levels and updated fee structure in order to effectively implement, and fully recover the City's costs for, the protection and replacement of protected trees and shrubs.

BACKGROUND

On January 27, 2015, the City Council adopted Council File 13-1339 which directs DCP with the assistance of StreetsLA, to report with recommendations relative to protecting the Mexican Elderberry and the Toyon, including the feasibility of adding these two shrubs to the list of Protected Trees as set forth in § 46.01 of the Municipal Code.

On May 7, 2018, DCP submitted a draft revised Ordinance which was referred to the Planning and Land Use Committee (PLUM) and the Public Works and Gang Reduction Committee (PWGR). On September 17, 2019, PLUM transmitted the revised ordinance to PWGR without recommendations. The Office of Forest Management (OFM) and StreetsLA now respectfully submit this joint report on the proposed Ordinance revisions, focusing on recommendations for effective implementation of the new policy.

POLICY CONTEXT

The City of Los Angeles is home to one of the largest urban forests in the nation. It has been estimated that the urban forest includes over 10 million trees, the majority of which are located on private property. As the City of Los Angeles's 2018 Biodiversity Report states, "urban biodiversity includes both native and non-native species, including LA's urban forest, which provide many ecosystem services that enhance the City's resilience to climate change." Thus, the private tree canopy of the city is an essential component of the City's biodiversity, and the Protected Tree Ordinance (PTO) is an important aspect of protecting certain species of trees on private property.

The City of Los Angeles is taking a range of policy oriented actions to maintain biodiversity, including the Wildlife Pilot Study currently being conducted by the DCP, the Biodiversity Index project completed by LA Sanitation and the Environment (LASAN), the development of the Urban Forest Management Plan, and a process underway and led by StreetsLA and the OFM under Council instructions to revise, update and enhance the PTO. A component of this revision is this proposed update to include two native shrubs to the PTO, the Toyon, *Heteromeles arbutifolia*, and the Mexican Elderberry, *Sambucus Mexicana*. This will be the first update to the PTO since the 2006 update which added the Western Sycamore, California Black Walnut, and California Bay to the species protected by this ordinance.

OFM and StreetsLA are supportive of the biodiversity and habitat conservation that is being sought by the inclusion of the Toyon and Mexican Elderberry to the PTO, and are currently working with DCP and the Bureau of Engineering (BOE), among others, on developing additional recommendations that will strengthen and enhance the ordinance and its implementation. Relative to the addition of the Toyon and Mexican Elderberry, OFM concurs with the recommendation as drafted by DCP that these shrubs should have at least one stem that measures a minimum of 2-inches at 4.5-feet in order to qualify for protection.

IMPLEMENTATION

StreetsLA has two operational concerns with the proposed update which should be addressed in order to assure successful implementation. The first is the strict requirement for replacing trees with trees and shrubs with shrubs when mitigation replacements are required, which leaves no discretion on the part of the approving authority. The second is the lack of resources available to implement these additions to the ordinance.

Replacement of Trees and Shrubs

The Ordinance as currently presented requires the replacement of Protected Trees and Shrubs at a 4:1 ratio. The proposed code stipulates that trees may only be replaced with trees, and shrubs may only be replaced with shrubs. These replacement requirements for Protected Trees and Shrubs are intended to restore the environmental benefits of the native species being removed.

The proposed code amendment does not make provisions for replacement shrubs which cannot be accommodated on-site. When replacement trees cannot be planted onsite, alternative arrangements for the planting of replacement trees offsite must be made. StreetsLA does not have a feasible means of planting replacement shrubs off-site, as it does not plant on private property and shrubs are not appropriate for the public right-of-way. Adjusting the ordinance to provide StreetsLA and DCP with administrative discretion regarding the selection of replacement species which cannot be accommodated on-site will help ensure the spirit of the ordinance is met,

to benefit urban forest ecosystem in Los Angeles. StreetsLA recommends that DCP be instructed to add the following amending language to the Ordinance:

17.05.R.4.a The protected tree or shrub be replaced within the property by at least four specimens of a protected variety included within the definition set forth in Section 17.02 of this article, except where the protected species is relocated pursuant to Subdivision 2(a) above. A protected tree shall only be replaced by other protected tree varieties and shall not be replaced by shrubs. A protected shrub shall only be replaced by other protected shrub varieties and shall not be replaced by trees, to the extent feasible as determined by the Advisory Agency, Board of Public Works (Board), or their designee. The size of each replacement tree shall be a 15-gallon, or larger, specimen, measuring one inch or more in diameter at a point one foot above the base, and not less than seven feet in height, measured from the base. The size and number of replacement trees shall approximate the value of the tree to be replaced.

46.02.c.1 Require as a condition of a grant of permit for the relocation or removal of a protected tree or shrub, that the permittee replace the tree or shrub within the same property boundaries by at least four specimens of a protected variety included within the definition set forth in Section 46.01 of this Code, in a manner acceptable to the Board. A protected tree shall only be replaced by other protected tree varieties and shall not be replaced by shrubs. A protected shrub shall only be replaced by other protected shrub varieties and shall not be replaced by trees, to the extent feasible as determined by the Board or their designee. In size, each replacement tree shall be at least 15-gallon, or larger, measuring one inch or more in diameter one foot above the base, and be not less than seven feet in height measured from the base. The size and number of replacement trees or shrubs shall approximate the value of the tree or shrub to be replaced.

Staff and Resources Required for Implementation

When the 2006 update to the PTO added three additional species for protection, the number of development cases handled by StreetsLA increased approximately five-fold. LAMC section 46.04, effective April 2006, made provisions for the implementation of a fee for the processing of applications to remove protected trees. The established \$1,084 fee, designed to cover administrative costs for each one to five trees, has not been adjusted in the last fourteen (14) years and is insufficient to cover staff costs. As a result, a measurable portion of each Protected Tree Removal application is subsidized using the General Fund.

In addition to permit processing administrative procedures, including the preparation and presentation of reports to the Board, additional staff activities are required to process Protected Tree Removal applications and permits. StreetsLA staff must:

- Review the applicant-provided tree report, a process which requires a site visit to verify the protected tree(s) on site, including species, location and condition;
- Review and approve the applicant-provided plan for replacement tree placement, including the posting of a multi-year assurance bond;
- Perform CEQA analysis and prepare a report to the Board of Public Works for the majority of Protected Tree Removal applications;
- Conduct site visit(s) to ensure that protected trees identified to remain on site are properly protected against construction activity;
- Do a site inspection to ensure that any replacement species have been planted according to the permit; and

- Conduct a final visual inspection to confirm that the replacement trees have survived and the bond can be released.

StreetsLA has been absorbing the additional unfunded workload utilizing general fund positions, however, the lack of position authorities specifically identified for this program has led to a processing time that averages three to four months. While it is unknown to what extent the addition of the Toyon and Elderberry species to the PTO will increase the current caseload, without the provision of additional resources it is anticipated to significantly further lengthen processing times and negatively impact other aspects of service delivery. The current Separation Incentive Program (SIP) and anticipated furlough program compound these negative impacts to case processing and service delivery.

Appropriate staffing levels are necessary in order to efficiently manage workflow, ensure timely case review and processing, and effectively protect and manage these native species of the urban forest, and the existing fee should be updated in order to recover these costs. StreetsLA recommends a minimum staffing level increase of two Tree Surgeon Supervisors and one Management Analyst to manage the Protected Tree Removal Program as outlined in the Ordinance. Therefore, StreetsLA requests that the Council, subject to the approval of the Mayor, authorize resolution authority in the Bureau for these three positions in order to support the services provided by StreetsLA in relation to the implementation of the PTO, and looks forward to working in conjunction with the CAO to identify additional needs and a cost recovery fee structure.

- To support the necessary resource levels for effective implementation and to minimize negative impacts of service delivery, StreetsLA recommends a revised, full cost recovery, fee structure be adopted for the processing of Protected Tree Removal applications which would account for both administrative and field staff time for each application. StreetsLA is currently reviewing fees Bureau-wide and would welcome the opportunity to work with the CAO to report with detailed recommendations on necessary staffing levels as well as an update to the fee structure and more fully recover the City's costs for the protection and replacement of protected trees and shrubs.

For questions regarding this report please contact Greg Spotts, Assistant Director and Chief Sustainability Officer, at Greg.Spotts@lacity.org or (213) 847-3352.

MOUNTAINS RECREATION AND CONSERVATION AUTHORITY

October 2, 2019 — Agenda Item VI(i)

Resolution No. 19-154

**RESOLUTION OF THE GOVERNING BOARD OF THE MOUNTAINS RECREATION
AND CONSERVATION AUTHORITY SUPPORTING THE ADDITION
OF MEXICAN ELDERBERRY AND TOYON TO THE CITY
OF LOS ANGELES PROTECTED TREE ORDINANCE**

Resolved, That the Governing Board of the Mountains Recreation and Conservation Authority (MRCA) hereby:

1. FINDS that Mexican elderberry and toyon are foundational tree species in ecosystems throughout the City of Los Angeles boundary that should be added to the City's Protected Tree Ordinance; and
2. FINDS that this action is exempt from the provisions of the California Environmental Quality Act (CEQA); and
3. ADOPTS the staff report and recommendation dated October 2, 2019; and
4. SUPPORTS amending the tree measurement criteria calling for both a multi-stem four-inch cumulative trunk measurement at 4.5 feet above ground level and a two-inch single trunk measurement at 2.5 feet above ground level; and
5. AUTHORIZES the Executive Officer or his designee to do any and all acts necessary to carry out this resolution and any recommendations made by the Governing Board.



Chair

AYES: Muñoz, Paranick, Hasenauer, Lange

NOS: none

ABSTAIN: none

ABSENT: none

Agenda Item VI(i)
October 2, 2019
Page 2

I HEREBY CERTIFY that the foregoing resolution was adopted at a regular meeting of the Governing Board of the Mountains Recreation and Conservation Authority, duly noticed and held according to law, on the 2nd day of October, 2019.

Date: 10/2/19



Executive Officer



Councilmember Bob Blumenfield, Chair,
and Members of the Public Works and Gang Reduction Committee
Los Angeles City Hall
200 N. Spring Street, Room 361
Los Angeles, CA 90012-4801

November 16, 2020

Re: Amendment to add the toyon & Mexican elderberry native species to the Protected Tree Ordinance (CF 13-1339)

Dear Chairperson Blumenfield and Committee Members,

The process to add the toyon and Mexican elderberry to the Protected Tree Ordinance was begun seven years ago by a member of the Community Forest Advisory Committee (CFAC). CFAC thanks the Public Works Committee, StreetsLA, and the Office of Forest Management for responding to our requests to bring this item before your Committee to move this amendment towards completion.

CFAC voted unanimously at its November 5, 2020, meeting to adopt the following positions in response to the October 14, 2020, Report from StreetsLA and the City Forest Officer. For your reference, a copy of their Report is attached, as well as the complete CFAC motion (below signature & cc's).

1) MEASUREMENT STANDARD FOR THE 2 NEW SPECIES

The Protected Tree Ordinance (PTO) currently applies a single measurement standard to all four species in the ordinance: a measurement of 4" *cumulative* diameter at 4 1/2 feet high. The Urban Forestry Division (UFD) wants a new and different measurement standard applied to the two

new species: in order to qualify for protection, they would have to have at least one 2" diameter stem at 4 1/2 feet high.

This change to the standard measurement protocol would result in substantially fewer toyon and Mexican elderberry qualifying for protection. There are many characteristics of these species — including their regrowth pattern after being mistakenly cut down during annual brush clearance (a common occurrence), and the way they regrow after exposure to wildfires — that result in even mature and highly valuable species not having a single 2" diameter stem. Concerns about inadequate staffing to implement an expanded PTO led UFD first to oppose the addition of the two new species outright, and then to set a new measurement standard that would significantly limit the number of toyon and elderberry that would qualify for protection.

CFAC, Citizens for Los Angeles Wildlife (CLAW), the Santa Monica Mountains Conservancy, the Hillside Federation, Friends of Griffith Park, Neighborhood Councils, and other stakeholders have been steadfast in their recommendation to the City to create clean policy and keep the measurement the same as it is for all other species in the Protected Tree Ordinance: **4" cumulative diameter at 4 1/2 feet high.**

- **RECOMMENDATION: CFAC asks the Committee to apply a measurement standard of 4" cumulative diameter at 4 1/2 feet high for the toyon and Mexican elderberry, consistent with the other protected species in the Ordinance.**

2) IN-KIND REPLACEMENT

The October 14 StreetsLA/CFO Report calls for UFD to have the discretion to replace a removed protected tree with any of the listed protected trees, rather than requiring like-for-like replacements. It also allows off-site plantings at the discretion of UFD. Out-of-kind replacement is not ecologically sound, and the determination of mitigations for plant removals in native plant habitats should appropriately be the province of qualified ecologists and biologists. Allowing discretionary decision-making by personnel without the knowledge base for such decisions invites additional unintended and damaging consequences to our hillside ecosystems.

- **RECOMMENDATION: CFAC asks that on-site replacements be the rule. In instances where protected species replacements cannot be accommodated on-site, project designs should be altered or, if absolutely necessary, the choice and use of out-of-kind replacement species for planting should require the approval of the Board of Public Works at a public hearing (i.e., not be determined by a “designee”).**

3) DEDICATED STAFF FOR PROTECTED TREE ORDINANCE IMPLEMENTATION

CFAC fully supports the call in the October 14 StreetsLA/CFO Report for dedicated staffing to administer this program, but the new staff should not be employed by or located within the Urban Forestry Division. Applications for protected tree removals and associated activities should be administered by an independent unit composed of a biologist/ecologist, an arborist, and an architect. This unit should be based in LASAN's Biodiversity office or in the City's new

Climate Emergency department where they can be appropriately integrated with other environmental sustainability and conservation efforts.

- **RECOMMENDATION: CFAC fully supports the StreetsLA/CFO request to approve dedicated staffing for administration and enforcement of the Protected Tree Ordinance. However, that staffing should be a separate unit composed of a biologist/ecologist, an arborist, and an architect, and should be established in a relevant environmental office such as LASAN's Biodiversity group or the Climate Emergency department.**

4) FEE REVIEW AND FULL COST RECOVERY FOR PTO ADMINISTRATION

CFAC fully supports the call in the October 14 StreetsLA/CFO Report for revising and substantially increasing the fee structure in order to fully recover the cost for administrative and field staff to administer the program.

- **RECOMMENDATION: CFAC fully supports the StreetsLA/CFO request to approve an escalated fee structure based on full cost recovery for implementation staff to administer the Protected Tree Ordinance. It is appropriate for the Ordinance's implementation to be fully funded by fees paid by those who financially benefit from the removal of native habitat.**

In summary, in an age of mansionization, drought, wildfires, and other threats to biodiversity, we urge our councilmembers to act upon their constituents' and experts' increasingly urgent calls to protect the wildlife habitat and native species critical to our local ecosystems. Our very own health and survival as a species depend upon our willingness to protect what little remains of our natural world.

Sincerely,



Shelley Billik

Chair, Community Forest Advisory Committee

Cc: Councilmember O'Farrell
Councilmember Buscaino
Councilmember Ryu
Councilmember Lee
Councilmember De Leon
Mayor Garcetti

Motion passed unanimously by CFAC at its November 5, 2020, meeting:

MOTION: CFAC recommends the original language in the Protected Tree Ordinance on the measurement standard of 4" cumulative at 4 1/2 feet (4" cumulative DBH - diameter at breast height) to apply for all species, including the two new species toyon & Mexican elderberry. CFAC also supports on-site replacements as the rule. In instances where protected species replacements cannot be accommodated on-site, project designs should be altered, or if absolutely necessary, the choice and use of out-of-kind replacement species for planting must be approved by the Board of Public Works, at a public hearing (not by designee). CFAC supports adding dedicated staffing for administration and enforcement of the Protected Tree Ordinance, to be established in LASAN's Biodiversity group or the Climate Emergency department. CFAC supports an escalated fee structure based on full cost recovery for implementation staff to administer the Protected Tree Ordinance. PTO implementation should be fully funded by fees paid by projects that financially benefit from the removal of native habitat. CFAC will send a letter to the PW&GR Committee and the rest of the City Council outlining these points.