



March 9, 2018

Public Works and Gang Reduction Committee
Los Angeles City Council
200 N. Spring Street
Los Angeles, CA 90012

RE: Protected Tree Ordinance Motion --- Council File 03-1459-S3

In response to Los Angeles City Councilmembers Koretz and Bonin's November 22, 2017 Motion (Council File 03-1459-S3) regarding developing recommendations and strengthening the 2006 Protected Tree Ordinance (Ord. No. 177404) ("Ordinance"), the Community Forest Advisory Committee (CFAC) submits the following recommendations:

- (1) **Definition of Protected Tree:** Revise the definition of a "Protected Tree" set forth in the Ordinance to create and define new categories of "Protected Tree" to include such categories as "Native Tree," "Heritage Tree," and "Specimen Tree". Definitions of each categories to be determined by a working group to include CFAC representatives;
- (2) **Definition of Protected Tree:** Add Toyon and Mexican Elderberry to the category of Protected Native Trees;
- (3) **Definition of Protected Tree:** Strike from the Ordinance the following: "This definition shall not include any tree grown or held for sale by a licensed nursery, or trees planted or grown as a part of a tree planting program." Consider revising the Ordinance to encompass and apply to all protected trees regardless of their origin, but with certain criteria for consideration, such as age and maturity of the tree. Criteria for consideration to be determined by a working group to include CFAC representatives;
- (4) **Definition of Protected Tree:** Protected trees planted as mitigation should receive the full protection of the Ordinance;
- (5) **Code Enforcement:** Revise and expand penalty options for violating the Ordinance and ensure enforcement of the Ordinance. Create an Urban Forest Task Force or separate policing arm dedicated to overseeing enforcement of the Ordinance;
- (6) **Code Enforcement:** Incentivize the preservation of protected trees with positive reinforcement mechanisms. Possible positive reinforcement mechanisms to incentivize the preservation of protected trees to be determined by a working group comprised of

CFAC representatives and other related non-profit groups to work with various City departments, including the Planning Department and the Office of the Los Angeles City Attorney;

- (7) **Protected Tree Regulations:** Include in the definition of the term “removed” or “removal” intentional damage or neglect;
- (8) **Protected Tree Regulations:** “Reasonable development” and “prevents the reasonable development” should be clearly defined. Consider adding to the definition of “reasonable development” a test to determine reasonableness, which could include that a percentage of the lot cannot be developed unless the protected tree is removed. CFAC strongly encourages the City to convene a committee to be comprised of CFAC representatives and other groups to work with various City departments, including the Planning Department and the Office of the Los Angeles City Attorney, to develop the definition of “reasonable development” and the “reasonable development” test;
- (9) **Protected Tree Regulations:** Strike Sec. 5 Subsection R1(b)(v) of Section 17.05 of the Los Angeles Municipal Code. Protected trees offer a myriad of benefits, such as environmental and health benefits, beyond just aesthetic value. To that end, the mere fact that a protected tree “has no apparent aesthetic value” should not be the sole consideration for its removal;
- (10) **Protected Tree Reports for Tentative Tract Maps:** Implement policy requiring developer(s) to **first** submit a tree site map identifying all trees on the property to Building and Safety Department and Bureau of Street Services, and allowing opportunity for inspection by the Bureau of Street Services, **prior** to filing permit(s) on the property at issue;
- (11) **Protected Tree Reports for Parcel Maps:** Implement policy requiring developer(s) to **first** submit a tree site map identifying all trees on the property to Building and Safety Department and Bureau of Street Services, and allowing opportunity for inspection by the Bureau of Street Services, **prior** to filing permit(s) on the property at issue;
- (12) **Replacement Ratio:** The replacement ratio for removed protected trees should be at least 4:1, or greater to be determined on a case-by-case basis, instead of “by at least” 2:1 ratio as set forth in the Ordinance;
- (13) **Replacement Species:** Amend Sec. 46.02 (c)(2) to expand exemption to include protected tree varieties that are not consistent with current urban forestry best management practices. To that end, if a protected tree variety is unavailable or not consistent with urban forestry best management practices, an exemption to the requirement that the replacement tree be of a protected tree variety shall be made. Deference will be given to the Urban Forestry Division in recommending appropriate species for the replacement tree(s); and
- (14) **Zoning:** Include in Sec. 4. Subdivision 7 of Subsection H of Section 17.05 of the Los Angeles Municipal Code “or any R1 Variations zone.” Specifically, recommended

amended language should be as follows (see bracketed language): "...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 [or any R1 Variations Zones] to be reduced by an amount sufficient to provide for protected tree preservation in accordance with section 17.05 R of this Code."

In addition to the recommended revisions and additions to the Ordinance, CFAC recommends that the City implement a monitoring system to ensure the health of the protected trees and adherence to the Ordinance. Monitoring the planting, maintenance, and survival of replacement trees (trees planted to replace the protected trees removed) will ensure homeowner and/or developer accountability.

To implement this monitoring system, we recommend that the City of Los Angeles create an inventory database of all protected trees in the City of Los Angeles. The funding mechanism for the creation and oversight of the database to be further explored by a working group to include CFAC representatives. The database should include the approximate value of each protected tree, and, if feasible, the cultural element of the tree, as well as the ecological and quantifiable health benefits of the tree and associated economic value thereof. All monitoring of protected trees, including data on their planting, maintenance, and survival, can be logged in this recommended database.

Further, CFAC recommends that all funds generated through the Protected Tree Ordinance shall remain within the Urban Forest Division to fund the implementation of the Protected Tree Ordinance and the staff needed to support its enforcement.

Last, we strongly encourage the City of Los Angeles to analyze the cumulative impact of protected tree removals. The impact on and of diminishing ecosystems must also be considered in this analysis. Further, the overall assessment of land based on environment, and not just trees, must also be assessed in this analysis. The recommended database may be used as a tool to save and analyze data on the protected tree removals. The data from the analysis of the cumulative impact of protected tree removal may serve as the basis for future public policies in this area.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Allen". The signature is written in a cursive, flowing style.

Ryan Allen
Chair, Community Forest Advisory Committee

CC: Councilman Paul Koretz
Councilman Mike Bonin