

Contact Information

Neighborhood Council: Historic Highland Park Neighborhood Council

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The Board approved this CIS by a vote of: Yea(17) Nay(0) Abstain(0) Ineligible(0) Recusal(0)

Date of NC Board Action: 04/05/2018

Type of NC Board Action: For if Amended

Impact Information

Date: 04/11/2018

Update to a Previous Input: No

Directed To: City Council and Committees

Council File Number: 13-1339

Agenda Date:

Item Number:

Summary: We are concerned about adding Toyon and Elderberry to the city's Protected Tree Ordinance.

The addition of Toyon (*Heteromeles arbutifolia*) and Elderberry (*Sambucus mexicana*) to be added to LA city's Protected Tree Ordinance. If they are added to the list, these plants will require approval and mitigation in order to be removed. Both Toyon and Elderberry fill an important niche in our chaparral ecosystems and provide food and shelter for many of our native birds, mammals, and reptiles. These two plants would be joining LA's four protected trees: California Black Walnut, Native Oaks, Western Sycamore, and California Bay.

However, the updated ordinance changes the way protected trees are measured.

Under the proposed changes, this cumulative measurement would be removed. Only trees that have one individual stem or trunk greater than 4 inches in diameter would qualify for protection.

This change would result in thousands of healthy and viable trees losing their protection. Many trees, like the Black Walnut, Toyon and Elderberry, commonly sprout multiple stems.

CITY OF LOS ANGELES

CALIFORNIA

HISTORIC HIGHLAND PARK NEIGHBORHOOD COUNCIL

Post Office Box 50791
Los Angeles, CA 90050
<http://www.highlandparknc.com>
Certified as NC #33 May 28, 2002

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Daniel Andalon FIRST VICE PRESIDENT
Antonio Castillo SECOND VICE PRESIDENT
Joan Potter TREASURER
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DEPARTMENT OF NEIGHBORHOOD EMPOWERMENT

200 N. Spring St. Ste 2005
Los Angeles, CA 90012
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April 5, 2018

Mayor Eric Garcetti & the Los Angeles City Council
200 N. Spring Street
Los Angeles, CA 90012

Re: CIS to not support CIS File 16-0461, the Tree Replacement In-Lieu Fee
and CIS File 13-1339 to add Toyon and Elderberry to be added to the city's Protected Tree
Ordinance

The Historic Highland Park Neighborhood Council represents over 60,000 Los Angeles stakeholders who reside, own property, or conduct business in our neighborhood. We are very concerned about the upcoming vote on Section 62.177 to the Los Angeles Municipal Code to establish a Tree Replacement In-Lieu Fee that would give the Urban Forestry Division (UFD) the authority to accept payment instead of planting tree replacements. We are also concerned about CIS File 13-339 which would add Toyon and Elderberry to the city's Protected Tree Ordinance.

The Highland Park Neighborhood Council is dedicated to the preservation and stewardship of our Urban Forest. Trees are the leading soldiers in the fight against climate change, air pollution and the urban heat island effect. To that end, we advocate for common-sense policies that safeguard our urban forest and restore it as much as possible.

There are two proposed changes to tree regulations that are very problematic and a terrible set back to our Urban Forest that the Highland Park Neighborhood Council opposes:

1. **Council File: 14-0461.** Adding Section 62.177 to Los Angeles Municipal Code to establish a Tree Replacement In-Lieu Fee gives the Urban Forestry Division (UFD) the authority to accept payment instead of planting tree replacements.

Under the current rules, any City tree that is cut down for construction must be replaced by a ratio of 2:1. Where there is no space to plant the required replacements after construction, a tree removal permit applicant may deliver the required replacement tree (s) to a City tree yard.

Under the proposed changes, tree removal permit applicants will be allowed to pay a fee instead of undergoing re-design of plans to preserve existing trees, planting replacement trees or delivering unplanted trees to a City tree yard.

The Highland Park Neighborhood Council recognizes that there are very legitimate concerns about replacement trees being sent to the city nursery where they are often stored for long periods of time. Given this reality it is understandable that the City would want to establish a tree replacement in-lieu fee.

But, the Urban Forestry Division (UFD) *is not ready to plant the required replacement trees:*

- UFD does not have the crew nor the equipment to plant replacement trees. Although UFD has submitted a budget request for equipment and one planting crew, there is no certainty that this request will be approved and UFD has already admitted that one tree planting crew is not enough. It's been suggested that non-profits could step in to do the planting. If that's a possibility, why hasn't it already happened for the 202 trees that are sitting in storage at the City nursery?
- UFD does not have a professional and comprehensive tree inventory, the most fundamental tool for planning and understanding which replacement tree species are needed or where they can be planted. Without adequate planning there is no way to ensure trees are equitably distributed across city neighborhoods including Highland Park.
- The City has not established an in lieu fee budget that covers ALL maintenance costs necessary to successfully establish a tree including watering, staking, mulching, weeding and juvenile pruning of the replacement trees for at least five (5) years.
- The City does not have a comprehensive evaluation system with specific criteria to determine if trees can be saved or if the site can accommodate the required replacement trees or not (it should not be solely based on the Director's decision).

Until this shortfall of capacity and readiness is remedied, City Council should hold off on approving the in-lieu fee concept. Rather than adopting a concept that does not fix UFD's ability to plant trees, City Council should instead work to strengthen the Urban Forestry Division by providing funding to remedy staff and resource deficiencies as well as address inconsistent management approaches and inadequate planning at the top.

2. **Council File: 13-1339.** The addition of Toyon (*Heteromeles arbutifolia*) and Elderberry (*Sambucus mexicana*) to be added to LA City's Protected Tree Ordinance. If they are added to the list, these plants will require approval and mitigation in order to be removed. Both Toyon and Elderberry fill an important niche in our chaparral ecosystems and provide food and shelter for many of our native birds, mammals,

and reptiles. These two plants would be joining LA's four protected trees: California Black Walnut, Native Oaks, Western Sycamore; and California Bay.

However, the updated ordinance *Changes the way protected trees are measured.*

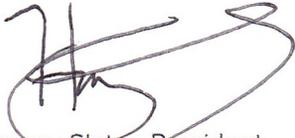
Under the current rules, any species of tree that is listed under the Protected Tree Ordinance must have a trunk or stem that is 4 inches in diameter when measured 4.5 feet above the ground. If there are multiple stems or branches, all of those stems can be added together, and the tree is protected if those measurements are *cumulatively* greater than 4 inches in diameter.

Under the proposed changes, this cumulative measurement would be removed. Only trees that have *one* individual stem or trunk greater than 4 inches in diameter would qualify for protection.

This change would result in thousands of healthy and viable trees losing their protection. Many trees, like the Black Walnut, Toyon and Elderberry, commonly sprout multiple stems.

The Historic Highland Park Neighborhood Council stand in objection to the Tree Replacement In-Lieu Fee and to adding the Toyon and Elderberry to the city's Protected Tree Ordinance.

Sincerely,

A handwritten signature in black ink, appearing to be 'HS' with a large flourish extending to the right.

Harvey Slater, President
Historic Highland Park Neighborhood Council

**Authorization to submit
Community Impact Statements
Board Resolution**

We, Harvey Slater (President Name) and Rocio Rivas (Officer Name), declare that we are the President and Secretary, respectively of the Historic Highland Park Neighborhood Council (NC) and that on April 05, 2018 (date adopted), a Brown Act noticed public meeting was held by this NC with a quorum of 17 (number) board members present and that by a vote of 17 (number) yes, 0 (number) no, and 0 (number) abstentions the Historic Highland Park NC adopted the following resolution:

Whereas, a Community Impact Statement is an official statement adopted by a Neighborhood Council on issues pending before the City Council, its committees, or City commissions, Whereas, up to five board members can be authorized through a board resolution to write and submit Community Impact Statements through the City Clerk's online web system at <http://cityclerk.lacity.org/cis>.

Therefore, be it resolved, that the Historic Highland Park Neighborhood Council authorizes the following board member(s) to SUBMIT Community Impact Statements which have been passed by a vote of the full board:

On the issue of CF# 13-1339, we are

- For
- For if Amended
- Against
- Against if Amended
- No Position (CF was discussed and acted upon, but the NC could not muster enough votes either way)
- Neutral Position (CF was discussed and NC decided to take no action at all)

Be it further resolved, in cases where an issue is moving quickly through the legislative process and a promptly issued statement is beneficial, the aforementioned board members are authorized to also WRITE and SUBMIT Community Impact Statements which express positions previously voted upon by the full board.

IN WITNESS of the above action, the undersigned has executed and delivered this certificate in the name and on behalf of the Historic Highland Park (NC name) and as of the date set forth below.

Signature of President

Signature of Board Officer

Print Name: Harvey Slater
Date: 04/05/18

Print Name: Rocio Rivas
Date: 04/05/18