


**CITY OF LOS ANGELES**  
INTER-DEPARTMENTAL CORRESPONDENCE

**DATE:** April 7, 2016

**TO:** Public Works and Gang Reduction Committee

Attention: Office of the City Clerk  
City Hall, Room 395

**FROM:**  Nazario Saucedo, Director  
Bureau of Street Services

**SUBJECT: CITY COUNCIL INSTRUCTION FOR BUREAU OF STREET SERVICES TO REPORT RELATIVE TO THE INSPECTION OF TREE PRUNING/REMOVAL PERMITS AND ENFORCEMENT OF ILLEGAL STREET TREE PRUNING AND REMOVAL – CF 15-0467-S2**

**BACKGROUND**

This report is responsive to a Councilman Mitch O’Farrell motion (CF 15-0467-S2) regarding the street tree pruning or removal permit process and the enforcement of permit conditions in the event permit conditions are violated. The Bureau of Street Services (Bureau) is directed to report to City Council regarding current enforcement protocols, general recommendations to improve processes, Bureau funding and staffing levels to effectuate current and proposed processes, and inclusion in the Administrative Code Enforcement program and subsequent schedule of monetary fines.

The urban forest is an essential component for healthy living in a densely populated environment like the City of Los Angeles (City). Trees provide a myriad of environmental benefits that include reducing energy costs, the heat island effect, greenhouse gases through Carbon sequestration, stormwater runoff and, in addition, provide a significant aesthetic benefit.

The street tree population, those trees contained in the City’s Public rights-of-way (PROW), is comprised of approximately 700,000 trees that provide the City’s residents significant benefits. Therefore, it is imperative that street trees be protected from unwarranted and sometimes illegal acts that endanger the street tree system. Per the Los Angeles Municipal Code (LAMC) Sec. 62.161-62.176, the Board of Public Works (Board), and the Bureau as its agent, has jurisdiction and control over the street trees contained in the PROW.

**Bureau Permitting Functions**

LAMC Sec. 62.169, grants the Board authority to issue tree pruning and removal permits. Tree Removal Permits can only be granted by the Board when removing three or more street trees or the Bureau’s Chief Forester, when removing two street trees or less. However, no-fee Tree Prune Permits are issued administratively upon request without any site inspection prior to issuing the permit nor post-inspection subsequent to the permits execution. This expedited Tree Prune Permit acquisition process was developed in 1995 during a significant economic downturn in the City to encourage property owner’s to prune street trees at their expense due to the reduction of street tree

maintenance by the City. The expedited permit process was successful and the Bureau experienced a moderate increase in Tree Prune Permit volume.

LAMC Sec. 62 grants the BPW power to issue street tree pruning and removal permits. Prior to 1994, Bureau foresters physically inspected Tree Prune Permit requests. Tree Prune Permits were completed onsite and supplied to the requester at that time.

In 1994, then Mayor Riordan issued a directive instructing departments to provide developers and residents expedited permitting services. In response, the Bureau discontinued street tree inspection prior to providing Tree Prune Permits. Currently, City of Los Angeles residents may obtain a no-fee Tree Prune Permit by contacting the MyLA311 system telephonically, over the internet, or via a mobile device application and submitting a service request. Tree Prune Permit applicants are requested to supply the number of trees to be pruned and to obtain a Property Owner's Permission if any of the proposed trees included in the permit request are not located adjacent to the applicant's property. Tree Prune Permits are then supplied to the requester via the internet or US Mail. Tree Prune Permits are typically provided to requesters within three working days.

### **Bureau Enforcement**

At times over the last several decades, the Bureau has been made aware of street trees improperly pruned with or without a permit. Improper tree pruning negatively impacts tree's form and structure. If the pruning is severe enough, trees improperly pruned may die or require removal.

Presently when illegal street tree pruning or removal occurs, with or without a permit, the Bureau may only take action under two LAMC sections as follows:

1. Sec. 62.169 "No person shall plant, remove, destroy, cut, prune or deface or in any manner injure any tree, shrub or plant in any street in the City, *without first obtaining a permit* (italics added) to do so from the Board."
2. Sec. 14.41 "No person shall cut, break, destroy, remove, deface, tamper with, mar, injure, disfigure, interfere with, damage, tear, remove, change or alter any: (i) tree, shrub, tree stake or guard in any public street, or affix or attach in any manner any other thing whatsoever, including any guy wire or rope, to any tree, shrub, tree stake or guard except for the purpose of protecting it or unless otherwise authorized by this Code..."

Violation of either LAMC sections is considered a Misdemeanor and may be fined a maximum of \$1000.00 per incident. In order to exercise these codes, the Bureau must provide the Office of the City Attorney (City Attorney) evidence acquired during its investigation and request the City Attorney prosecute the case.

Illegal street tree pruning or removal often occurs outside of regular work day hours and on weekends. Due to these constraints, the Bureau is often not able to obtain sufficient evidence to provide to the City Attorney allowing for effective prosecution. Therefore, historically there have been extremely few prosecuted cases.

### **DISCUSSION**

The world, nation, and the City are beginning to experience climate change. It is imperative that all of us actively participate in actions that can moderate the effects that climate change will have upon our planet and its people. One of the most effective tools to address climate change on a more micro scale, is the use of trees to combat heat island effects, control stormwater, sequester Carbon, and reduce energy consumption.

Street trees are a vital component of the City's urban forest and ensuring the health, vitality, and sustainability of the street tree population is crucial if the street tree population is expected to provide its optimum benefits. Proper tree pruning and removal permit procedures, enforcement of existing LAMC codes protecting street trees, funding and staffing of positions responsible for enforcement, and fines that are severe enough to discourage inappropriate tree pruning or removal are tools that can be utilized to ensure the street tree population's vitality.

The Bureau is the agency responsible for ensuring street tree population sustainability. The Bureau is the permitting agency for street tree pruning and removal permits and also performs investigations relative to the enforcement of LAMC codes governing the PROW trees. Personnel in the Bureau's Urban Forestry Division (UFD) are those staff with the knowledge and experience to make decisions regarding street tree conditions, health, vitality, validity of permit requests, and determine when pruning or removal is inappropriate. However, UFD staff are not currently empowered by the LAMC to provide code enforcement when LAMC Secs. 14.41(i) or 62.169 are violated.

The Bureau opines the recent increase and visibility of illegal tree pruning or removal and the seeming impunity of the perpetrators raises a call to action to review and make changes to the procedures and Codes related to these acts. Therefore, the Bureau recommends the following:

1. Modify the Tree Pruning Permit procedure as follows:
  - a. The Bureau collaborate with the Information Technology Agency (ITA) to enhance the MyLA311 system so that Tree Pruning Permit applicants are required to submit a time/date stamped photo of all street trees proposed to be pruned.
  - b. The Bureau shall have all Tree Pruning Permit applications reviewed by a Tree Surgeon or Tree Surgeon Supervisor prior to the issuance of Tree Pruning Permit.
  - c. The Bureau shall inspect street trees pruned by permit post-pruning to ensure compliance with tree pruning guidelines and take appropriate action if violated.
  - d. The Bureau shall coordinate with the City Attorney to develop an ordinance that specifies a Tree Pruning Permit fee structure.
  - e. The Bureau shall investigate instituting a fee for Tree Pruning Permits.
    - i. The Bureau estimates execution of the above new procedures to result in the need for two dedicated staff. Funding of the new staff would require an approximately \$200.00 fee/permit for full cost recovery.
2. The Bureau shall collaborate with the City Attorney to amend as appropriate LAMC Secs. 14.41(i) and 62.169 to grant authority of specified Bureau employees to issued administrative citations resulting in monetary fines for violation of these LAMC sections.
3. The Bureau shall collaborate with the City Attorney to add LAMC Secs. 14.41(i) and 62.169 to the Administrative Citation Enforcement (ACE) program and utilize the current fee structure as proscribed in LAMC Sec. 11.2.04.
4. The Bureau shall collaborate with the City Attorney to require a fine of \$1000.00 per incident (ie per tree improperly pruned/removed) when the Bureau determines the egregious nature of a violation warrants a criminal case filing.
5. The Bureau shall collaborate with the City Attorney and the Bureau of Engineering (BOE) to modify LAMC Secs. 14.41 and 62.00 as necessary to enable these recommendations to occur.

The Bureau receives approximately 1700 Tree Prune Permits annually. The Bureau estimates a 220

day work year that equates to an average of eight permit requests per day. Further, the Bureau estimates the processing of each permit from review to post-inspection will take approximately two hours per application and therefore one employee can address four applications per day. Therefore, to properly process all Tree Pruning Permits in a timely manner requires the addition of two Tree Surgeon Supervisor (TSS) I positions. Due to the City's 2009 financial crisis, the Bureau's UFD was reduced from approximately 235 personnel to its current staffing level of approximately 110 employees and therefore does not have the excess capacity to absorb this program with existing forces.

The Bureau anticipates the remaining Recommendations would not require any staffing or funding increase at this time.

### **FISCAL IMPACTS**

The addition of two TSS I positions is estimated to be \$155,346 (TSS I \$77,673 annually).

### **RECOMMENDATIONS**

1. Direct the Bureau to modify the Tree Pruning Permit procedure as follows:
  - a. The Bureau collaborate with the Information Technology Agency (ITA) to enhance the MyLA311 system so that Tree Pruning Permit applicants are required to submit a time/date stamped photo of all street trees proposed to be pruned.
  - b. Review Tree Pruning Permit applications a TSS I prior to the issuance of Tree Pruning Permit.
  - c. Inspect street trees pruned by permit post-pruning to ensure compliance with tree pruning guidelines and take appropriate action if violated.
  - d. Coordinate with the City Attorney to develop an ordinance that specifies a Tree Pruning Permit fee structure.
  - e. The Bureau shall investigate instituting a fee for Tree Pruning Permits.
    - i. The Bureau estimates execution of the above new procedures to result in the need for two dedicated staff. Funding of the new staff would require an approximately \$200.00 fee/permit for full cost recovery.
2. Direct the Bureau to collaborate with the City Attorney and amend as appropriate LAMC Secs. 14.41(i) and 62.169 to grant authority of specified Bureau employees to issued administrative citations resulting in monetary fines for violation of these LAMC sections.
3. Direct the Bureau to collaborate with the City Attorney to add LAMC Secs. 14.41(i) and 62.169 to the ACE program and utilize the current fee structure as proscribed in LAMC Sec. 11.2.04.
4. Direct the Bureau to collaborate with the City Attorney to require a fine of \$1000.00 per incident (ie per tree improperly pruned/removed) when the Bureau determines the egregious nature of a violation warrants a criminal case filing.
5. Direct the Bureau to collaborate with the City Attorney and the BOE to modify LAMC Secs. 14.41 and 62.00 as necessary to enable these recommendations to occur.

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