

PUBLIC WORKS AND GANG REDUCTION COMMITTEE REPORT relative to inspection and enforcement of tree pruning and removal.

Recommendations for Council action:

1. NOTE and FILE the following reports:
 - a. The March 3, 2016 City Attorney report relative to protecting City trees on the public right-of-way and on private property.
 - b. The April 7, 2016 Bureau of Street Services (BOSS) report relative to the inspection of tree pruning, removal permits, and enforcement of illegal street tree pruning and removal.
2. REQUEST the City Attorney to prepare and present an Ordinance that incorporates all relevant tree pruning and tree removal code violations into the Administrative Citation and Enforcement (ACE) Program.
3. REQUEST the City Attorney, with assistance from the BOSS, to prepare and present an Ordinance with a fine structure for illegal tree removals and illegal tree pruning under the ACE Program that would allow the City to exact the maximum fine allowable under the California State Code.
4. DIRECT the BOSS to work with the City Attorney to pursue criminal charges and restitution for every illegal tree removal and every illegal tree pruning violation that results in the tree being on-salvageable.
5. INSTRUCT the BOSS and REQUEST the City Attorney to report to the Public Works and Gang Reduction Committee in 60 days in regard to ways to improve communication and collaboration between the two agencies when pursuing criminal charges for violations in the public right-of-way.

Fiscal Impact Statement: The BOSS reports that the addition of two Tree Surgeon Supervisor I (TSS I) positions is estimated to be \$155,346 (TSS I \$77,673 annually).

Community Impact Statement: Yes

For:

Atwater Village Neighborhood Council
Eagle Rock Neighborhood Council
Los Feliz Neighborhood Council
Silver Lake Neighborhood Council

Summary:

On February 22, 2016, your Committee considered a Motion (O'Farrell - Ryu) relative to inspection and enforcement of tree pruning and removal. According to the Motion, recently a

private entity conducted tree pruning activities on nine City street trees in the Silver Lake neighborhood of the 13th Council District. Upon investigation, it was found that the pruning was performed without a permit and the poor quality of the pruning resulted in three of the trees requiring replacement with three other trees requiring careful monitoring to ensure that their canopy returns properly.

The urban forest is an essential component for healthy living in a densely populated environment. Trees help purify the air, manage our City's water by intercepting pollutants from water that penetrate into the ground, and helps to reduce run-off and flooding. Additionally, trees provide shade to homes, businesses and public rights of way thereby reducing the heat island effect.

After consideration and having provided an opportunity for public comment, the Committee moved to continue this matter pending reports from the BOSS and City Attorney. Subsequently, on June 27, 2016, the Committee further considered this matter to include March 3, 2016 City Attorney and April 7, 2016 BOSS reports. According to the City Attorney, a number of existing City laws protect trees in the City. Specifically, LAMC Section 46.00 is known as the City's Protected Tree Ordinance and it prohibits the destruction of certain native tree species on private property without a permit issued by the BOSS. Native trees include Oak, Black Walnut, California Bay and Western Sycamore. The Ordinance authorizes the BOSS to investigate and take enforcement action against individuals and businesses that illegally harm protected native trees.

The BOSS's Urban Forestry and Investigation and Enforcement Divisions are authorized to seek revocation of the building permit, if one was issued, and to withhold issuance of a new building permit for up to ten years for the most egregious circumstances. The BOSS is also empowered to refer protected native tree cases to this Office for consideration of filing misdemeanor charges.

According to the BOSS, the street tree population (ie., those trees contained in the City's Public rights-of-way) 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 LAMC Sec. 62.16162.176, the Board of Public Works (BPW), and the BOSS as its agent, has jurisdiction and control over the street trees contained in the public right-of-way.

LAMC Sec. 62.169, grants the BPW authority to issue tree pruning and removal permits. Tree Removal Permits can only be granted by the BPW when removing three or more street trees or the BOSS'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, BOSS 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 BOSS discontinued street tree inspection prior to providing Tree Prune Permits.

Currently, City 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.

The BOSS is the agency responsible for ensuring street tree population sustainability and as such. The BOSS is the permitting agency for street tree pruning and removal permits and also performs investigations relative to the enforcement of LAMC codes governing the public right-of-way 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 Sections 14.41 (i) or 62.169 are violated. The BOSS 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.

After consideration and having provided an opportunity for public comment, the Committee moved to recommend approval of the recommendations as detailed above. This matter is now submitted to Council for its consideration.

Respectfully Submitted,

PUBLIC WORKS AND GANG REDUCTION COMMITTEE



MEMBER VOTE

BUSCAINO:

MARTINEZ:

PRICE:

O'FARRELL:

RYU:

ARL

6/27/16

-NOT OFFICIAL UNTIL COUNCIL ACTS-