



Isabel Onate <isabel.onate@lacity.org>

Fwd: Community Impact Statement for Council File Nos. 15-0467-S8, 18-0988, and 15-0499-S1

Erika Pulst <erika.pulst@lacity.org>

Wed, Feb 20, 2019 at 9:46 AM

To: Isabel Onate <isabel.onate@lacity.org>, Melinda Novoa <melinda.novoa@lacity.org>

Hi, Isabel/Melinda - Can you please respond to the following email?
Thanks, Erika

Erika Pulst
Council and Public Services
Office of the City Clerk
City of Los Angeles
(213) 978-1057



----- Forwarded message -----

From: **Julie Stromberg** <cfac.cd4@gmail.com>

Date: Wed, Feb 20, 2019 at 9:33 AM

Subject: Fwd: Community Impact Statement for Council File Nos. 15-0467-S8, 18-0988, and 15-0499-S1

To: <erika.pulst@lacity.org>

Dear Ms. Pulst:

I just left you a voice message regarding the letter CFAC submitted below to be included in the 3 council files below. The letter has not yet been uploaded into the respective council files. Can you please advise on how we may be able to upload this letter into the system?

Thank you,
Julie Stromberg
Council District 4 Representative
Community Forest Advisory Committee
(323) 348-8709

----- Forwarded message -----

From: **Julie Stromberg** <cfac.cd4@gmail.com>

Date: Fri, Feb 1, 2019 at 11:06 AM

Subject: Community Impact Statement for Council File Nos. 15-0467-S8, 18-0988, and 15-0499-S1

To: <clerk.cis@lacity.org>

Cc: Aaron Thomas <aaron@northeasttrees.org>, Lynnette Kampe <lynnette.kampe@gmail.com>

Dear Sir or Madam Clerk:

The Community Forest Advisory Committee (CFAC) submits the attached letter in support of the following three Council Files:

- (1) No. 15-0467-S8,
- (2) No. 18-0988, and
- (3) No. 15-0499-S1, City Tree Biodiversity Efforts.

Please submit the attached letter to all three council files and indicate our position as SUPPORT for all three council files.

Please contact me if you have any questions. Thank you for your help with this matter.

Sincerely,
Julie C. Stromberg
Council District 4 Representative
Community Forest Advisory Committee

 **cfac-letter from special meeting_signed.pdf**
2270K

433 S. Spring St., 6th Fl.
Mail Stop 465
Los Angeles, CA 90013
(213) 255-4863
Fax: (213) 255-4422



February 1, 2019

Clerk.cis@lacity.org

RE: Community Impact Statement; Council file nos. 15-0467-S8, 18-0988, and 15-0499-S1, City Tree Biodiversity Efforts

On January 17, 2019, the Community Forest Advisory Committee (CFAC) held a duly noticed Special Meeting. At this Special Meeting, CFAC voted **unanimously** (seven in favor, zero opposed, zero abstained) to support Los Angeles City Council File Nos. 15-0499-S1, 15-0467-S8, and 18-0988. With respect to Council File No. 15-0499-S1, City Tree Biodiversity Efforts, CFAC passed a motion to support Council File No. 15-0499-S1 with the following recommendations:

(I) Amend Los Angeles Municipal Code (LAMC) Section 62.174, Injury to Trees, to Include Precautionary Measures to Ensure Protection of the Tree and Tree Roots.

LAMC Section 62.174 states: "No person shall pile building material, or other material, about any tree, plant or shrub in any street in any manner that will in any way injure such tree, plant or shrub." We would like LAMC Section 62.174 to be amended to include the following:

"During construction, establish a tree protection zone (TPZ) around any tree in the public right-of-way/parkway. A typical TPZ shall extend 10 feet beyond the canopy of the tree. However, since conditions are unique, the application should be evaluated with the final limits of the TPZ being established by the Community Forester.

The parkway around the tree trunk shall be fenced with suitable fencing material to prevent wounds to the tree and soil compaction within the root zone. Posting on the fence stating "Tree Protection Zone - Keep Out" shall be clearly and conspicuously displayed during the entire construction period.

Should it be necessary to trench within the TPZ, all trenches just shall be hand dug. No root larger than 2 inches shall be cut unless no other alternative is feasible. Any and all removal of hardscape materials from within the TPZ shall be done manually.

The entire area of the TPZ shall be mulched in an effort to improve the growing environment for the roots. During the construction phase, 4- to 6-inch layer of chip mulch over the soil surface shall be maintained to reduce soil compaction, improve aeration and moisture retention, and reduce temperature extremes. Mulch shall generally consist of shredded leaves or bark pine straw, peat moss, wood chips, or composted green waste.

A designated path of travel on the site shall be designated to avoid trucks and cars driving over the street trees roots repeatedly during construction."

Please note that the last item is necessary because the stress from the cars and trucks repeatedly driving over the tree's roots may distress the tree's root system and result in long-term damage or death of the tree.

(II) Increase Penalties and Fines for Illegal Street Tree Pruning and Removals.

Under LAMC 62.169(a), "no person shall plant, remove, destroy, cut, prune or deface or in a manner injure any tree, shrub or plant in any street in the City, without first obtaining a permit to do so from the Board of Public Works." Illegal tree pruning and tree removal code violations are incorporated into the City's Administrative Citation and Enforcement (ACE) Program. ACE is an alternative method of enforcement for LAMC violations. If a violation of the Code is considered an infraction, the fine shall not exceed \$250. (LAMC Section 11(n)). Under LAMC Section 11(m), if the violation is considered a misdemeanor, the violation "shall be punishable by a fine of not more than \$1,000.00 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment." Therefore, the illegal pruning or removal of a tree can result in a fine of \$250 to \$1,000 for each violation, with possible jail time for misdemeanor violations.

Per the Urban Forestry Division (UFD), if the City issues an ACE citation, UFD cannot require the offender to plant a replacement tree. In practice, UFD prefers to require offenders to plant replacement trees than to issue an ACE citation.

On their own, neither the associated ACE fines or planting of replacement trees are sufficient deterrents and do not adequately remedy the loss of canopy caused by the offender. To that end, we are requesting the Council Office to consider introducing a motion to:

(1) Increase the ACE violations to penalties and fines that will serve as sufficient deterrents. For example, the City of Sacramento also uses an administrative penalty system for illegal tree pruning and removals. However, the fines associated with these violations are significantly more severe than Los Angeles' fines for the same offense. For instance, Sacramento issues fines per day the violation continues and not just by the offense. Per Sacramento City Code Section 12.56.090(c), "[a]ny person who violates any provision of this chapter is liable for civil penalties of not less than two hundred fifty dollars (\$250.00) or more than twenty-five thousand dollars (\$25,000.00) for each day the violation continues." We request that the Council Office entertain adopting a fee and penalty system similar to the one implemented by the City of Sacramento.

(2) Penalty should be a fine and requirement to plant replacement trees. In addition, we also request that penalty for the illegal tree removal be not only a fine, but also include requiring the offender to plant replacement trees. As a result, UFD will no longer be tasked with deciding to issue the ACE citation as opposed to requiring the offender to plant the tree because the offender will be required to do both. The tree should be replaced at at least a 2:1 ratio.

(III). Establish an Opt-In Email Notification System for All Tree Removals in the City and Post Notice of Tree Removal on Tree(s) to be Removed.

At this time, the City only implements a notification system for the removal of three or more trees. The removals of three or more trees are posted on the Bureau of Street Service's website as the Urban Forestry Division Tree Removal Notification System.

(see <https://bsspermits.lacity.org/treepostings/>). In at least 30 days following the notice, the matter of the tree removals is heard at a hearing in front of the Board of Public Works. A notice of the removal of the subject trees and related hearing is also posted on at least one of the trees to be removed. There is no other dissemination of the notice of these tree removals to the public.

On the other hand, the removal of 1 or 2 trees has no similar notice requirement and no information regarding the impending tree removal(s) is disseminated to the public. When UFD receives a request to remove a tree, UFD inspects the tree. If UFD determines that the tree can or should be removed, UFD submits a "Tree Request Notification Sheet" to the Council Office where the tree is located. The tree is typically subsequently removed 72 hours from the issuance of the Notification Sheet. Therefore, the public has no notice of the removal and, consequently, no opportunity to appeal the removal, if necessary. In addition, 72 hours is insufficient notice to inform the public of the removals and allow for community input on the matter.

We request that all tree removals be noticed to the public and to establish an opt-in email notification system accessible to the public. The City should first consider using an existing

platform for this program, or use a program similar to CityGrows used by the City of Santa Monica.

In addition, the City should use the existing UFD Tree Removal Notification System to post notices of all tree removals until the opt-in email notification system is established. Once the opt-in notification system is established, the removals notices should also be posted on the UFD Tree Removal Notification.

Last, notice should be placed on any and all trees to be removed and not just when three or more trees are to be removed. Therefore, we are requesting electronic and physical notice of the tree removal(s).

Thank you for considering our requests and recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read 'Aaron Thomas', with a large, stylized flourish extending to the right.

Aaron Thomas
Chair, Community Forest Advisory Committee