

TRANSMITTAL

To:

THE COUNCIL

Date: 04/25/2016

From:

THE MAYOR

TRANSMITTED FOR YOUR CONSIDERATION. PLEASE SEE ATTACHED.



(Ana Guerrero)

ERIC GARCETTI
Mayor

**Board of Public Works
Bureau of Street Services
Joint Report No. 1**

April 8, 2016
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CD No.: All

REQUEST TO (1) CONSIDER AND ADOPT THE PROPOSED TREE REPLACEMENT IN-LIEU CONCEPT, AND (2) APPROVE THE ESTABLISHMENT OF A TREE REPLACEMENT/PLANTING IN-LIEU FEE (A NON-REFUNDABLE DEPOSIT) FOR PRIVATE DEVELOPMENT AND RESIDENTIAL PROJECTS AS AN OPTION TO SATISFY THE CITY'S TREE REPLACEMENT POLICY OF "2 x 1 RATIO (TREE REPLACEMENT: REMOVAL)" OR ZONING CODE REQUIREMENTS

RECOMMENDATIONS

That the Board of Public Works submit this report and transmittals to the Mayor requesting concept approval and forwarding to the Los Angeles City Council for its consideration to:

1. ADOPT the Proposed Tree Replacement In-Lieu Concept;
2. APPROVE to Establish a Tree Replacement/Planting In-Lieu Fee to act as a Non-Refundable Deposit for Private Development and Residential projects as an option to (a) satisfy the Department of Public Works' Tree Replacement Policy of "2 x 1" ratio (Tree Replacement: Tree Removal) and (b) provide the Department of City Planning with a permit alternative compliance option for Private Residential Development Projects to meet the City's Zoning Code requirements;
3. REQUEST the Office of the City Attorney to Prepare and Present a draft Ordinance Amending the Los Angeles Municipal Code Section 62 to add a new sub-section as "Establishment of a Tree Replacement/Planting In-Lieu Fee (a Non-Refundable Deposit)";
4. INSTRUCT the Department of Public Works, Bureau of Street Services and Board of Public Works, to review on an annual basis the cost associated with the Tree Replacement/Planting In-Lieu Fee (a Non-Refundable Deposit), and seek City Council approval for future fee changes, if any;
5. AUTHORIZE the Department of Public Works to collect and deposit said Tree Replacement/Planting In-Lieu Fee (Non-Refundable Deposit) into the Public Works Trust Fund No. 834 to provide funding for related tree replacement, planting and establishment expenses;

6. AUTHORIZE the Director of Accounting, or designee, to (a) establish a new Department Revenue Source Code (DRSRC) and work with the Office of the Controller to create a new Appropriation Account within the Public Works Trust Fund No. 834 to collect and deposit the proposed receipts, and (b) on an interim basis but no less than once per fiscal year, reimburse the City's General Fund from the Public Works Trust Fund No. 834 for associated accounting services expenses incurred; and
7. AUTHORIZE the Board of Public Works to make technical corrections or clarifications that may be necessary to implement the intent of the proposed concept.

TRANSMITTALS

1. Board of Public Works' Tree Related Policies – A Historical Overview
2. Board of Public Works' Monthly 3 or More Tree Removal/Replacement Requests from June 2015 through Feb. 2016
3. Bureau of Street Services (Chief Forester) Monthly 2 or Less Tree Removal/Replacement Requests from June 2015 through Feb. 2016

DISCUSSION

Background

The topic of tree removal, replacement, protection, trimming, and maintenance, and the conservation, preservation, and protection of the City's urban tree canopy is an essential and core service of the Department of Public Works. Dating back to the early 1940's, the Board of Public Works (Board) has considered and adopted a series of policies to address various tree matters ranging from tree removal and replacement to tree trimming, maintenance, and assessments, and most recently, the Street Tree Removal Permit and Tree Replacement Conditions Policies (**See Transmittal 1**).

The Bureau of Street Services (Bureau) has been designated by the Los Angeles City Council (City Council) to manage City tree matters, such as maintaining the City's street trees, landscaping medians islands and embankments, root pruning, removing plants and trees, and abating weeds. In addition, the Bureau is responsible for the maintenance of improved streets, alleys, medians, and sidewalks, including the enforcement of the aforementioned. Overseen and governed by the Board, the Bureau, Chief Forester is designated as the authorized officer and employee to issue Tree Removal Permits. The Board also appointed the Bureau as the agency responsible to process, review, and administer tree removal permits.

Tree Removal Permits are required when removing street trees located in the public right-of-way or removing protected trees. Tree Removal Permits are approved by the City's Chief Forester pursuant to the Los Angeles Municipal Code (LAMC) Sections 46 and 62 and in adherence to Board policies. The Board is responsible for approving, upon scheduling a public hearing, the removal of three or more street trees at a specific address or a single project containing multiple addresses, and any Southern California native trees protected by the LAMC Section 46.

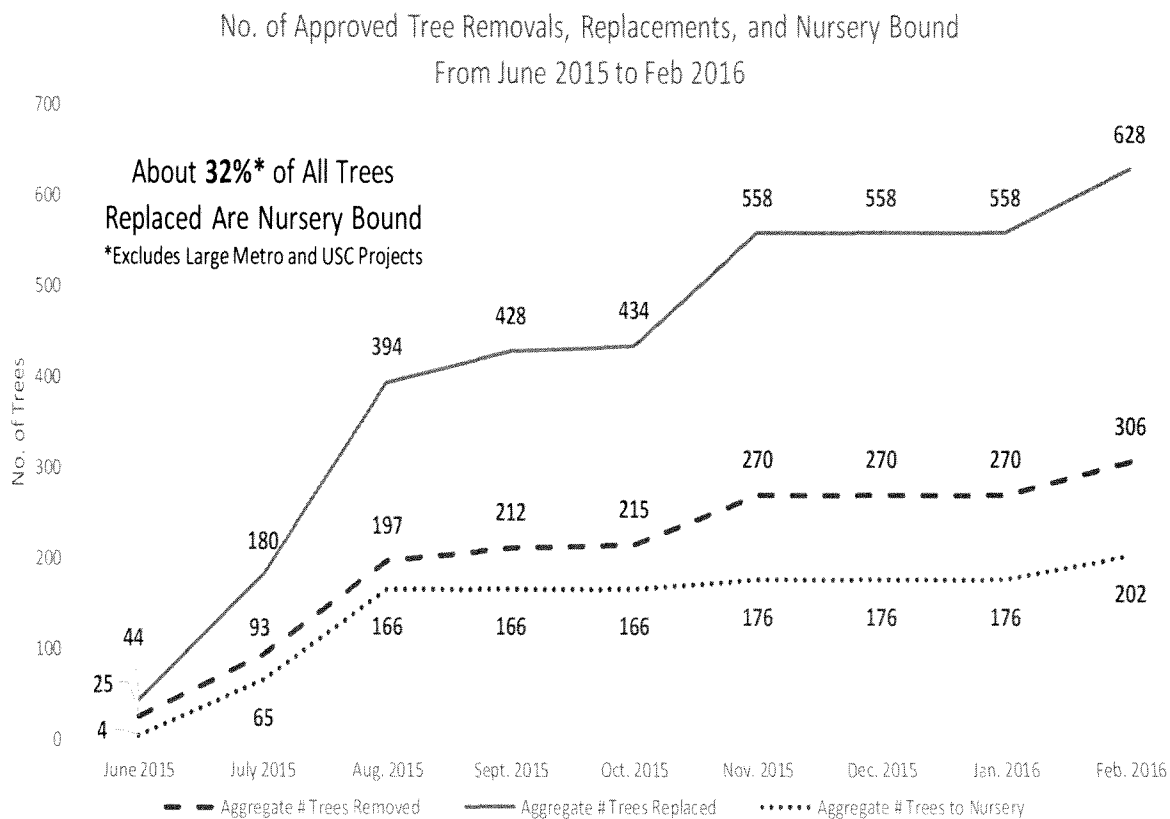
On June 17, 2015, the Board codified and adopted its Street Tree Removal Permit and Tree Replacement Conditions Policies. In brief, these Policies: (1) designate the Bureau's Chief Forester as authorized agent to issue permits; (2) require a 30 day public notice for removal of three or more street trees; (3) require public hearings for removal of three or more street trees; and (4) require a tree replacement on a 2:1 basis with 24" box size trees with three years of watering. On a case-by-case basis, the Board may approve adherence to the tree replacement 2:1 ratio by allowing the applicant to deliver unplanted tree(s) to the Bureau's nursery due to planting space limitations and/or plan design constraints.

Since June 2015, the Board considered and approved 41 Tree Removal Permit applications resulting in an aggregate total of 826 tree removals with the replacement requirement of 1,754 trees. Further, approximately 54% (or 22 out of 41) of all Board reports considered were approved with the condition to allow the tree removal permit applicants to deliver an aggregate total of 202 unplanted trees to the Bureau's nursery due to planting space limitations and/or plan constraints. Of the 41 tree removal applications considered, five (5) were large projects for the Los Angeles Metropolitan Transportation Authority (LAMTA) and the University of Southern California (USC). Excluding these five (5) large projects, the aggregate total of approved tree removals decreases to 306 with the replacement requirement of 628, of which 202 trees were authorized to be delivered to the Bureau's nursery (see **Transmittal 2** for monthly breakdowns inclusive and exclusive of large LAMTA and USC projects). Graph 1 below illustrates the Board's actions on this topic from June 2015 (date Tree Policy adopted) through February 2016, which highlights that approximately 32% (202/628) of all tree replacements are delivered to the Bureau's nursery. Most importantly, many of these nursery bound trees may go unplanted for various reasons.

A slightly higher trend is observed for trees that are Bureau nursery bound relative to the tree removal permit applications processed by the Bureau's Chief Forester. Between June 2015 and February 2016, the Chief Forester approved 88 Tree Removal Permit applications of the 90 applications submitted, resulting in an aggregate tree removal total of 105. Of these 105 tree removals, 80 are Bureau nursery bound and the remaining 131

are planted. This equates to approximately 40% (80 divided by 211) of all tree intended to be planted are City yard/Nursery bound (See **Transmittal 3** for monthly breakdown).

Graph 1: Board of Public Works – Aggregate Tree Removals & Replacements Approved



Tree Replacement Problem

Although the goal is to plant every tree and ensure the survival of all replaced trees, many unplanted trees delivered to a City tree yard or local nursery end up “unplanted” for a long period of time and some eventually die for various reasons. Major drivers of why these trees end-up unplanted or not-adopted or dead include, but are not limited to, the:

- Quality of Tree Stock;
- Age of Tree Stock (some become root bound due to time);
- Type of Tree Species (mis-match due to space);
- Size of Tree (mis-match between 15gal, 24”, 36”, or 48”); or
- Care for Inventory (staff expertise and resources).

Therefore, it is important to provide tree removal permit applicants an option that would bolster the City's commitment to conserve, replace, and protect the City's urban tree canopy by reducing the number of trees that go unplanted, un-adopted, or die at a City yard or nursery. The next logical option is to consider a Tree Replacement and Planting In-Lieu Fee that would act as a non-refundable deposit and allow a tree removal permit applicant the ability to satisfy the City's Tree Removal and Replacement Policy and/or the City's Zoning Code Requirements by paying the proposed Tree Replacement and Planting Fee (Non-Refundable Deposit) In-Lieu of delivering an unplanted tree to the Bureau's nursery or undergo an alternative compliance measure, respectively.

Proposed Tree Replacement In-Lieu Concept Overview

The proposed Tree Replacement and Planting In-Lieu Fee (Non-Refundable Deposit) concept differentiates between (a) the need for and benefit of the proposed In-Lieu Fee for the Department of Public Works and Department of City Planning yet the intended goal or outcome is the same – “to plant the full number of trees in the ground whereby improving the environment and City neighborhoods” - and (b) application to Private Commercial and Residential Development versus Residential Private Property Projects.

The following sub-sections describes (1) the concept and how it may be applied at each department, (2) the proposed fee structure, (3) the intended goals and indicators of success, (4) how this concept can be operationalized; and (5) an overview of areas considered prior to policy proposal.

Concept Description

Private Commercial and Residential Development Projects - The proposed Tree Replacement and Planting In-Lieu Fee (Non-Refundable Deposit) concept provides an alternate option for Private Commercial Development Projects that require tree removals yet cannot satisfy the Department of Public Works' Tree Replacement Conditions Policy of “2 x 1” ratio (Tree Replacement: Tree Removal) because the proposed project site has restricted, limited, and/or un-available space to plant the required number of replacement trees. Absent of the proposed alternate option, the Board can either (a) decline a tree removal permit application when the proposed project does not comply with the City's tree policies, or (b) as allowed by existing policy, consider approving a tree removal permit application on an exception, case-by-case, basis with the condition that an applicant deliver unplanted tree(s) to the Bureau's nursery.

In the Department of City Planning's case, the number of trees replaced is not driven by the number of trees removed but rather by the number of dwelling units proposed for potential Private Residential Development Projects. Pursuant to the LAMC Section 12.21 (G) (2) (a)(3) - Common Open Space Subsection - “...at least one 24-inch box tree for every four dwelling units shall be provided on-site and may include street trees in the

parkway.” These requirements apply city-wide, regardless of neighborhood characteristics or permitted density. Nevertheless, the proposed Tree Replacement and Planting In-Lieu Fee (Non-Refundable Deposit) concept can similarly provide the Department of City Planning with an alternate compliance option for large Private Residential Development Projects to meet the City’s Zoning Code requirements when the proposed project cannot physically accommodate the number of trees required to be planted on-site. Absent of the proposed alternate option, the decision-maker for a development project can either (a) disapprove the proposed design and application, (b) request the developer to re-design the project to comply with the City’s Zoning Code requirements, or (c) consider a variance for permitting relief when certain physical hardships exists, which may take up to a year to review and study.

The proposed Tree Replacement and Replanting In-Lieu Fee (Non-Refundable Deposit) concept would create a fourth option for the Department of City Planning to consider a Director’s Decision that would allow a Private Residential Development Project to meet the City’s Zoning Code requirements by planting required trees at “off-site” locations using this proposed concept whereby the Department of Public Works and Bureau of Street Services would identify potential planting sites to create a more sustainable urban forest (Note: Certain reasonable relationship restrictions apply to the Director’s Decision).

The Department of City Planning indicates that pursuant to the LAMC Section 12.21 (G)(3), the municipal code permits a proposed development with an R3, RAS3, R4, RAS4, or RD density to apply for a Director’s Decision if it “*fails to meet the open space standards of this subsection*,” of which the tree provisions are a portion. Approval can be granted if the deviation does not exceed a ten (10) percent reduction in planting (landscape) area. Allowing trees to be located “off-site” meets the provisions of the code section. However, findings must be met that the open space conforms with the: (a) objectives of the subsection; and (b) total useable open space requirements.

It is important to note that the Department of City Planning reports that the Downtown Design Guide introduced the idea that tree requirements may be met by providing them “off-site,” but it did not identify a process. Per Section 07 On-Site Open Space Standard # 6 of the Downtown Design Guide, “*Variances from the required number of trees shall not be permitted: however, required trees may be planted off-site if the Reviewing Agency determines that they cannot be accommodated on-site. Off-site trees may be planted, in the following locations in order of preference: nearby streets, public parks, and private projects.*” Therefore, the proposed Tree Replacement and Planting In-Lieu Fee (Non-Refundable Deposit) option would allow the Director of Planning to exercise the use of a Director’s Decision that allows for an alternative compliance to plant trees off-site, while ensuring that broader objectives are still met.

Lastly, this concept recommends that the Bureau of Street Services, Chief Forester be the deciding authority to identify and/or approve tree planting sites when said option is elected in compliance with City policy and reasonable relationship restrictions.

Residential (Non-Development) Projects - The proposed Tree Replacement and Planting In-Lieu Fee (Non-Refundable Deposit) concept also provides an alternate option for Private Residential (Non-Development) Projects that require tree removals from the adjacent private property yet the project cannot satisfy the Department of Public Works' Tree Replacement Conditions Policy of "2 x 1" ratio (Tree Replacement: Tree Removal) due to limited and/or space constraints to plant all the required number of replacement trees. This project type (or tree permit application type) would not apply to the Department of City Planning. However, similar to the Private Commercial Development projects, the Board could have a third option if this proposed concept is adopted and approved. Otherwise, absent of this concept, the Board could either (a) decline a tree removal permit application (albeit necessary due to sidewalk repairs, etc.), or (b) as allowed by existing policy, continue to consider approving a tree removal permit application on an exception, case-by-case, basis with the condition that an applicant deliver unplanted tree(s) to the Bureau's nursery.

Different than Private Commercial and Residential Developments, a Residential Private Property (Non-Developer) applicant may apply for a tree permit when repairing the parkway, sidewalk, curb, and/or gutter near their private residence due to damage caused by a tree(s) or proposed construction on or adjacent to the property. The replacement of required trees is expected to be replanted at the project site in the public right-of-way (i.e. parkway); however, at times, due to limited and/or space constraints the Residential Private Property applicant is unable to satisfy the removal-replacement ratio. Allowing the applicant to pay a lesser amount (or the procurement cost of a 15 gallon tree and its delivery to an off-site location, including stakes/guards and appropriate concept administrative fees) is recommended. The lower amount for Residential (Non-Development) Projects is fair and reasonable when applying the requirements set-forth by the LAMC Sections 62.161-163 and 62.175, which in essence requires the City to maintain and water City street trees during a five year establishment period. Furthermore, the Board of Public Works has adopted a series of policies that complements these LAMC sections (see Policy dated 1955-06-01, 1971-09-21, 1974-03-22, 1979-10-19, 1997-09-05, and 2007-06-06 in Transmittal 1). Again, this concept recommends that the Bureau's Chief Forester be the deciding authority to identify and/or approve tree planting sites when said option is elected. This will also allow the Chief Forester greater flexibility to divert street trees to low-canopy areas of the City.

Based on the above, setting a fee (non-refundable deposit) lower than Private Commercial and Residential Developers is recommended to bolster the City's desire to ensure that no tree goes unplanted and is "placed in-the-ground," and at the same time provide an affordable option to our City residents. The same principle can be applied to small or mid-size developers or non-profit/community development entities by establishing a lower "in-lieu" fee amount based on a sliding scale that would help subsidize and make this concept more affordable, attractive, and most important, doable to the business community. Therefore, the Department of Public Works will continue to

work with the Office of the City Attorney to consider and if feasible, incorporate an “in-lieu” fee on a sliding scale for development projects into the proposed Ordinance.

Proposed Fee (Non-Refundable Deposit) Structure

The following delineates the proposed fee (non-refundable deposit) structure by private developer and residential tree removal permit type, including cost elements. *The proposed Tree Replacement and Planting In-Lieu Fee (Non-Refundable Deposit) for Private Commercial and Residential Development Projects is \$2,514 per tree and for Residential (Non-Development) Projects is \$245 per tree.* A sliding scale to reduce the “in-lieu” fee could be considered for private commercial developers.

COST ELEMENTS	PRIVATE DEVELOPER (24" Tree)	RESIDENTIAL (15 Gallon)
Procurement/Delivery	\$ 150.00	\$ 40.00
Planting Labor	\$ 275.00	\$ 144.00
Concrete Cut	\$ 480.00	-
Maint. & Watering* (\$10/visit x 99)	\$ 990.00	-
Stakes/Ties/Arbor Guards	\$	\$ 20.00
Administration (20%)	\$ 379.00	\$ 41.00
Accounting (8 hrs/\$30)	\$ 240.00	-
TOTAL	\$ 2,514.00	\$ 245.00

*Note: No Structural Pruning Included (3 Year Establishment Period/Plan)

Proposed Concept Goal/Metric:

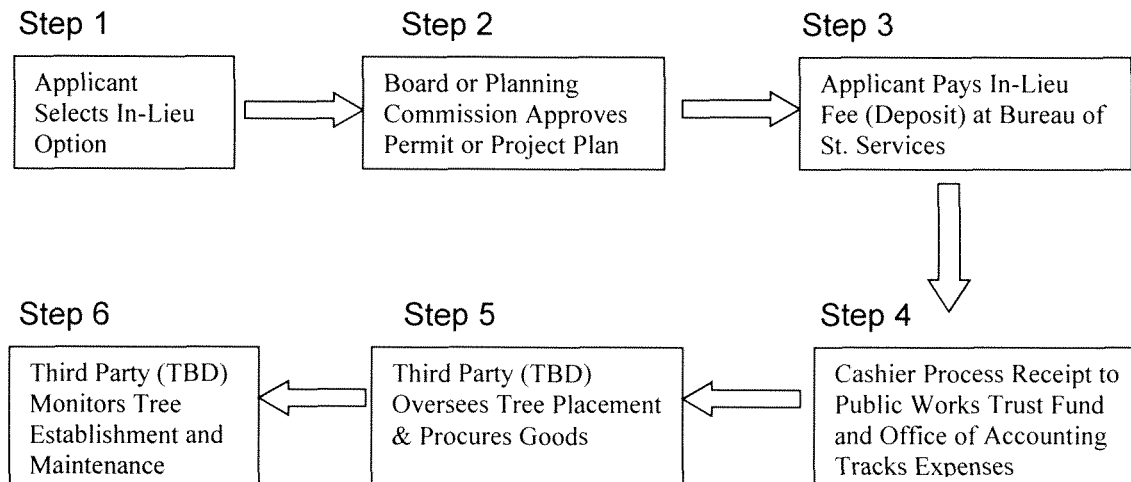
The proposed concept goal is two-fold, which is to establish a Tree Replacement and Planting In-Lieu Fee (or Deposit) for Private Development and Residential projects that would:

1. Satisfy the Department of Public Works' Tree Replacement Policy of “2 x 1” ratio (Tree Planting: Tree Removal) by providing an option to allow a tree removal permit applicant to pay a fee (non-refundable deposit) In-Lieu of delivering an unplanted tree to a City tree yard or local nursery due space and/or plan design constraints; and/or
2. Satisfy the Department of City Planning tree planting requirements by providing a permit alternative compliance option to allow a private residential developer to pay a fee (non-refundable deposit) In-Lieu of undergoing a lengthy variance or re-design of plans, if feasible, to meet the City’s Zoning Code requirements.

In terms of metrics, the proposed concept aims to:

1. Reduce the Number of Trees delivered to a City tree yard that become Unplanted and Dead Trees to zero percent (0%); and
2. Increase the Tree Plant “In-the-Ground” Rate to 100%.

Proposed Concept Operability



Other Considerations

The following were areas of consideration in developing the proposed concept:

- Stakeholder
 - Who will this concept/policy effect?
- Early Adoption and Public Notice
 - How will this fee structure be received by business (developer) community and residents? Will the fee disparity be problematic? How to outreach?
- Nexus
 - What should the planting location be relative to the permit site?
 - Explore options to use nearby blocks with ¼ mile or one mile, etc. or the QUIMBY or Art Development Radius to determine tree placement.
- Cost and Benefit
 - What is the full-cost service recovery amount? What are the cost-benefits?
- Resources
 - What resources are needed to operationalize concept?
 - Should it be a pilot concept? Would a sunset clause be feasible?
- Oversight and Metrics
 - Who should be responsible and accountable to meet goals?
 - Who makes the tree selection and decides on tree placement location?
 - What metrics are appropriate to measure concept success?
- Administrative
 - What is the level/degree of administrative and accounting work needed to manage finances, including record keeping?

Based on the above referenced policy consideration, this report recommends the Bureau and Board annually review the cost associated with the proposed concept and if needed, seek City Council approval for fee (deposit) changes, if any. Separately, yet somewhat related, the Board is working with the Offices of the Mayor and City Administrative Officer to include a budgetary line in its proposed Fiscal Year 2016-2017 budget for funding to pay for a Public Works Trust Fund Nexus Study. The Nexus Study would provide the Board potential feasible, legal options to consider establishing a policy of “reasonable relationship” between the project site associated with existing deposits and the potential to use said deposit for similar project(s) within a close proximity or radius. This anticipated Nexus Study findings can also be applied for the proposed In-Lieu concept in that the study findings will guide where “off-site” trees may be planted, including nearby streets, public parks, and private projects (listed in order of preference for the Department of City Planning cases).

Public Works Trust Fund Deposit Justification

New Revenue Source Code and Appropriation Account Terms and Conditions - The proposed concept will require the creation of a new Revenue Source Code to collect the fee (non-refundable deposit) and also a new appropriation account to be established within the Public Works Trust Fund No. 834 to deposit the receipts. The new account will eliminate the commingling of funds and delineating line item cost while ensuring adequate internal controls of fund expenditures. Depositing the proposed receipt into the Public Works Trust Fund provides the greatest flexibility and increases accountability to expend and properly manage said receipts for the intended purpose. Unexpended funds, if any, will be transferred to the City’s General Fund to defray other administrative, support or technical services not yet identified but related to the proposed In-Lieu concept.

Therefore, it is recommended that the City Council authorize the Director of Accounting, or designee, in the Board of Public Works to (1) establish a new Department Revenue Source Code (DRSRC) and work with the Office of the City Controller to create a new Appropriation Account within the Public Works Trust Fund No. 834 to collect and deposit the proposed In-Lieu Fee (Non-Refundable Deposit), (2) conduct annual reconciliation of receipts and expenses related Tree Replacement and Planting In-Lieu Fee (Non-Refundable Deposit) work, and (3) on an interim basis but no less than once per fiscal year, reimburse the City’s General Fund for associated accounting service expenses incurred from the Public Works Trust Fund No. 834, Appropriation Account No. to be determined when created.

FISCAL IMPACT

The proposed Tree Replacement and Planting In-Lieu Fee will act as a Non-Refundable Deposit to pay for the anticipated cost to plant a tree at an off-site location. At this time, it is

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difficult to forecast the exact amount that may be collected from the proposed In-Lieu Fee concept. However, based on the baseline review period (June 2015 - February 2016) for tree removal permits approved, the anticipated number of Tree Replacement and Planting In-Lieu receipts may range between 200 and 400 or an average of 300 trees with a 60%/40% mix of Private Development versus Residential applicants, respectively. Therefore, based on these assumptions, it is anticipated that the proposed concept will annually cost approximately \$755,000 with anticipated annual receipts of \$618,060 to defray cost. The General Fund is expected to pay the balance annual cost of \$136,140 as mandated by the LAMC for maintaining and establishing replacement trees for residential projects. A small portion of \$57,600 will help pay for accounting services (i.e. City's Salaries Account). This does not include potential impact from a reduced (sliding scale) "in-lieu" fee.

Cost/Tree = \$2,514 or \$245	No. of Avg. Anticipated	Avg. Trees	Estimated Planting Cost	Anticipated In- Lieu Receipts	City's Cost
Private Developer	240		\$603,360	\$603,360*	-
Residential	60		\$150,840	\$ 14,700	\$136,140
Total	300		\$754,200	\$618,060	\$136,140

* Based on the above assumptions, it is anticipated that \$57,600 of the total in-lieu revenue receipt will be transferred to the General Fund to pay for Accounting Services with the remaining \$560,460 to pay for goods and monitoring/coordinating services to third party vendor(s).

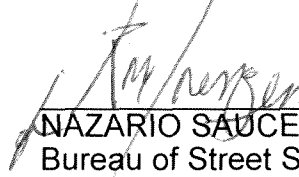
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Respectfully Submitted,

Prepared by:
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Board Office, (213) 978-0250



FERNANDO CAMPOS, EXECUTIVE OFFICER
Board of Public Works



NAZARIO SAUCEDA, DIRECTOR
Bureau of Street Services

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S:BPW/Admin2/Initiatives\Tree In-Lieu Fee

TRANSMITTAL 1

**HISTORICAL PERSPECTIVE
 BOARD OF PUBLIC WORKS TREE RELATED POLICIES**

DATE	POLICY TITLE (SHORT DESCRIPTION)
1942-11-09	TREE REMOVAL (WHEN TO NOTICE)
1943-08-20	TREE REMOVAL INSPECTION (WHO SHOULD INSPECT & WHEN TO NOTICE)
1955-06-01	STREET TREE MAINTENANCE JURISDICTION (WHO IS RESPONSIBLE)
1956-11-02	TREE PRESERVATION (NEED TO PRESERVE SIDEWALKS)
1957-02-13	TREE PLANTING SPECIFICATIONS (SETS PARAMETERS)
1959-06-12	TREE PLANTING NEW SUBDIVISION (CREATES NEW DIVISION FOR TREE ITEMS)
1961-11-20	ASSESSMENT TREE PARKWAYS (ESTABLISHES ASSESSMENT PROCESS)
1963-12-18	STREET TREE DESIGN BY CITY FACILITIES (NEED FOR TREE NEAR CITY BLDGS)
1965-11-01	LIGHTING TREE CHRISTMAS (AUTHORIZES USE OF LIGHTS ON TREES)
1967-01-23	STREET TREE AND CLASS A PERMIT (PROCESS FOR A PERMITS)
1969-04-16	TREE PLANTING CHARGES (ESTABLISHES FEE FOR TREE PLANTING)
1971-09-21	LANDSCAPING AND TREES (ESTABLISHES 2x1 RULE)
1974-03-22	TREE MAINTENANCE TO BCA (MOVES RESPONSIBILITY TO BCA)
1979-10-19	TREE PRESERVATION (ESTABLISHES NEED TO PRESERVE AND PLANT TREES)
1980-12-22	STREET TREE PROBLEMS TO SIDEWALKS (NEED TO FIX SIDEWALKS) **NOTE: THIS POLICY PROVIDES STREET TREE COUNT AT ~ 660,000
1990-10-15	TREE REMOVAL MITIGATION (REQUESTS MITIGATION EFFORTS)
1991-05-31	TREE REMOVAL OF 3 OR MORE TREE (REQUIRES NOTICE BEFORE REMOVAL)
1991-06-26	TREE REMOVAL DRIVEWAY CONSTRUCTION (REQUIRES DISCLOSURE ON PERMIT)
1995-11-08	TREE TRIMMING (ALLOWS BSS TO USE OUTSIDE CONTRACTORS)
1997-09-05	STREET TREE PLANTING (ESTABLISHES FEE SCHEDULE AT \$11.55/UNIT)
2007-01-22	TREE WELL INSPECTION FEE (ESTABLISHES FEE AT \$12.37/TREE **Note: See Los Angeles Municipal Code Sections 62.109
2007-06-06	LANDSCAPING AND TREES (ESTABLISHES TREE TRUNK DIAMETER METRIC)
2008-09-05	TREE PLANTING PROCESS (REMOVES TRACKING OF STOCK COUNT OR COUNT)
2008-11-03	TREE WELL INSPECTION (REMOVES BCA RESPONSIBILITY)
2009-07-06	PROTECTED TREE (REQUIRES GPS COORDINATES AND GUIDELINES)
2015-06-17	TREE REMOVAL PERMIT AND REPLACEMENT (CODIFIES PRACTICES)

TRANSMITTAL 2

Board of Public Works (Includes 5 Large Metro and USC Projects) Monthly 3 or More Tree Removals/Replacement Approvals

Month	Tree Removal	Tree Replacement	Trees to Nursery
June 2015	25	44	4
July 2015	150	300	61
Aug. 2015	211	428	101
Sept. 2015	227	544	0
Oct. 2015	122	244	0
Nov. 2015	55	124	10
Dec. 2015	0	0	0
Jan. 2016	0	0	0
Feb. 2016	36	70	26
TOTAL	826	1,754*	202

* On a case-by-case basis, the Board of Public Works considers tree removal permit applications that propose higher or lower (i.e. for dead trees) than a 2x1 removal/replacement ratio.

Board of Public Works (Excludes 5 Large Metro and USC Projects) Monthly 3 or More Tree Removals/Replacement Approvals

Month	Tree Removal	Tree Replacement	Trees to Nursery
June 2015	25	44	4
July 2015	68	136	61
Aug. 2015	104	214	101
Sept. 2015	15	34	0
Oct. 2015	3	6	0
Nov. 2015	55	124	10
Dec. 2015	0	0	0
Jan. 2016	0	0	0
Feb. 2016	36	70	26
TOTAL	306	628*	202

* On a case-by-case basis, the Board of Public Works considers tree removal permit applications that propose higher or lower (i.e. for dead trees) than a 2x1 removal/replacement ratio.

TRANSMITTAL 3

Bureau of Street Services (Chief Urban Forester) Monthly 2 or Less Tree Removals/Replacements Approvals

Month	Trees Removed	Tree Replacement	Trees to Nursery
June 2015	5	10	6
July 2015	3	6	2
Aug. 2015	21	42	13
Sept. 2015	27	54	14
Oct. 2015	17	35	17
Nov. 2015	9	18	8
Dec. 2015	7	14	6
Jan. 2016	7	14	6
Feb. 2016	9	18	8
TOTAL	105	211*	80

* On a case-by-case basis, the Chief Urban Forester considers tree removal permit applications that propose higher or lower (i.e. for dead trees) than a 2x1 removal/replacement ratio.

DO NOT REMOVE

#6

4/12/2016

TREE REPLACEMENT IN-LIEU CONCEPT

AND



**ESTABLISHMENT OF
TREE REPLACEMENT/PLANTING IN-LIEU FEE**

April 13, 2016	Fernando Campos, Executive Officer, BPW Ron Lorenzen, Assistant Director, BSS
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**Historical Perspective:
Trees are Part of Public Works' DNA**

- An Essential and Core Service dating back to 1940's
 - Tree Removal, Replacement, Protection, Trimming and Maintenance, and Oversight of Urban Tree Canopy

- City Council designated Bureau of Street Services to manage all City Tree Matters
 - Maintenance, Landscape, Root Pruning, Plant and Tree Removal, Weed Abatement, etc.

- Board of Public Works designated Chief Forester to process, review, and issue Tree Removal Permits

- Governed by LAMC Sections 46 and 62, and Board Policies (About 30 Policies)

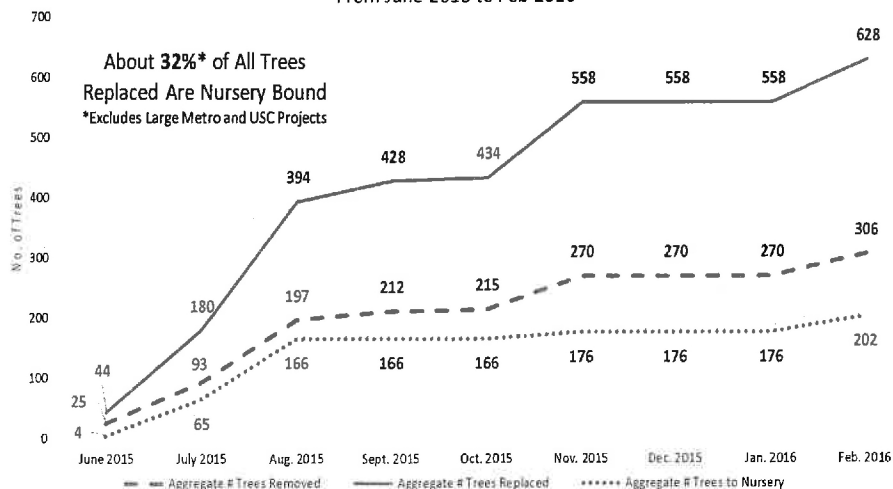
Problem: Many Trees Go Unplanted...Not-Adopted...or, Eventually Die...Why?

- ❑ Quality of Tree Stock
- ❑ Age of Tree Stock (root bound due to time)
- ❑ Type of Tree Species (mis-match due to space)
- ❑ Size of Tree (mis-match between 15gal, 24", 36", or 48")
- ❑ Care for Inventory (staff expertise and resources).



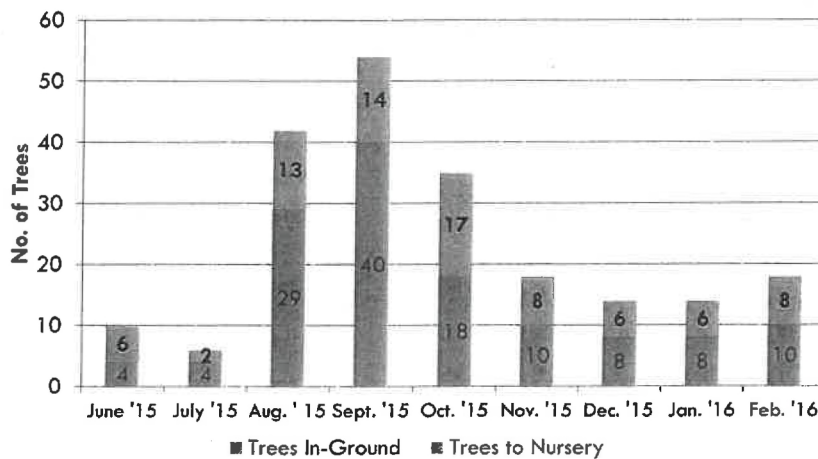
1:2 Tree Permit Approvals Have Nursery Bound Trees...or About 32% Not In Ground

No. of Approved Tree Removals, Replacements, and Nursery Bound
From June 2015 to Feb 2016



Slightly Higher Trend for "1 sie/2sie" Permit Approvals...or About 40% Not In Ground

105 Tree Removed: 211 Replaced (131 In-Ground:80 Nursery Bound)



88 Permit Approvals

Tree Replacement In-Lieu Concept Overview

- Bolster City's Commitment to *Expand Urban Canopy*
- **Reduce the Number of Trees that are Not Planted** In the Ground, Not Adopted, or Die at Nursery
- **Provide Option** to Satisfy City's 2X1 Policy and/or City's Zoning Code
- **Provide Option** to Private Commercial and Residential Developers -OR- Private Residential Applicants to Pay a Fee (Non-Refundable Deposit) In-Lieu of Delivering Un-Planted Tree to Nursery
- **Provide Option** for the Department of City Planning to Consider Director's Decision to plant required trees at off-site via Permit Alternative Compliance (if not, variance for permitting relief)



Differences Exist (Public Works v. Planning) Yet Goal the Same: "Plant Trees in the Ground"

- Public Works Driven by **# of Trees** Removed yet Planning Driven by **# of Dwelling Units**
- Per LAMC Section 12.21 (G) (2)(a)(3) - Common Open Space Subsection - "...at least one 24-inch box tree for every four dwelling units..."
- Downtown Design Guide (On-Site Open Space Standard # 6) - "...required trees may be planted off-site..." Must be planted in the following order: nearby streets, public parks, and private projects."
- LAMC Section 12.21 (G)(3), allows a **Director's Decision** if it "fails to meet the open space standards of this subsection...."
 - Approval can be granted if the deviation does not exceed 10%.
 - Allowance of **off-site trees does not exceed these limits.**
 - Findings must be met that the open space conforms with the: (a) objectives of the subsection; and (b) total useable open space requirements.
 - Reasonable Restrictions Apply.**

Proposed Concept In-Lieu Fee (Non-Refundable Deposit)

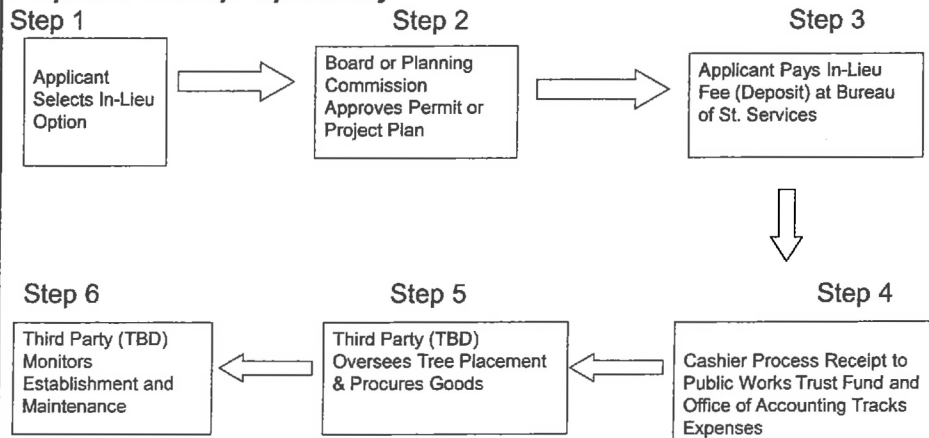
Policy Option: Sliding Scale to Reduce Fee for Small to Mid-Size Developers and/or Non-Profit/Community Development Entities

COST ELEMENTS	PRIVATE DEVELOPER (24" Tree)	RESIDENTIAL (15 Gallon)
Procurement/Delivery	\$ 150.00	\$ 40.00
Planting Labor	\$ 275.00	\$ 144.00
Concrete Cut	\$ 480.00	-
Maintenance & Watering* (\$10/visit x 99)	\$ 990.00	-
Stakes/Ties/Arbor Guards	\$ -	\$ 20.00
Administration (20%)	\$ 379.00	\$ 41.00
Accounting (8 hrs/\$30)	\$ 240.00	-
TOTAL	\$ 2,514.00	\$ 245.00

*Note: No Structural Pruning Included (3 Year Establishment Period/Plan)

How do we Operationalize this Concept?

Proposed Concept Operability



How do we Measure Concept Success?

GOALS

1. Option to Satisfy Department of Public Works 2X1 Policy
2. Option for Department of City Planning to Provide Permit Alternative Compliance to Meet City's Zoning Code

METRICS

- ☐ Reduce # of Nursery Bound Trees to a level sufficient to supply goods (trees) without accumulating excess inventory
- ☐ Increase # of Trees Planted In the Ground to 100%
- ☐ Expand the City's Urban Canopy

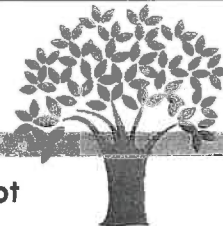
Full-Cost Recovery from Developers yet City Subsidizes Residential Applicants

ASSUMPTION: 300 Trees Nursery Bound Per Year and 60% Dev./40% Res. App Mix

Cost/Tree \$2,514 or \$245	% Anticipated Trees	Estimated Planting Cost	Anticipated In- Lieu Receipts	City's Cost
	240	\$603,360	\$603,360*	-
	60	\$150,840	\$ 14,700	\$136,140
Total	300	\$754,200	\$618,060	\$136,140

* Based on the above assumptions, it is anticipated that \$57,600 of the total in-lieu revenue receipt will be transferred to the General Fund to pay for Accounting Services with the remaining \$560,460 to pay for goods and monitoring/coordinating services to third party vendor(s).

RECOMMENDATIONS



1. ADOPT Tree Replacement "In-Lieu" Concept
2. APPROVE to Establish Tree Replacement In-Lieu Fee
3. REQUEST City Attorney to Draft Ordinance (LAMC 62)
4. INSTRUCT BSS & BPW to Review Cost Annually
5. AUTHORIZE Collection and Deposit of Fee into PWTF 834
6. AUTHORIZE to Establish Revenue and Appropriation Accounts, and Reimburse Gen. Fund for Accounting Svcs.
7. AUTHORIZE BPW to Make Technical Corrections