

DEPARTMENT OF PUBLIC WORKS
BUREAU OF STREET SERVICES
REPORT NO.1

ADOPTED BY THE BOARD
PUBLIC WORKS OF THE CITY
of Los Angeles California

Date: June 17, 2015

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CITYWIDE

Honorable Board of Public Works
of the City of Los Angeles


Executive Officer
Board of Public Works

Commissioners:

**REQUEST BOARD APPROVAL AND ADOPTION OF THESE STREET TREE
REMOVAL PERMIT AND TREE REPLACEMENT CONDITION POLICIES**

RECOMMENDATIONS

That your Board review, approve, and adopt these street tree removal and tree replacement condition policies as follows to codify existing practices:

- 1) Designate the Bureau of Street Services (BSS), Chief Forester, as the authorized officer and employee to issue street tree removal permits.
- 2) Require the public be notified of the proposed removal of three or more street trees by: placing a public notice for a 30 calendar days minimum period on each proposed tree removal providing the reason for tree removal and BSS contact information, placement of the address/project on the BSS Street Tree Removal Notification System, informing the Community Forest Advisory Committee (CFAC), and emailing the respective Council District Office(s) in which the street tree removals shall occur.
- 3) Require a Board of Public Works (BPW) public hearing for the consideration of the removal of three or more street trees at a specific address or a single project containing multiple addresses.
- 4) Require as a condition of a tree removal permit that each approved street tree removal be replaced by the permit applicant on a 2:1 basis with 24" box size tree stock and be watered for a minimum three-year period.

HISTORY

The BPW is empowered to govern the tree and plant infrastructure in the City of Los Angeles (COLA) public rights-of-way (ROW) by the Los Angeles Municipal Code (LAMC) Sec. 62.161-176. This includes the power to permit street tree removal and planting (LAMC Sec 62.162(a)). The current street tree removal permit and tree replacement condition practices are largely a compendium of ad hoc decisions made over the past fifty years or more. This report makes recommendations that will codify the requirements for obtaining a street tree removal permit and tree replacement conditions associated with the issuance of such permits. Codification of these current practices does not preclude additions and alterations to the requirements going forward

as conditions warrant.

Current BPW practice for considering the removal of two or fewer street trees requires a review by the designated BSS employee/officer and/or a single commissioner after which the request is approved or denied. In cases where the removal of three or more street trees is requested, the subject trees are posted for a minimum of thirty calendar days after which a BPW public hearing is held and an approval/denial of the street tree removal permit is made.

Current street tree removal permit conditions require a 2:1 tree replacement with 24" box size tree stock for each approved street tree removal. Every effort is made to have the replacement trees planted at the tree removal location but in the event room for replanting is not available, the replacement trees are delivered to BSS for planting in other areas of the City. The applicant is required to water any trees planted at the tree removal location for a minimum three-year period.

RECITAL

The Board of Public Works and its officers and employees have control and authority over the street tree population per the COLA LAMC Sec. 62.161-62.176. The BPW or its designated officers/employees manage the tree and plant infrastructure contained within the public ROW as well as private property trees/plants that may impact the public ROW. As part of this authority, the BPW, or its designated officer/employee, is empowered to issue street tree removal permits when upon inspection and review it is determined tree removal is required.

The BPW has been exercising their power to approve or deny street tree removal for many years. Historic and current BPW practices are directed to the preservation of healthy and vital street trees. However, there are reasons that street tree removal permits may be considered that include damage to City infrastructure or private structures/buildings, construction of a vital City facility, installation of vital new streets and other public ROW improvements, capital improvement projects, and the structural integrity/condition of a tree that may warrant removal.

The LAMC Sections referenced above empower the BPW to make street tree removal permit decisions while not codifying the actual application of this power. The BPW application of their power has been manifested by practices and ad hoc policies developed over the last 50 years or more. For the most part, no formal tree removal permit or tree removal permit conditions or replacement policies have been adopted. The existing requirements are actually a function of long-standing past practices.

The LAMC contains no language, implicit or explicit, requiring public notification of any quantity of potential street tree removal(s) nor the necessity for a BPW public hearing to consider the proposed tree removal(s). The necessity for these to occur has become BPW practices over time. Codification of the practices and their application would allow for easier understanding of the process, provide a more timely process reducing the strain on COLA resources as well as the permit applicants, and be more closely aligned with the intent of the LAMC.

Currently, the BPW and/or its officers/employees utilize the following street tree removal permit procedures:

Removal of Two or Fewer Street Trees

- Notifications
 - Respective Council office in which the permit request resides
- Application and tree and site inspection with photographs are reviewed by BSS officer
- Application and tree and site inspection are reviewed with a BPW commissioner at which time an approval or denial of the tree removal permit is determined
- If approved, tree removal permit with tree replacement conditions is issued

Removal of Three or More Street Trees at One Address or a Single Project with Multiple Addresses

- Notifications
 - Respective Council office in which the permit request resides
 - Posting on the Street Tree Removal Notification system
 - Physical notice placed on each proposed tree removal for a 30 calendar-day minimum period
- Application and tree and site inspection with photographs are reviewed by BSS officer and a recommendation for approval/denial is determined and a BPW Board Report regarding the tree removal project is created
- BPW public hearing to consider the street tree removal permit application

As previously mentioned, most of these processes are due to past practices and ad hoc decisions for individual tree removal permit locations/projects. The exception to the ad hoc decisions was a 1991 formally adopted tree removal policy relative to Bureau of Engineering (BOE) projects. The adopted policy required BOE projects of three or more trees be physically posted on each proposed tree removal and a subsequent public hearing regarding the project be held to determine the approval/denial of the street tree removals. The adoption of these processes for BOE projects soon became "policy" for all projects requiring three or more street tree removals regardless of the project source.

The LAMC Sec. 62.170 states, "The Board may require, as a condition to any permit to remove or destroy a tree, that the permittee plant another tree of the type and size specified in the permit, within forty (40) days from the date of the issuance of the permit, in place of the tree to be destroyed or removed pursuant to the permit." For at least the past 25 years, the BPW has required that all street tree removals shall be replaced on a 2:1 basis. Although the tree stock size required to be planted varied during that time, for approximately the last ten years the tree stock replacement size practice has been 24" box size stock.

The intention of the tree replacement condition has been and continues to be ensuring street tree canopy succession. There has always been some dispute among tree professionals as to the best tree stock replacement size and species and the viability of ensuring tree canopy succession using a 2:1 tree replacement ratio. However, BSS professionals have found that tree replacement with 24" box size tree stock provides the best chance of tree survivability in the fairly hostile public ROW environment while also offering the best chance at acclimatization to its new growing environment. Further, a 2:1 tree replacement ratio will provide canopy succession within seven to ten years for the average street tree size tree removal.

Given past practice and the desire to provide clear guidance to the general public and applicants for tree removal/replacement, the BSS recommends the BPW formally adopt the following street tree removal permit and tree removal replacement conditions to codify past practices:

- Designate the Bureau of Street Services (BSS), Chief Forester, as the authorized officer and employee to issue street tree removal permits.
- Require the public be notified of the proposed removal of three or more street trees by: placing a public notice for a 30 calendar-day minimum period on each proposed tree removal providing the reason for tree removal and BSS contact information, placement of the address/project on the BSS Street Tree Removal Notification System, informing the Community Forest Advisory Committee (CFAC), and emailing the respective Council District Office(s) in which the street tree removals shall occur.
- Require a Board of Public Works public hearing for the consideration of the removal of three or more street trees at a specific address or a single project containing multiple addresses.
- Require as a condition of a tree removal permit that each approved street tree removal be replaced by the permit applicant on a 2:1 basis with 24" box size tree stock and be watered for a minimum three-year period.

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The formal adoption of these street tree removal permit and tree replacement condition policies will allow for uniform application of the policies now and provide a baseline for any future policy modifications that may be necessary. The intention is to provide a firm groundwork for current and future City personnel to make sound street tree removal decisions and enable a more understandable process for the applicants and the general public.

The BSS is aware that the COLA faces unique and immediate challenges in the areas of sustainability, the historic drought, and infrastructure replacement, all towards the goal of making the COLA the most livable of American cities. These challenges may necessitate the creation of additional policies in the future.

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Respectfully submitted,



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BUREAU OF STREET SERVICES