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Office of the City Clerk, City of Los Angeles

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**Council File Number**

[03-1459-S1](#)

**Title**

OAK TREE PROTECTION

**Subject**

Motion - The City of Los Angeles is home to Oak Trees that confer many benefits upon us including provision of diverse habitat, storage of groundwater in their root zones, and establishment of a unique regional identity for Southern California. The Oak Tree Protection Ordinance No. 153478, first adopted on April 12, 1980, provides for the definition of Oak Trees, provides clear standards for their protection and establishes that the Board of Public Works must grant a permit for the relocation or removal of Oak Trees. Council is considering legislation to ask the City Attorney's office to propose refinements to the standards in the Ordinance (Council File 03-1459). On almost all occasions the provisions of the Oak Tree Protection Ordinance are respected, but on the rare occasion that a violation of the ordinance's requirements occurs it is a misdemeanor crime. To enforce this criminal penalty, it is necessary for the City Attorney to prosecute the offending party and upon conviction the penalty is a fine of \$1,000 and or 6 months in jail. Because this penalty is a criminal penalty and requires a successful criminal prosecution, and its financial consequences are small, it is not an effective deterrent to the financially-motivated act of removing an Oak Tree without a permit. Often Oak Trees that are protected by the ordinance are located on valuable real estate, and to preserve them in place reduces the amount of real estate available for development. A permit process for the relocation of Oak Trees is available. Therefore a significant financial incentive exists for the illegal removal of protected Oak Trees. To deter illegal removal of protected Oak Trees, it would be effective to establish civil penalties that carry financial consequences and match the severity of the violation. If a violation of the Oak Tree Ordinance occurs and results in an increase in the development potential and value of land, it would be appropriate to penalize that violation by withholding permits necessary for that development for a period of time. THEREFORE MOVE that the Department of Building and Safety with the assistance of the City Attorney and the Department of Public Works be instructed to report to the Planning and Land Use Management Committee on possible draft revisions to the Oak Tree Protection Ordinance No. 153478 that will change the penalties for violation of its provisions to civil penalties, that might include withholding of development permits for periods of time. NEW COUNCIL FILE 07-0179

**Last Change Date**

01/26/2007

**Mover**

ERIC GARCETTI

**Second**

TOM LABONGE

**Archive History**

9-19-03 - This day's Council session

9-19-03 - Ref to Planning and Land Use Management Committee

9-19-03 - File to Planning and Land Use Management Committee Clerk

10-30-03 - Set for Planning and Land Use Management Committee on November 5, 2003

11-5-03 - Planning and Land Use Management Committee Disposition - Refer to Department of Building and Safety

11-13-03 - Letter to the Department of Building and Safety per Planning and Land Use Management Committee Clerk

1-13-04 - For ref - Transmittal from Bureau of Street Services relative to proposed amendments to the Oak Tree Ordinance (Ordinance 153478).

1-14-04 - Ref to Planning and Land Use Management Committee - to Committee Clerk

2-10-04 - For ref - Communication from the Bureau of Street Services / Environmental Affairs Department relative to the REVISED proposed amendments to the Oak Tree Ordinance (Ordinance

153478).

2-12-04 - Ref to Planning and Land Use Management Committee - to Committee Clerk

5-10-04 - For ref - Communication from the City Attorney R04-0219 relative to an ordinance amending various provisions of Articles 2 and 7 of Chapter I and Article 6 of Chapter IV of the Los Angeles Municipal Code and Section 96.303.5 to assure the protection of, and further regulate the removal of protected trees.

5-11-04 - Ref to Planning and Land Use Management Committee - to Committee Clerk

5-12-04 - Planning and Land Use Management Committee Disposition - Continued 30 days

6-22-05 - For ref - Communication from the City Attorney R05-0212, dated June 21, 2005, relative to a draft ordinance amending various provisions of Articles 2 and 7 of Chapter I and Article 6 of Chapter IV of the Los Angeles Municipal Code and Section 96.303.5 to assure the protection of, and to further regulate the removal of protected trees.

6-24-05 - Ref to Planning and Land Use Management Committee - to Committee Clerk

7-1-05 - For ref - Communication from the Department of Building and Safety, dated June 28, 2005, relative to its review of the proposed draft ordinance amending the oak tree code provisions, pursuant to Council Rule 38.

7-6-05 - Ref to Planning and Land Use Management and Budget and Finance Committees - to Planning and Land Use Management Committee Clerk

8-17-05 - For ref - Communication from the City Attorney R05-0288, dated August 16, 2005, and a draft ordinance relative to amending various provisions of Articles 2 and 7 of Chapter I and Article 6 of Chapter IV of the Los Angeles Municipal Code and Section 96.303.5 to assure the protection of, and to further regulate the removal of protected trees.

8-18-05 - Ref to Planning and Land Use Management Committee - to Committee Clerk

9-29-05 - Set for Planning and Land Use Management Committee on October 3, 2005, Special Meeting

10-3-05 - Planning and Land Use Management Committee Disposition - Refer to staff

10-5-05 - Letter to Planning Commission per Planning and Land Use Management Committee Clerk

2-9-06 - For ref - Communication from the City Attorney R06-0042, dated February 8, 2006, and a draft ordinance relative to amending various provisions of Articles 2 and 7 of Chapter I and Article 6 of Chapter IV of the Los Angeles Municipal Code and Section 96.303.5 to assure the protection of, and to further regulate the removal of protected trees.

2-9-06 - Ref to Planning and Land Use Management Committee - to Committee Clerk

2-28-06 - Council Action - Verbal Motion - Zine Mover 2006 / Reyes - Motion - ADOPTED \*as amended - HEREBY MOVE that Council ADOPT the following recommendation of the City Planning Commission (Item No. 37, CF 03-1459 & 03-1459-S1) relative to amending the Los Angeles Municipal Code (LAMC) to add certain native trees to the class of "protector tree" formerly solely oak tree), SUBJECT TO THE APPROVAL OF THE MAYOR:

1. FIND that this action is exempt from California Environmental Quality Act, pursuant to Article II, Section 2(m) of the City's Guidelines.

2. ADOPT the January 18, 2006 Findings of the City Planning Commission as the Findings of the Council.

3. PRESENT and ADOPT the accompanying ORDINANCE, approved by the Interim Director of Planning (on behalf of the City Planning Commission) amending the LAMC to add certain native trees to the class of "protected tree" (formerly solely oak tree), reduces the size protected, eliminates the minimum lot size, expands the universe of people who can perform tree reports, and clarifies and enhances the enforcement provisions - CPC 2004-2290 CA.

2-28-06 - Council Action - \*Amending Motion - Garcetti - Zine Movers 2006 / Reyes - ADOPTED - MOVE that the matter of EXEMPTION, COMMUNICATION FROM THE CITY PLANNING COMMISSION and ORDINANCE FIRST CONSIDERATION relative to amending the Los Angeles Municipal Code (LAMC) to add certain native trees to the class of "protected tree" (formerly solely oak tree), Item 37 (CF 03-1459 and CF 03-1459-S1) on today's Council Agenda, Tuesday, February 28, 2006, be AMENDED to ADOPT the following ADDITIONAL RECOMMENDATIONS:

1. DIRECT the Bureau of Street Services to report on a quarterly basis on the number of violations of the City's Protected Trees Ordinance, as codified in the Los Angeles Municipal Code (LAMC), and the nature of those violations occurring at but not limited to, small lot, multi-family, and large developments, the number of violations occurring per Council District, permits issued for removal, and the number of trees illegally removed.

2. DIRECT the Bureau of Street Services and the City Administrative Officer (CAO), to report on a quarterly basis on the resources needed to properly enforce the City's Protected Trees Ordinance.

2-28-06 - Council Action - \*Amending Motion - Garcetti - Zine Movers 2006 / Reyes - ADOPTED - MOVE that the matter of EXEMPTION, COMMUNICATION FROM THE CITY PLANNING COMMISSION and ORDINANCE FIRST CONSIDERATION relative to amending the Los Angeles Municipal Code (LAMC) to add certain native trees to the class of "protected tree" (formerly solely oak tree), Item 37 (CF 03-1459 and CF 03-1459-S1) on today's Council Agenda, Tuesday, February 28, 2006, be AMENDED to ADOPT the following ADDITIONAL RECOMMENDATION:

DIRECT the Bureau of Street Services, with the assistance of the Department of Water and Power (LADWP) and the Los Angeles Fire Department (LAFD), to coordinate outreach efforts to educate the

public through LAFD and LADWP mailers about the City's Protected Trees Ordinance and all city tree programs generally.

2-28-06 - Council Action - Verbal Motion - Reyes Mover 2006 / Zine - ADOPTED - HEREBY MOVE that Council AMEND the recommendation of the City Planning Commission (Item No. 37, CF 03-1459 & 03-1459-S1) relative to amending the Los Angeles Municipal Code (LAMC) to add certain native trees to the class of "protected tree" formerly solely oak tree) to include an additional recommendation to DIRECT the Department of Building and Safety, Bureau of Street Services to report to the Planning and Land Use Management Committee to quantify the number of permits. - (Planning and Land Use Management Committee waived consideration of the above matter) - Findings ADOPTED - Ordinance ADOPTED - Exemption APPROVED.

3-1-06 - File to Mayor for signature FORTHWITH

3-14-06 - File to Calendar Clerk

3-20-06 - File to Planning and Land Use Management Committee Clerk OK

3-20-06 - File in files