

[B1013]

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ORDINANCE NO. 153478

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3 An ordinance amending Sections 12.07.1, 12.08, 12.21,
4 17.02, 17.05, 17.06, 17.51 and 17.52 of Chapter 1 and adding
5 Sections 46.00, 46.01, 46.02, 46.03, 46.04 and 46.05 to Chapter
6 IV of the Los Angeles Municipal Code to regulate and encourage
7 preservation of oak trees within the City of Los Angeles.

8
9 WHEREAS, oak trees have thrived in abundance within
10 the City of Los Angeles in the past; and

11 WHEREAS, economic development within the City has
12 resulted in the removal of large numbers of oak trees
13 and threatens to diminish still further the number
14 of existing oak trees and to imperil the continued
15 existence of oak trees as a life form within the
16 City; and

17 WHEREAS, oak trees are worthy of protection in
18 order to preserve the natural environment and to
19 protect the City's native plant life heritage for the
20 benefit of all citizens; and

21 WHEREAS, oak trees are unique because of their
22 size and beauty and their relative abundance adds
23 distinction and character to certain communities
24 within the City; and

25 WHEREAS, oak trees are associated with the
26 history and development of the City as evidenced by

1 community names such as Sherman Oaks and Encino,
2 which reflect the presence of oak trees; and

3 WHEREAS, proper and necessary steps must be taken
4 in order to curb the destruction of oak trees;

5 NOW THEREFORE:

6

7 THE PEOPLE OF THE CITY OF LOS ANGELES

8 DO ORDAIN AS FOLLOWS:

9

10 Section 1. Subdivision 4 of Subsection C of
11 Section 12.07.1 of the Los Angeles Municipal Code is hereby
12 amended to read:

13 4. Lot Area -- Every lot shall have a minimum
14 width of 60 feet and a minimum area of 7,500 square
15 feet. The minimum lot area per dwelling unit shall
16 also be 7,500 square feet, except for two-family
17 dwellings on lots having a side lot line adjoining
18 a lot in a commercial or industrial zone as provided
19 for in Subsection A of this section.

20 Provided, however, that on property located
21 within the "RS" Zone and also within a "H" Hillside
22 or Mountainous Area for which a General Plan including
23 dwelling unit densities has been adopted by the City
24 Council, the number of lots may be limited and the
25 minimum required areas may be increased so that the
26 number of dwelling units permitted will not substantially

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exceed the densities shown on the Plan.

There may be lots with less than the minimum required width and area, as provided by Section 17.05-H of this Code, and there may be a single-family dwelling on each such lot if the lot is shown with a separate letter or lot number on a recorded Subdivision Tract Map or Parcel Map.

Further exceptions to area regulations are provided for in Section 12.22-C.

Sec. 2. Subdivision 4 of Subsection C of Section 12.08 of the Los Angeles Municipal Code is hereby amended to read:

4. Lot Area -- Every lot shall have a minimum width of 50 feet and a minimum area of 5,000 square feet. The minimum lot area per dwelling unit shall also be 5,000 square feet, except for two-family dwellings on lots having a side lot line adjoining a lot in a commercial or industrial zone as provided for in Subsection A of this section.

There may be lots with less than the minimum required area and there may be a single dwelling on each such lot if the lot is shown with a separate letter or lot number on a recorded Subdivision Tract Map or a Parcel Map.

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ground around a tree directly under its outermost branch tips and which identifies that location where rainwater tends to drip from the tree.

OAK TREE -- Valley Oak (*Quercus lobata*) and California Live Oak (*Quercus agrifolia*) or any other tree of the oak genus indigenous to California, which measures eight inches or more in diameter four and one-half feet above the ground level at the base of the tree. This definition shall not include the Scrub Oak (*Quercus dumosa*) or any oak tree grown or held for sale in a licensed nursery, or trees planted or grown as a part of a tree planting program.

~~TREE~~ EXPERT -- A person with at least four years experience in the business of transplanting, moving, caring for and maintaining trees and who holds a valid agricultural pest control advisor's license.

Sec. 5. Subdivision 7 of Subsection H of Section 17.05 of the Los Angeles Municipal Code is hereby added to read:

7. Where the Advisory Agency finds the project is consistent with the dwelling unit density permitted by the General Plan, and that the public health, safety or welfare and good subdivision design will be promoted by the preservation of oak trees, the Advisory Agency may permit the required area of one or more of

1 the lots in a subdivision in an "RA," "RE," "RS" or
2 "R1" Zone to be reduced by an amount sufficient to
3 provide for oak tree preservation in accordance with
4 Section 17.05-R of this Code. Provided, however,
5 that in no event shall such a reduction exceed 50
6 percent of the required lot area; no "RA" or "RE"
7 lot shall be reduced below 50 feet in width; no "RS"
8 or "R1" lot shall be reduced below 40 feet in width;
9 and no lot in a designated "K" Horsekeeping District
10 shall be reduced below 17,500 square feet.

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Sec. 6. Subsection R of Section 17.05 of the Los Angeles Municipal Code is hereby added to read:

R. OAK TREE REGULATIONS. No oak tree may be relocated or removed except as provided in Article 7 of Chapter I or Article 6 of Chapter IV of this Code. The term "removal" shall include any act which will cause an oak tree to die, including but not limited to acts which inflict damage upon the root system or other parts of the tree by fire, application of toxic substances, operation of equipment or machinery, or by changing the natural grade of land by excavation or filling the drip line area around the trunk.

1. Required Determinations. Subject to historical preservation requirements set forth herein at Subdivision 3 when an oak tree exists

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within a proposed subdivision, the tree may be
relocated or removed if the Advisory Agency
determines the existence of either (a) or (b)
below:

(a) There has been prior applicable
government action in which:

(i) The removal of the tree had
been approved by the Advisory Agency
prior to the effective date of this
Code Section; or

(ii) The property upon which the oak
tree is located has been the subject of
a determination by the City Planning
Commission, the City Council, a Zoning
Administrator, or the Board of Zoning
Appeals prior to the effective date of
this Code Section, the appeal period
established by this Code with respect to
said determination has expired, the
determination is still in effect, and
pursuant thereto the oak tree's removal
would be permissible; or

(iii) A building permit has been
issued prior to the effective date of
this Code Section, for the property
upon which the oak tree is located,

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the permit is still in effect, and such removal or relocation is not prohibited thereby.

(b) The removal of the oak tree would not result in an undesirable, irreversible soil erosion through diversion or increased flow of surface waters which cannot be mitigated to the satisfaction of the City, and the physical condition or location of the tree is such that:

(i) Its continued presence in its existing location prevents the reasonable development of the property; or

(ii) According to a report, required pursuant to Section 17.06-C, acceptable to the Advisory Agency, and prepared by a tree expert, there is a substantial decline from a condition of normal health and vigor of the tree, and its restoration through appropriate and economically reasonable preservation procedures and practices is not advisable; or

(iii) It is in danger of falling due to an existing and irreversible condition; or

(iv) Its continued presence at its

. . .

1 existing location interferes with
2 proposed utility services or roadways
3 within or without the subject property,
4 and the only reasonable alternative to the
5 interference is the removal of said tree;
6 or

7 (v) It has no apparent aesthetic
8 value which will contribute to the
9 appearance and design of the proposed
10 subdivision; or it is not located with
11 reference to other trees or monuments in
12 such a way as to acquire a distinctive
13 significance at said location.

14 2. Supplemental Authority. In the event the
15 Advisory Agency determines, pursuant to Subdivision
16 1(b) above, that an oak tree may be removed or
17 relocated, the Advisory Agency may:

18 (a) Require relocation elsewhere on the
19 same property where an oak tree has been
20 approved for removal, and where the relocation
21 is economically reasonable and favorable to
22 the survival of said tree. Relocation to a
23 site other than upon the same property may
24 be permitted where there is no available or
25 appropriate location on the property and the
26 owner of the proposed off-site relocation site
27 consents to the placement of a tree thereon.
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In the event of relocation, the Advisory Agency may designate measures to be taken to mitigate adverse effects on the tree.

(b) Permit oak trees of a lesser size, or trees of a different species, to be planted as replacement trees for oak trees permitted by this Code to be removed or relocated, if replacement trees required pursuant to this Code are not available. In such event, the Advisory Agency may require a greater number of replacement trees.

3. Historical Monuments. The Advisory Agency, except as to Subsection R-1(b)(iii) above, shall require retention of an oak tree at its existing location, if said tree is officially designated as an Historical Monument or as part of an Historic Preservation Overlay Zone.

4. Requirements. In the event the Advisory Agency determines pursuant to Subdivision 1(b) above that an oak tree may be removed or relocated, the Advisory Agency shall require that:

(a) The oak tree be replaced within said property by at least two oak trees of a variety included within the definition set forth in Section 17.02 of this Code, except where the oak tree is relocated pursuant to

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Section 17.05-R2(a). Each replacement tree shall be a 15-gallon, or larger, specimen in size, measuring one inch or more in diameter at a point one foot above the base, and not less than seven feet in height, measured from the base. The size and number of replacement trees shall approximate the value of the tree to be replaced.

(b) The subdivider record those covenants and agreements necessary to assure compliance with conditions imposed by the Advisory Agency and to assure oak tree preservation.

(c) The subdivider provide oak tree maintenance information to purchasers of lots within the proposed subdivision.

(d) The subdivider post a bond or other assurance acceptable to the City Engineer to guarantee the survival of trees required to be replaced or permitted or required to be relocated, in such a fashion as to assure the existence of continuously living trees at the approved replacement or relocation site for three years from the date that such trees are replaced or relocated. The City Engineer shall use the provisions of Section 17.08-G as its procedural guide in satisfaction of said bond

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requirements and processing. Any bond required shall be in a sum estimated by the City Engineer to be equal to the dollar value of the replacement tree or of the tree which is to be relocated. In determining value for these purposes, the City Engineer shall consult with the Advisory Agency and shall also consult the evaluation of trees guidelines approved and adopted for professional plantsmen by the International Society of Arboriculture, the American Society of Consulting Arborists, the National Arborists Association and the American Association of Nurserymen, and other available, local information or guidelines.

5. Grading. The Advisory Agency is authorized to prohibit grading or other construction activity within the drip line of an oak tree.

Sec. 7. Subdivision 13 of Subsection B of Section 17.06 of the Los Angeles Municipal Code is hereby amended to read:

13. The approximate location and general description of any large or historically significant trees and of any oak trees and an indication as to the proposed retention or destruction of such trees.

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Sec. 8. Subsection C of Section 17.06 of the Los Angeles Municipal Code is hereby added to read:

C. OAK TREE REPORTS. No application for a tentative tract map approval for a subdivision wherein an oak tree is located shall be considered complete unless it includes a report, in a form acceptable to the Advisory Agency, which pertains to preserving the tree and evaluates the subdivider's proposals for the preservation, removal, replacement or relocation thereof. The report shall be prepared by a tree expert and shall include all oak trees identified pursuant to Section 17.06-B 13 of this Code.

In the event the subdivider proposes any grading, land movement, or other activity within the drip line of an oak tree referred to in the report, or proposes to relocate or remove any such tree, the report shall also evaluate any mitigation measures proposed by the subdivider and their anticipated effectiveness in preserving such tree.

Sec. 9. Subsection D of Section 17.51 of the Los Angeles Municipal Code is hereby added to read:

D. OAK TREE REPORTS:

No application for a preliminary parcel map approval for a parcel wherein an oak tree is located shall be considered complete unless it includes a

1 report pertaining to preserving said tree. The
2 report shall be prepared by a tree expert and shall
3 evaluate the subdivider's proposals for oak tree
4 preservation, removal, replacement and/or relocation.
5 In the event the subdivider proposes any grading, land
6 movement, or other activity within the drip line of
7 any oak tree referred to in the report, or proposes
8 to relocate or remove any such tree, the report shall
9 also evaluate any mitigation measures proposed by the
10 subdivider and the anticipated effectiveness thereof
11 in preserving such tree.

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13 Sec. 10. Subsection I of Section 17.52 of the Los
14 Angeles Municipal Code is hereby added to read:

15 I. When an oak tree exists on a proposed parcel,
16 the preservation thereof at its existing location, its
17 relocation for preservation purposes, or the removal
18 of said tree shall be regulated in the same manner as
19 that provided under subdivision regulations set forth
20 in this Chapter.

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22 Sec. 11. Article 6 of Chapter IV of the Los
23 Angeles Municipal Code is hereby added to read:

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ARTICLE 6
PRESERVATION OF OAK TREES

SEC. 46.00. OAK TREE REGULATIONS:

No oak tree may be relocated or removed except as provided in Article 7 of Chapter I or Article 6 of Chapter IV of this Code. The term "removal" shall include any act which will cause an oak tree to die, including but not limited to acts which inflict damage upon the root system or other part of the tree by fire, application of toxic substances, operation of equipment or machinery, or by changing the natural grade of land by excavation or filling the drip line area around the trunk.

SEC. 46.01. DEFINITION:

"OAK TREE" means Valley Oak (*Quercus lobata*) and California Live Oak (*Quercus agrifolia*), or any other tree of the oak genus indigenous to California which measures eight inches or more in diameter four and one-half feet above the ground level at the base of the tree. This definition shall not include the Scrub Oak (*Quercus dumosa*) or any oak tree grown or held for sale by a licensed nursery, or trees planted or grown as a part of a tree planting program.

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SEC. 46.02. REQUIREMENTS FOR PERMITS:

No person shall relocate or remove any oak tree, as that term is defined in Section 46.01, where said oak tree is located on a lot larger than one acre in size and is not regulated pursuant to Article 7 of Chapter I of this Code, without first having applied for and obtained a permit from the Board of Public Works or its designated officer or employee, except as otherwise provided herein.

An application for a permit shall indicate, in a manner acceptable to the Board of Public Works, by number on a plot plan, the location of each oak tree, and shall identify each oak tree proposed to be retained, relocated or removed. If any grading is proposed which may affect such a tree, a copy of the grading permit plan shall be submitted with the application.

(a) EXEMPTIONS. The Board of Public Works shall exempt from and not require issuance of a permit for the relocation or removal of an oak tree where said Board is satisfied that:

1. The proposed relocation or removal of the oak tree has been approved by the Advisory agency pursuant to Article 7 of Chapter I of this Code, or has been approved by the Advisory Agency prior to the effective date of this Code Section; or

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2. The land upon which the oak tree is located has been the subject of a determination by the City Planning Commission, the City Council, a Zoning Administrator or the Board of Zoning Appeals prior to the effective date of this Code Section, the appeal period established by this Code with respect to said determination has expired, the determination is still in effect, and pursuant thereto the oak tree's removal would be permissible; or

3. A building permit has been issued for any property prior to the effective date of this Code Section and is still in effect with respect to the property under consideration and its implementation would necessitate such removal or relocation.

(b) Board Authority. The Board of Public Works may grant a permit for the relocation or removal of an oak tree, unless otherwise provided herein or unless said tree is officially designated as an Historical Monument or as part of an Historic Preservation Overlay Zone, if said Board determines that the removal of the oak tree will not result in an undesirable, irreversible soil erosion through diversion or increased flow

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of surface waters which cannot be mitigated to the satisfaction of the City; and

1. It is necessary to remove the oak tree because its continued existence at said location prevents the reasonable development of the subject property; or

2. The oak tree shows a substantial decline from a condition of normal health and vigor, and restoration, through appropriate and economically reasonable preservation procedures and practices, is not advisable; or

3. Because of an existing and irreversible adverse condition of the oak tree, the tree is in danger of falling, notwithstanding said tree having been designated an Historical Monument or as part of an Historic Preservation Overlay Zone; or

4. The presence of the oak tree interferes with utility services and roadways within or without the subject property and the only reasonable alternative to the interference is the removal of the tree; or

5. It has no apparent aesthetic value which will contribute to the appearance and design of the surrounding properties, or is not located with reference to other trees or

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monuments in such a way as to acquire a distinctive significance at said location.

(c) ADDITIONAL AUTHORITY. The Board of Public Works or its authorized officer or employee may:

1. Require as a condition of a grant of permit for the relocation or removal of an oak tree, that the permittee replace said tree within the same property boundaries by at least two oak trees of a variety included within the definition set forth in Section 46.01 of this Code, in a manner acceptable to the Board. Each replacement tree shall be at least a 15-gallon, or larger, specimen in size, measuring one inch or more in diameter one foot above the base, and be not less than seven feet in height measured from the base. The size and number of replacement trees shall approximate the value of the tree to be replaced.

2. Permit oak trees of a lesser size or trees of a different species to be planted as replacement trees, if replacement trees of the size and species otherwise required pursuant to this Code are not available. In such event, a greater number of replacement trees may be required.

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3. Permit an oak tree to be moved to another location on the property, provided that the environmental conditions of said new location are favorable to the survival of the tree and there is a reasonable probability that the tree will survive.

SEC. 46.03. PERMIT CONDITIONS:

(a) A permit issued pursuant to this Article shall (1) specify and approve the location or locations to which said tree may be relocated, (2) designate the species, number, and size of any replacement tree or trees, and (3) set forth any other conditions or requirements deemed necessary by the Board of Public Works, or its authorized officer or employee, to implement the provisions of this Article.

(b) It shall be a misdemeanor for any person to fail or refuse to comply with, or to wilfully violate, any condition or requirement imposed in a permit issued pursuant to this Article.

SEC. 46.04. FEES:

A fee of \$15.00 shall be charged for issuance of any permit pursuant to this Article which permits the removal or relocation of five or less oak trees. Any permit for the removal or relocation of more than five . . .

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such trees shall require an additional fee of \$6.00 for each additional unit of five or fewer trees.

SEC. 46.05. APPEAL:

In the event an application for a permit under this Article is denied, the applicant shall be notified of such denial in writing, said applicant's right to file an appeal with the Board of Public Works, the time limits, and other requirements for the filing of said appeal.

No appeal shall be considered by the Board unless said appeal has been filed with the Board no greater than 10 days after the date said notice of denial is mailed.

The Board shall conduct a hearing within 30 days after receiving an appeal, and shall render a written decision approving, conditionally approving, or disapproving the issuance of the permit applied for.

Sec. 12 The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of MAR 5 - 1980

REX E. LAYTON, City Clerk,

By, *Edward W. Wilson*
Deputy.

Approved.....

Tom Bradley
Mayor.

Approved as to Form and Legality

FEB 25, 1980
BURT PINES, City Attorney,

By *H. G. Morris*
HENRY G. MORRIS, Deputy City Attorney

Pursuant to Sec. 97.8 of the City Charter, approval of this ordinance recommended for the City Planning Commission.....

See attached report. *Calvin S. Jones*
Director of Planning

File No. 77-1145 & 77-1145 S-1