File No. 14-0163-S11

COMMUNICATION FROM CHAIR, PUBLIC WORKS AND GANG REDUCTION COMMITTEE relative to sidewalk inspection, construction, and repair; and, street tree planting, pruning, and removal policies.

Recommendations for Council action:

1. DESIGNATE the Bureau of Street Services (BSS) as the responsible agency for pre- and post-inspection for concrete repairs and all ancillary tree work required pursuant to concrete repairs for locations in the Access Request Program including provision of the Sidewalk Certificate of Compliance.

2. DESIGNATE the Bureau of Contract Administration as the responsible agency for the pre- and post-inspection of the locations included in the Sidewalk Repair Incentive Program to determine the cost and extent of all concrete work (sidewalk curb / gutter, driveway) including provision of the Sidewalk Certificate of Compliance.

3. DESIGNATE the BSS as the responsible agency for tree inspections of locations included in the Sidewalk Repair Incentive Program.

4. REQUEST the City Attorney to respond to the possibility of a third party accepting legal responsibility for sidewalk compliance if said party is requesting a tree remain in opposition to the property owner adjacent to the subject tree request for tree removal.

5. DIRECT the BSS to:

    a. Adopt tree removal, tree retention, tree replacement, root pruning, tree removal alternative, and tree well standard practices contained in the BSS report to the Public Works and Gang Reduction Committee and the Budget and Finance Committee dated October 19, 2016, and as contained in the summary of the Public Works and Gang Reduction Committee Communication to Council on this matter.

    b. Include and invite community participation in the review of the recommendations contained in the October 19, 2016 report to the Public Works and Gang Reduction Committee.

6. DIRECT the Bureau of Engineering (BOE) to review and approve the use alternative materials other than concrete in sidewalk construction.

7. DIRECT the City Administrative Officer (CAO) and the BSS to report relative to the costs associated with the implementation of a proactive three-year root pruning program for all retained street trees.

8. DIRECT the BOE with the assistance of the Department of Disability and the City's Americans with Disabilities Act (ADA) coordinator to determine and report back on whether angle cutting and grinding is ADA compliant, and if so, AUTHORIZE the use of these repair techniques for the incentive program.

9. REQUEST the City Attorney and BOE to develop and report back on an expedited and user-friendly public right-of-way dedication process, including any necessary ordinances to allow for the encroachment of meandering sidewalks onto private property.

Fiscal Impact Statement: None submitted by the BSS. Neither the CAO nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

SUMMARY

In a report to the Public Works and Gang Reduction Committee and the Budget and Finance Committee dated October 19, 2016, BSS presents policy options for sidewalk inspection, construction, and repair; and, the planting, pruning, and removal of street trees. The Bureau states that the City of Los Angeles is embarking upon the repair of the City's sidewalks at locations that prohibit the safe passage of the City's residents and visitors, specifically those sidewalks that do not comply with ADA requirements.

According to the Bureau, a very significant percentage of the damaged sidewalks is attributed to street tree conflict. Proceeding with a sidewalk repair program will significantly impact the City's street tree population. The Bureau believes that the City must carefully examine potential impacts to determine the best methods to ensure the sustainability of both the sidewalk system and the street tree population.

The Bureau goes on to respond to various requests for reports made by the Public Works and Gang Reduction Committee and Budget and Finance Committee at their joint meeting held August 22, 2016 (Council file No. 14-0163-S3). In response to Committees' Recommendation No. 21, the Bureau proposes the following:

Tree Removal Criteria
Every street tree removal request shall be evaluated on a case-by-case basis, regardless of its association with the sidewalk repair program or other removal reason. The following protocol shall be followed:

- Trees exhibiting crown dieback in excess of 50% shall be removed.
- Trees exhibiting signs (crown die back, cankers, exudates, etc.) of xylella or other severe pest infestations shall be removed.
- All trees impacted by the sidewalk repair program with a 50% or greater foliated crown shall have an International Society of Arboriculture Basic Tree Risk Assessment (BTRA) Form completed for each individual tree. The assessment will provide the Bureau of Street Services a basis to determine the viability of exercising tree removal options at each site.
- Trees with a BTRA risk rating of extreme shall be removed.
- Trees with a BTRA risk rating of low-high may be considered as candidates for retention.
- Young vigorous trees shall be retained whenever possible while older and over mature trees shall be considered for removal.

Tree Retention / Tree Removal Alternatives
Trees determined by the BTRA to pose acceptable risk thresholds may be considered for retention by:

- Tree Well Enlargement.
- Sidewalk ramping.
- Sidewalk Minimizing.
- Root pruning.
- Sidewalk Relocation (meandering) - Sidewalk meandering requires the adjacent property owner to dedicate an additional portion of the owner's private property for use as the public right-of-way. New dedication requires a legal process in which the newly dedicated property is recorded with the County Assessor and becomes part of the City controlled public right-of-way.

Tree Removal Permit Process Improvement - Tree Replacement Planting - Species Selection

- Continue the 2:1 tree replacement policy.
- All trees removed in execution of the Access Request Program should be replaced on a 2:1 basis by the City and planted at locations determined by the Bureau of Street Services. All replacement trees should be watered as determined by the Bureau of Street Services for a period of three years.
- Tree Planting Specifications.
- Root Control Barriers shall be installed on street tree plantings.
- Tree Planting Standards - Trees shall be planted according to the specifications put forth in the BOE Standard Plan(s) S-450-3, S-455-2, and S-456-2.
- Tree Species Selection shall take into account microclimate and soil type, conform with public and private infrastructure and to its linear orientation, based upon a Right Tree - Right Place criteria and local uniformity, and take into account biogenic outputs.

Use of Native Tree Species

Widespread use of native tree species must be thoroughly evaluated before being implemented.

- Community Involvement.
- Water Requirements/Drought - If trees are to be planted in areas that may not receive any irrigation besides rain, water requirements should be one of the main factors considered when making species selection.

Tree Replacement Location Selection

- To be determined by available stock and various other considerations.
- If adequate space exists for street tree planting at the location of the removed tree, a tree shall always be planted back in that location.
- Additional tree removal tree replacements shall first be planted within the neighborhood/community in which the tree removal(s) occurred.
- For projects that have a large quantity of trees removed and consequently high quantities of tree removal replacement stock, BSS shall consider:
    - Heat island data.
    - Historically low canopy areas of the City.
    - Air quality data.
    - Due to drought and climate change, the City may need to review and revise its Street Tree Selection Guide.

At the Public Works and Gang Reduction Committee meeting held October 24, 2016, the Committee Chair discussed this matter with a representative of the BSS Urban Forestry

Division. The Urban Forestry Division representative reviewed highlights of the Bureau report. It was stated that preserving the City's 70,000 street trees and improving access to the City's sidewalk system for the mobility impaired may come into conflict. Also discussed were the Bureau's criteria for determining when a street tree should be removed, sidewalk repair options such as ramping and the use of alternative materials, root pruning and root barriers to protect sidewalk integrity, proper tree selection, and recommendations for regular tree pruning.

During the public comment period, support for the Bureau's report was expressed. Speakers stated the City must address planning and development policies to preserve existing tree canopy provided by mature trees on private property and to prohibit new driveways that cause the removal of healthy street trees. Other speakers addressed the impacts of climate change and drought, and the need to support and maintain new trees planted in accordance with the City's two-for-one replacement policy.

The Committee Chair recommended that Council approve the Bureau's report, as amended to incorporate various technical amendments reflect above. The Committee Chair also recommended that staff determine whether sidewalk angle cutting is ADA compliant.

Respectfully Submitted,

COUNCILMEMBER JOE BUSCAINO, CHAIR
PUBLIC WORKS AND GANG REDUCTION COMMITTEE

MEMBER	VOTE
BUSCAINO:	YES
MARTINEZ:	ABSENT
PRICE:	ABSENT
O'FARRELL:	ABSENT
RYU:	ABSENT

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-NOT OFFICIAL UNTIL COUNCIL ACTS-