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November 26, 2019

Julie Sauter  
Deputy City Engineer  
Bureau of Engineering  
Department of Public Works  
1149 S. Broadway, Suite 700  
Los Angeles, CA 90015-2213

**RE: Community Forest Advisory Committee's Request and Recommendations for the Sidewalk Repair Program**

Dear Ms. Sauter:

This letter is a follow-up to the letters submitted by the Community Forest Advisory Committee (CFAC) to the City of Los Angeles' Bureau of Engineering (BOE) on September 11, 2017, and October 31, 2018, regarding the Sidewalk Repair Program (the "Program").

Although CFAC fully supports the Program's goals to create a safer, more inclusive, and accessible city for all Angelenos, we are concerned and disappointed with the BOE's failure to complete an Environmental Impact Report ("EIR") by December 2018 as promised — almost two years after the Sidewalk Repair Program was initiated. The Program needs a comprehensive and thoughtful long-term plan for its proper implementation, which is not possible without an EIR and adherence to CEQA. At this time, we are unclear if BOE has any plan at all for the thoughtful implementation of the Program. Further, the lack of progress regarding the implementation of the policies and procedures that we recommended in the aforementioned letters and the BOE's lack of responsiveness to these letters have been equally disappointing. This letter serves to reiterate the following points from our previous letters that have not yet been implemented by the BOE, and in some cases amend them:

### **(1) Cease Removing Healthy Street Trees Until Completion of the EIR**

One of the purposes of CEQA is to: “[d]isclose to the public the significant environmental effects of a proposed discretionary project.” The Program, on the other hand, is retroactively performing an EIR; i.e., performing an EIR after the Program has already begun implementation. Another purpose of CEQA is to: “[p]revent or minimize damage to the environment through development of project alternatives, mitigation measures, and mitigation monitoring.” Unless the BOE has a comprehensive understanding of the impacts of the Program, the mitigation measures it has been implementing are deficient. CFAC recommends that the environmental impacts of the Program first be fully assessed and the EIR completed before removing any additional healthy trees. In the interim, the BOE should preserve healthy existing trees wherever possible.

### **(2) Increase Tree Replacement Ratio**

We believe that the Program’s 2:1 replacement ratio is insufficient. We previously recommended instituting a 4:1 replacement ratio as a more appropriate mitigation measure for the removal of mature trees. We now recommend a scaled mitigation that assesses lost ecosystem services based on the size of the tree, as follows:

Trees with a DBH (diameter at breast height) of 8-12” should be replaced with 4 x 15-gallon or 2 x 24” box trees;

Trees with a DBH of 13-18” should be replaced with 8 x 15-gallon or 4 x 24” box trees;

Trees with a DBH of 19-36” should be replaced with 8 x 24” box trees;

and Trees with a DBH of 37” or greater should be replaced with 12 x 24” box trees.

### **(3) Implement Best Management Practices**

CFAC recommends the implementation of the following best management practices for the Program: (i) The Program should not utilize the installation of root barriers; (ii) where consistent with the suggested tree replacement methodology outlined in Item (2), the Program should use 15-gallon trees instead of 24-inch box trees for replacement trees in residential neighborhoods; and (iii) there must be increased species diversity in trees used as replacement trees under the Program. With respect to the latter, we further recommend updating UFD’s approved tree list to remove medium to high water use trees and including low water use trees appropriate for the warming Los Angeles climate. Further, we urge the BOE to commit to watering the replacement trees and maintaining the trees indefinitely. (Addendum: We note that UFD has been updating its tree list, however it is not consistent with the list created by the Trees Committee of the Mayor’s Office Water Cabinet, nor the list used by City Plants. CFAC suggests that the UFD list be updated to be more consistent with the aforementioned lists and that the UFD list seek to maximize species diversity of trees planted as much as possible.)

#### **(4) Improve and Increase Transparency**

The BOE should make available to the public all data on the location of replacement trees. Improving and increasing transparency with respect to the Program will help bolster public support for the Program.

#### **(5) Address Effects on Wildlife and their Habitats**

Despite hundreds of trees having been removed for the Program since its initial implementation, to our knowledge no appropriate mitigation measures have been implemented to prevent or minimize the impact of the mature tree canopy loss on wildlife and their habitats. We believe that the EIR must assess in detail the Program's potential impacts on wildlife and their habitat, and recommend mitigation measures be implemented to minimize or prevent such impacts. We further recommend that the BOE adopt a policy considering the impact of the program on wildlife and their habitat. The effects on wildlife and their habitats need to be quantified by appropriately qualified specialists, and mitigation measures identified to prevent or minimize negative impacts. For example, tree removals should not occur during nesting season. Last, BOE's policies and procedures for the Program must incorporate strict adherence to wildlife protection regulations and include as a goal the protection and enhancement of bird and wildlife habitats.

#### **(6) Devise and Implement an Outreach and Educational Program**

CFAC recommends that the BOE devise and implement a stronger outreach and educational program to educate Angelenos on the Program's impact on our ecosystem. The outreach and educational program should also include information on the benefits of street trees, including but not limited to the benefits of preserving street trees and ensuring the health and survival of replacement trees.

#### **(7) Perform Periodic Assessment of the Program's Environmental Impacts Following Completion of the EIR**

The list of environmental issues may expand as scientific knowledge regarding environmental issues develops and as the effects of the climate emergency become more apparent. To that end, we recommend that periodic assessments of the environmental impacts of the Program be performed following the completion of the Program's EIR and until completion of the Program. The assessments should quantify the health effects on the City's residents of loss of trees and tree canopy as a result of the Program.

#### **(8) Implement a Mechanism to Monitor & Ensure Survival of Program's Replacement Trees**

The Program should include the goal that there be no net canopy loss in the implementation of the Program. The "no net canopy loss" goal will require a long-term plan for monitoring the survival of the trees and maintaining them. Although the City is committing to watering Program replacement trees for the first 3 years after their initial planting, there is no system in place

to ensure that property owners will water the trees and ensure their survival beyond this period. This is especially concerning given that best management practices consider the establishment period for a tree to be 5 years. In addition, the Program does not address restoring our canopy if the replacement trees do not survive.

CFAC believes that the City needs a long-term sustainability plan to address the monitoring and assurance of the survival of the Program's replacement trees. If the trees do not survive, the environmental impacts of the Program will be even greater than anticipated. We need a monitoring mechanism and the baseline data it will provide to ensure that the appropriate mitigation measures are implemented. Therefore, we believe it is imperative for the City to devise a long-term sustainability plan for our replacement trees, which should also include an enforcement plan. In addition, we recommend that the City assume the responsibility to water and maintain the trees indefinitely. Relying on the property owners to assume this responsibility is not a prudent practice and will not lend to maximizing the survival of the tree.

In addition to reiterating the points above, we would like to use this opportunity to make the following new requests to the BOE:

- (1) Devise a Long-Term Strategic Plan for the Implementation of the Sidewalk Repair Program;
- (2) Consider Alternative Materials and Alternative Designs for Sidewalk Repairs;
- (3) Remove Use of Root Barriers from Standard Plan S-456-2: Use of root barriers results in decreased root system stability. Root barriers are costly to install, raise the risk of tree failure, and do not reliably prevent growth of tree roots under sidewalks. Therefore, the use of roots barriers should be abandoned for the Program;
- (4) Implement Green Infrastructure for the Sidewalk Repair Program: Green infrastructure features such as curb cuts, bioswales, and larger tree wells should be integrated into reengineered section of the City's sidewalks to increase the overall benefits to the City of its expenditure on the Program.
- (5) Revise Driveway Curb Cut Standards to Minimize Loss of Parkways: BOE should limit the curb cut allowed at the street for new driveways in order to minimize the loss of parkway. Other cities do not allow driveway cuts of the width allowed in Los Angeles.
- (6) Update the Tree Spacing Guidelines: Current tree spacing guidelines are too generic and conservative for the present and future needs of Los Angeles. Plant trees closer now and thin them out later as needed. Consider smaller/or taller tree species, on-site infrastructural constraints, lot sizes, and the urgent need for shade now. Guidelines need to be more flexible to accommodate infrastructure and allow for a bosque of trees rather than trees planted in isolation. For example, a 50' wide lot with a driveway and a water and/or gas meter in the parkway will have room for perhaps only one tree per lot if the current

guidelines are followed: 6' away from meters, 6' from driveways, 20' from street lights. One tree every 50' is not sufficient unless the trees are large species, which are either no longer being planted or, when they are, won't be substantial trees for fifty years. Corner lots will never be able to have a tree, given that no trees are permitted less than 45' from intersections. Currently, the City is planting mainly smaller tree species, due to concern about damaging infrastructure. Small trees need to be planted closer than 40' apart if we hope to shade our streets in the next 10 years.

We hope that you will consider the recommendations and requests set forth in this letter as an opportunity for constructive dialogue in implementing this crucially important endeavor for the City. To that end, we request the opportunity to meet with you to further discuss our recommendations and requests. We look forward to your prompt response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Aaron Thomas', with a large, stylized flourish extending to the right.

Aaron Thomas  
Chair, Community Forest Advisory Committee