

REPORT FROM

OFFICE OF THE CITY ADMINISTRATIVE OFFICER

Date: October 10, 2018

CAO File No. 0220-05332-0000

Council File No. 15-0448

18-0600-S86

Council District: All

To: City Council

From: Richard H. Llewellyn, Jr., City Administrative Officer

Reference: Request for report from the Public Works and Gang Reduction Committee – Motion (Krekorian – Wesson) related to new policies for the consideration of existing parkway trees

Subject: **STREET TREE POLICIES IN RELATION TO PRIVATE DEVELOPMENT AND NEW CONSTRUCTION**

RECOMMENDATIONS

That the Council, subject to the approval of the Mayor:

1. Request the City Attorney to prepare and present an Ordinance to establish a new fee schedule for inspection services provided by the Bureau of Street Services, Urban Forestry Division in relation to the clearance added to the Building Clearance Handbook; and,
2. Authorize resolution authority in the Bureau of Street Services for one position listed below to support inspection services provided by the Bureau in relation to the clearance added to the Building Clearance Handbook for the term of November 1, 2018 through June 30, 2019, subject to review and approval by the Personnel Department as to Civil Service classification, and allocation by the Civil Service Commission:

<u>Quantity</u>	<u>Class Code</u>	<u>Classification Title</u>
1	3117-1	Tree Surgeon Supervisor I

SUMMARY

On September 14, 2015 the Public Works and Gang Reduction (PWRG) Committee instructed our Office to work with the Chief Legislative Analyst (CLA) and various City departments to recommend new policies for the consideration of existing parkway trees prior to approving plans for new garages, driveways, and curb cuts and to report with recommendations for increased fines and penalties for removing street trees without permits. In addition, the Bureau of Street Services (BSS)

was instructed to revise the tree replacement policy to require a new, 15-gallon minimum, tree to replace street trees removed due to new driveway cuts.

Council File (CF) 18-0600-S86, relative to the feasibility of increasing fines for illegal tree pruning and removal, is also addressed in this report under Section B, Fines and Penalties for Street Tree Removal.

DISCUSSION

A. NEW POLICIES FOR THE CONSIDERATION OF EXISTING PARKWAY TREES

Current Permitting Process

When applying for a Building or Land Use (Entitlement) Permit an individual submits his/her proposed project plans to the Los Angeles Department of Building and Safety (LADBS). If the proposed project plan affects the parkway and identifies a tree for removal, it is then referred to BSS Urban Forestry Division (UFD) for review. Many times, the proposed project plans may not identify an existing tree in the parkway. If an existing parkway tree is not identified in the project plan, LADBS does not verify if the representation of the lack of trees is accurate. When new garages, driveways, and curb cuts are installed/performed as part of the Building permit, an A permit is required. It is not until after an A permit is issued by the Bureau of Engineering (BOE) that UFD is notified of the existing parkways trees, which is too late in the process for preventative actions to be taken to protect these trees.

Proposed Revised Permitting Process

A working group meeting was held in June 2018 with this Office, the CLA, BSS, BOE, LADBS, and the City Planning Department to discuss improvements and/or changes to the current permitting process to consider existing parkway trees prior to approving plans and obtaining a permit.

The consensus of the working group was to improve the current permitting process by adding a BSS clearance prior to the issuance of a Building or Land Use Permit. LADBS utilizes a Building Clearance Permit Handbook to determine which agencies are required by a specific project's scope of work. The required clearances must be obtained prior to the issuance of a permit by LADBS. The handbook will be revised to include the added BSS clearance. The revised process will allow notification to UFD even if a parkway tree is not identified in the plans. This will occur at the beginning of the permitting process to ensure an accurate assessment of the impact to the parkway trees is conducted prior to permit issuance.

BSS Resources

BSS has indicated that a Tree Surgeon Supervisors I is needed to conduct the inspections for the clearance added to the Building Clearance Handbook. The new BSS clearance was added to the Building Clearance Permit Handbook in late July 2018. Between July 31, 2018 and September 11,

2018, the Bureau received 45 requests for inspection with each request requiring an average of four hours each to process and complete (Attachment 1). Of the 45 requests, it was determined that eight trees could not be saved, five trees could be root pruned, four existing trees were not impacted, ten trees were saved by UFD plan design changes and 18 had no existing trees.

Fees

It is recommended that a fee of \$29.50 for each 15 minute increment spent on processing the BSS Building and Safety clearance be established to allow for reimbursement for the special services provided by BSS. As detailed in Attachment 2, the proposed fee will provide full cost recovery for the one position recommended in this report.

Based on examples in Attachment 1, inspection services ranged from three hours and 45 minutes to six hours and 30 minutes. In these scenarios, the fee charged would range from \$442.50 to \$767.00.

The proposed fees are in compliance with the City's Financial Policies as they achieve full cost recovery for special services.

B. FINES AND PENALTIES FOR STREET TREE REMOVAL

Los Angeles Municipal Code (LAMC) Section 62.169(a) states that no person shall plant, remove, destroy, cut, prune or deface or in a manner injure any tree, shrub or plant in any street in the City, without first obtaining a permit to do so from the Board of Public Works (Board). LAMC Section 62.171 states a fee shall be charged for each permit issued by the Board for removal or cutting down of any tree in or upon any street or parkway in the City. LAMC Section 62.174 states no person shall pile building material, or other material, about any tree, plant or shrub in any street in any manner that will in any way injure such tree, plant, or shrub.

Currently, any person violating these Code sections where a tree is damaged beyond repair is issued a Notice to Comply and is directed to remove the remaining portion of the damaged tree and plant a new one in its place. In instances where a tree is pruned without a permit but is still a healthy tree, no action is taken. In September of 2016, via report R16-0283 under CF 14-0818-S2, BSS Investigation and Enforcement Division was authorized to begin using the Administrative Citation Enforcement (ACE) program as an enforcement tool.

Following this action, BSS began issuing administrative citations to penalize individuals violating LAMC Sections 62.169(a), 62.171, and 62.174, as well as to track repeat offenders. Repeat offenders are now subject to a misdemeanor filing by the City Attorney and/or a fine of not more than \$1,000. This has added another enforcement tool for Street Services Investigators to use when enforcing LAMC 62.169(a). The ACE program provides a standardized fine structure with progressively larger fines for the second and third offense, along with an appeal process managed by the City Attorney's office.

C. TREE REPLACEMENT POLICY

At its June 17, 2015 meeting, the Board of Public Works reaffirmed a long standing practice of requiring a 2:1 tree replacement with 24" box size tree stock for each approved street tree removal (Attachment 3). This policy satisfies the intent of the motion.

FISCAL IMPACT STATEMENT

There is no impact to the General Fund. The recommendations in the report are in compliance with the City's Financial Policies as the proposed fees are estimated to fully recover the costs of providing the associated services.

RHL:NCT:06180154

Attachments

PCIS FOR PARKWAY TREES

ADDRESS	DATE	PHONE CALL	COUNTER	RESEARCH	INSPECTION	PCIS, INSPECTION-NOTES, PROCESSING	TOTAL
8961 Cadillac Ave	7-31-2018	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
10231 Constellation Ave	7-31-2018	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
11554 Morrison	8-1-2018	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
1540 S. Barrington Ave	8-2-2018	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
3135 Greenfield	8-3-2018	30 min	1.5 hrs	1.0 hrs	2 hrs	30 min	6.5 hrs
736 N. Leland Ave	8-3-2018	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
445 N. Avalon Bl	8-8-2018	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
13847-13849 Davana Ter	8-10-2018	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
1485 Highgate Ave	8-21-2018	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
2933 west view st	8-21	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
9551 Dorrington Ave	8-22-2018	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
16357 Parthenia	8-22-2018	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
14311 Ventura	8-23-2018	1.5 hrs	1.0 hrs	1.0 hrs	2.5 hrs	30 min	6.5 hrs
14311 Ventura	8-23						6.5 hrs
14311 Ventura	8-23						6.5 hrs
1461 Rising Glen	8-24	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
801 109th Pl	8-24	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
4812 La Roda Ave	8-24	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
6601 Babcock	8-24	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
615 Curson	8-27	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
10833 Tabor St	8-27	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
1214 W. F St.	8-27	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
9357 Monte Mar Dr.	8-27	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
1037 Palms blvd	8-28	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
10620 Kinnard Ave	8-28	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
620 Stanely Ave	8-28	15 min	30 min	1.0 hrs	2 hrs	30 min	4 hrs 15 min
750 Holmby	8-29	15 min	30 min	1.0 hrs	2 hrs	30 min	4 hrs 15 min
947 N. Chataqua Blvd	8-29	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
13052 W. Appleton	8-29	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
7522 W. 80th St	8-29	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
6517 W. 82nd St	8-29	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
7952 W. 4th	8-30	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
250 Rockingham	8-31	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
6232-6235 Burwood Av	8-31	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
11970 W. Modjeska Pl.	9-4	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
822 S. Thayer Ave	9-4	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
12516 S. Vermont Av	9-5	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
16805 W. Rayen st	9-6	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
10888 Chalon Rd	9-7	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min
489 S. William	9-21	15 min	30 min	30 min	2 hrs	30 min	3 hrs 45 min

[illegible]

**COST COMPUTATION OF SPECIAL SERVICES FEE IMPLEMENTATION
FISCAL YEAR 2018-19**

STAFFING	CLASS CODE	NO.	2017-18 AVERAGE SALARY	TOTAL SALARY	EXPENSES	COST	CAP 40 FRINGE BENEFITS 56.32%	CAP 40 CENTRAL SERVICES 78.42%	CAP 40 DEPT. ADMIN 25.01%	TOTAL
Tree Surgeon Supervisor I	3117-1	1	\$ 93,122	\$ 93,122	\$ 4,743	\$ 97,865	\$ 52,446	\$ 73,026	\$ 23,290	\$ 246,627
TOTAL		1	\$ 93,122	\$ 93,122	\$ 4,743	\$ 97,865	\$ 52,446	\$ 73,026	\$ 23,290	\$ 246,627

Hours Per Year: 2,080

Hourly Cost: \$ 118

30-minutes: \$ 59

15-minutes: \$ 29.5

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

Date: June 17, 2015

CITYWIDE

Honorable Board of Public Works
of the City of Los Angeles

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.

(RL)

Report Prepared by:

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Respectfully submitted,



NAZARIO SAUCEDA, DIRECTOR
BUREAU OF STREET SERVICES