

for May 14, 2024

MOTION

TO CITY CLERK FOR PLACEMENT ON NEXT
REGULAR COUNCIL AGENDA TO BE POSTED

#51

On May 6, 2024, the Board of Public Works held an appeal hearing for 8461 West Grand View Drive for an enforcement matter relating to the unpermitted removal of multiple protected trees and a protected shrub. This parcel is located in Council District 4. The Board of Public Works considered and made a final determination on an appeal filed by the property owner under Los Angeles Municipal Code (LAMC) Section 46.06(d) contesting the Bureau of Street Services' October 27, 2023 findings and determination to request the Superintendent of Building, Los Angeles Department of Building and Safety, to withhold issuance of building permits for a period of four years for the removal of protected tree(s) and/or shrub(s) in violation of LAMC Section 46.00. The Board of Public works determined that protected trees and a protected shrub had been removed without a permit, but reduced the moratorium on future building permits down to two years (which will result in the final moratorium expiring on July 6, 2025).

The Bureau of Street Services alleged that the property owner hired tree removal contractors to remove trees and shrubs from this property on June 28, 2023, July 7, 2023, and July 27, 2023, *including protected trees and shrubs*, without obtaining any City permits. The ensuing removals included seven protected trees (California Black Walnut) and one protected shrub (Mexican Elderberry). During the tree removal process, the Bureau alleged that a neighbor notified the property owner that there were protected trees being illegally removed, and that the tree removals continued during the following weeks. LAMC Section 46.02 requires a permit from the Board of Public Works to remove protected trees or shrubs. LAMC Section 46.06 authorizes the Bureau of Street Services to request the Department of Building and Safety to withhold issuance of all building permits for a period of time up to ten years and/or to revoke existing permits on properties where it has been determined that unpermitted protected tree removals have occurred. In accordance with LAMC 46.06, Bureau of Street Services notified the property owner of its intent to act pursuant to that Section.

On September 27, 2023, the Bureau of Street Services conducted a hearing before a hearing examiner following the enforcement procedures under LAMC 46.06. The Bureau recommended that the Department of Building and Safety revoke and withhold building permits for 8461 West Grand View Drive for seven years. After the administrative hearing, the hearing examiner determined that protected trees and a protected shrub had been removed without a permit and determined that future building permits would be withheld for a period of four years. This decision was appealed by the property owner to the Board of Public Works.

On May 3, 2024, Council District 4 issued a letter to the Board of Public Works stating its strong support for the Bureau of Street Services' findings and determination requesting the Department of Building and Safety to withhold issuance of building permits for a period of four years and requested a denial of the appeal based on preponderance of evidence, including witness testimony; detailed processes and procedures relating to protected trees and shrubs in the LAMC; and recurring tree removal activities following the issuance of administrative hearing notices. At its meeting on May 6, 2024, the Board of Public Works, in a 3-2 vote, determined that the protected trees and the protected shrub had been removed without a permit, but reduced the withholding of building permits to two years. The Board also recommended that city staff work with the property owner on a replanting plan that would bring the property into 4:1 compliance with regard to tree replanting, though the Board acknowledged that such replanting was not a binding requirement.

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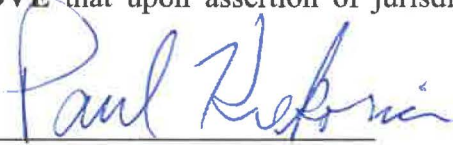
As noted by the Bureau of Street Services, the replanting plan is entirely voluntary and the reduced two year penalty is not impactful nor does it meet the express intent of the Protected Tree Ordinance (LAMC 46.00), adding to the Council Office's and the public's consternation associated with the lack of consequences for bad actor behavior. Further, following the Board's decision, at least one public comment was received by the Board indicating that the property owner had commenced removing more protected trees without obtaining permits. Reasonable and measured enforcement of the City's Protected Tree Ordinance is a critically important tool to preserve the City's vital urban canopy and the rich environmental benefits and habitat that a healthy tree canopy can provide.

Immediate Council action is needed to assert jurisdiction over the Board of Public Works' decision in order to conduct further review. Pursuant to Section 245 of the City of Los Angeles Charter, actions of boards of commissioners shall become final at the expiration of the next five meeting days of the Council during which the Council has convened in regular session, unless the Council acts within that time by two-thirds vote to bring the action before it or to waive review of the action. If the Council timely asserts jurisdiction over the action, the Council may, by two-thirds vote, veto the action of the board within 21 calendar days of voting to bring the matter before it, or the action of the board shall become final.

I THEREFORE MOVE that pursuant to Charter Section 245, the Council assert jurisdiction over the May 6, 2024 Board of Public Works actions on Case: BPW-2024-0168 relative to an appeal filed by the property owner on the subject of illegal protected tree and shrub removal at 8461 West Grand View Drive.

I FURTHER MOVE that upon assertion of jurisdiction, this matter be referred to Committee for further review.

PRESENTED BY:


for NITHYA RAMAN
Councilmember, 4th District

SECONDED BY:



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