

ATTACHMENT “J”

Sample Letter and Background Information by Clare Marter Kenyon

Recommendation to City Council and the Planning and Land Use Management Committee on the addition of Mexican Elderberry (*Sambucus mexicana*) and the Toyon (*Heteromeles arbutifolia*) to the City of Los Angeles Protected Tree and Shrub Ordinance.

I support the addition of the Mexican Elderberry (*Sambucus mexicana*) and the Toyon (*Heteromeles arbutifolia*) species to the protected tree and shrub ordinance. I believe that protecting these species is important to the citizens of Los Angeles as well as our native wild flora and fauna. Protecting these species is critical to helping us meet the challenges posed by climate change and increased urbanization.

It is critical that we protect these species not only in name but in actual fact. Therefore, I urge you to adopt the measurement standard compromise originally offered by the Urban Forestry Division (UFD) and adopted by our Citizens Forest Advisory Committee (CFAC) of a single trunk measuring 2 inches at 2.5 feet above the ground.

I do not support the current UFD proposal of measuring the significance of protection as a single trunk measuring 2 inches at 4.5 feet above the ground. This standard is arbitrary, adopted from the lumber industry, and fails to recognize the basic scientific and biological facts of these species. These species are fire and drought adapted and many (most?) significant specimens present as multiple-trunked. Furthermore, as a result of the additional impacts caused by the City’s brush clearance program an even larger number present as multiple-trunked. As a result I believe that the original proposal to measure the trunks using a cumulative standard is more appropriate but I am willing to accept the CFAC adopted compromise.

I urge you to take action to protect these species and to adopted the CFAC standard of measurement.

On the addition of Mexican Elderberry (*Sambucus mexicana*) and the Toyon (*Heteromeles arbutifolia*) to the City of Los Angeles Protected Tree Ordinance

Position Statement

Based on the scientific, biological nature of the native trees/shrubs proposed for addition to the Protected Tree Ordinance, the most natural measurement methodology is to count these multi-trunked species using a cumulative standard as opposed to the more arbitrary Lumber Industry standard of a single largest trunk. The cumulative measurement is the method used in the existing ordinance for the currently protected trees.

Where to measure and how much diameter is then a separate question. It may not be desirable to include all specimens in the protected status but it is desirable to protect those specimens that are well established but may exhibit multiple trunks caused by these species natural reaction to drought, fire, and brush clearance impacts. As a result the following methods are acceptable:

1. 4 inch cumulative measurement at 4.5 feet in height. This would be the same as the existing ordinance and would apply to trees and shrubs.

Or

2. 2 inch single trunk at 2.5 feet in height. This was one of the original Urban Forestry Division's (UFD) recommendations and was adopted by the Citizen Forestry Advisory Committee as their recommendation in an effort to seek a compromise with UFD.

The current recommendation from UFD and the one adopted in the latest Planning staff report is unacceptable. This method would require a 2 inch single trunk at 4.5 feet in height. This method would protect only the very older and essentially unusual specimens, and as a result would not be consistent with the purposes of the ordinance. If either of the two standards listed above cannot be adopted then it is recommended that the City drop the current effort as being too expensive for too little return.

Summary of facts

1. The original motion contemplated merely the addition of the two species of shrubs to the existing ordinance. As a result specimens of the two new species, like the existing species of Oak, Walnut, Bay, and Sycamore, would be protect if it met the measurement standard of its branches cumulatively measuring 4 inches in diameter and 4.5 feet from the ground. The key point here is that many of these native species, unlike those used in street tree and other ornamental settings, are drought and fire adapted to produce multiple trucks. As a result specimens of these species that are significant in age and ecological value rarely meet the lumber industry standard of a single trunk measuring 4 inches in diameter at 4.5 feet.

The existing ordinance recognizes the ecological reality of our native species and importantly includes the cumulative measurement standard.

2. At a public hearing in January 2017 held by the Planning Department the addition of the two new species was discussed. The primary observations at this hearing were:

- 1) members of the public were unanimous in their support for adding the two new species and
- 2) staff from the City's Urban Forestry Division (UFD) spoke against the proposal largely because they consider them to be shrubs and not trees. However, the standard reference in California, the Jepson Manual, defines these species as either a large shrub or small tree).

Importantly, at this hearing the draft ordinance consisted of measuring all species cumulatively 4 inches at 4.5 feet. There was no discussion at the hearing of changing the measurement strategy and no member of the public advocated for changing the measurement methodology for either the trees or the shrubs.

3. In March of 2018, just prior to the Planning Commission Hearing the Draft Ordinance was updated wherein for the first time it recommended changes to how protected specimens would be measured. In this version of the Ordinance all species, including the two new ones, were to be measured as 4 inches on a single stem at 4.5 feet.

This new criteria would essentially gut the Protected Tree Ordinance with very few of the trees being protected and almost certainly none of the shrubs meeting this unrealistic standard.

The staff report states: "Based on feedback from the public, the Department revised the January draft ordinance and prepared the proposed ordinance (Exhibit A)." This is almost certainly false and appears to be based on input solely from UFD that took place during the 14 months of "planning" that took place prior to the March 2018 Planning Commission hearing.

4. At the March 2018 Planning Commission hearing the Commission's primary decisions were:

- 1) to leave the measurement methodology for the trees at 4 inches cumulatively measured at 4.5 feet and
- 2) to leave the shrubs at a single 4 inch trunk measured at 4.5 feet BUT with instructions to the Planning Department to work with UFD and other interested parties to work further on this issue. Commissioner Dake Wilson made it clear that she heard the public's concern about the uselessness of this measurement methodology (i.e. few if any shrubs would be protected) but felt that "experts" should meet to make any changes as trying to do this at the hearing was difficult at best and there was plenty of time prior to a PLUM hearing to resolve the matter. And she did not wish to further delay the process.

5. Over the next 12 months a number of meetings of Planning staff, UFD staff, and interested parties were held. The conclusions that came out of these meetings were:

- 1) UFD is against cumulative measurement of the shrubs in any situation.

2) UFD offered as a compromise the measurement of a single 2 inch trunk measured at 4.5 feet. Interested parties were not in support of this proposal.

3) UFD also offered as a further compromise the measurement of a single 2 inch trunk measured at 2.5 feet. Interested parties were not thrilled with this proposal but were willing to take it before the City's Citizen Forestry Advisory Committee (CFAC) as a compromise.

6. CFAC considered the matter and voted to support the compromise UFD proposal of measuring the shrubs by a single 2 inch trunk measured at 2.5 feet. (with the tree species remaining as 4 inches cumulatively at 4.5 feet).

7. After CFAC made its recommendation, UFD removed their support for the agreed to compromise and is now recommending that shrubs be measured as a single 2 inch trunk measured at 4.5 feet. This is now the language adopted by the Planning staff in their report to PLUM.