

## Urban Forestry Motion Recap

The urban forestry motion that is on the agenda for our August meeting appears to be the primary mechanism through which the City is thinking about tree protection and urban canopy growth. As such, this is our opportunity to ensure that there are effective mechanisms in place to achieve the City's stated goal of fostering and expanding the urban forest. The motion and its history are a bit complicated so here is a summary of the history of this motion and a suggestion about a possible comment letter.

### **HISTORY**

**In August 2020, City Council passed a motion** noting that the urban forest was not being protected, and highlighting particularly that low-income communities have a less robust tree canopy than wealthier ones and the article found at this link (<https://news.usc.edu/198988/urban-forest-los-angeles/>) indicates that low income communities are also losing trees more quickly than areas with an abundance of trees (which are also losing trees but at a slower rate).

The Council instructed various departments to prepare a report with recommendations relative to ongoing tree and biodiversity planning, strategies and/or efforts to protect and grow the City's urban canopy. This motion was given Council File # 15-0499-S1

**In August 2022, having not yet received this report, a new motion was made and passed.** This directed the various departments to provide the report requested in 2020 and additionally to do the following:

- (1) provide recommendations to require the placement of trees, and timing of any tree removals, at an earlier phase in the land use/environmental review, and permitting review process, and thereby maximize City efforts to grow tree canopy coverage; and
- (2) prepare and present an ordinance to effectuate these directives.

This motion was given Council File # 15-0499-S2.

**This report was delivered in July of 2023** and is in the supporting documents. This report detailed current and future programs and made recommendations about new programs. In it, there are significant discussions of staffing inadequacies and of problems implementing the protected tree ordinance. The report also discusses the Wildlife Ordinance and its expected positive impact as well as the impact of the future Landscape Ordinance Amendment. This ordinance is focused on all development except single family development and which will have street tree planting standards.

The recommendations are, in a nutshell, as follows:

1. Ensure greater inter-departmental communication and require disclosure of all on-site and street trees as part of permit review processes.
2. Move forward with the Landscape Ordinance Amendment and provide full funding for implementation.
3. Complete the Updated Urban Forest Fee Study which would provide data for updating the fee schedule for tree-related actions taken by StreetsLA/Urban Forestry.
4. Adopt the Urban Forest Management Plan. You can find more information on this and on the state of our urban forest at [https://www.cityplants.org/wp-content/uploads/2019/07/10939\\_LA-City-Plants\\_FirstStep\\_Report\\_FINAL\\_updt\\_7-2019.pdf](https://www.cityplants.org/wp-content/uploads/2019/07/10939_LA-City-Plants_FirstStep_Report_FINAL_updt_7-2019.pdf). Developing an urban forest management plan is part of this recommendation. This project was started but has been understaffed so won't be finished until 2025. Producing a tree inventory is also part of this recommendation though this specification seems focused on street and park trees.
5. Prepare and draft new laws to protect tree canopy and biodiversity Citywide.

**The report was then reviewed by the PLUM committee on August 1, 2023.** The PLUM Committee recommended the following Council actions:

1. APPROVE the recommendations in the report and also to:
  - Instruct the BOSS, Bureau of Engineering (BOE), DCP and LADBS, to expand process enhancements.
  - Instruct the BOSS, BOE, DCP, and LADBS, to amend the City's Landscape Ordinance with funding for full staffing implementation. Instruct the City Administrative Officer to prepare a report with recommendations as to the fiscal impacts of this recommendation.
  - Instruct the BOSS and the City Administrative Officer (CAO) to prepare a report with recommendations to complete the updated Urban Forest Fee Study.
  - Instruct the BPW to recommend adoption of the Urban Forest Management Plan (UFMP) upon its completion, to the City Council, inasmuch as neighborhood workshops and public outreach is being done in collaboration with the County of Los Angeles, and a survey for the project is in development and anticipated to commence in Fall 2023 and expected to be completed by 2025.
  - Instruct the DCP, BOSS, and the BPW (Community Forest Advisory Committee and Office of City Forest Management), LADBS, and City Attorney, to prepare new Citywide Biodiversity and Tree Canopy Equity regulations and ordinances that may be needed.
2. INSTRUCT the CAO with the assistance of the BOSS to prepare a report with recommendations as to any general fund impacts associated with additional staff recommendations, pending the findings contained in the forthcoming report with the non-profit, fuse corps, that will evaluate and provide recommendations to update the bureau of street services schedule of fees, which is expected to begin Spring 2024.

3. INSTRUCT the DCP, BOE, Los Angeles Fire Department, and LADBS, to report on the feasibility of adding a feature to the build a portal to track compliance with the protected tree ordinance and new citywide biodiversity and tree canopy equity regulations.
4. REQUEST the City Attorney, with the assistance of the BOSS and BPW, to prepare a report with recommendations, on penalties that can be imposed for violations of the protected tree ordinance, and new citywide biodiversity and tree canopy equity regulations.

**This item was then heard at Council.**

This item was approved with the following amendment related to protected trees, made by CM Raman:

5. REQUEST the City Attorney, with the assistance of the Bureau of Street Services, and the Board of Public Works, and any other relevant department, to report and provide recommendations on the following proposed amendments to the City's Protected Tree Ordinance, as denoted in sections 46.00 to 46.06 of the Municipal Code:
  - Under Municipal Code Section 46.00, expand the definitions of "removed" and "removal" to include any act that will cause substantial damage or harm to the central leader(s) of the tree, including, but not limited to, removing more than 25 percent of live canopy material, acts that inflict damage upon the root system or other part of the tree or shrub by fire, application of toxic substances, piling up of materials on top of the critical root zone, operation of equipment or machinery, or by changing the natural grade of land by excavation or filling the drip line area around the trunk.
  - Under Municipal Code Section 46.02, clarify the intent such that the permits granted from the Board of Public Works to comply with this section, and must specifically be for the purpose of protected tree relocation or removal.
  - Under Municipal Code Section 46.06, clarify the process for the Bureau of Street Services to revoke or withhold building permits in response to violations of the Protected Tree Ordinance, including creating a standardized policy by which the Bureau of Street Services has the authority to suspend building permits. The Ordinance should be updated to specify the number of trees subject to removal beyond which the Bureau of Street Services shall be compelled to withhold or revoke such permits.
6. INSTRUCT the Planning Department, Department of Building and Safety, the Bureau of Street Services, and the Board of Public Works, with the assistance of the Department of Public Works, to prepare a report with recommendations on the current process for permitting protected tree removal, and how to improve that process so that the Department of Building and Safety provides the Department of Public Works with sufficient opportunity to address potential impacts on protected trees in advance of final project approval and prior to the issuance of permits to construct.

**BABCNC RESPONSE**

There are clearly many options for the nature and scope of a response. Council moved quickly once the report came out on July 28.

- Weighing in on the endeavor as a whole
- Weighing in on the amendment re: protected trees
- Commenting on the report
- Commenting on the original recommendations and/or how they should be prioritized
- Requesting additional recommendations

### **KEY QUESTIONS**

- Does the report ask the right questions?
- Does the report correctly assess the effectiveness of current and future regulations?
- Are the recommendations apt to create the desired change?