



433 S. Spring St., 6th Fl.

Mail Stop 465

Los Angeles, CA 90013

(213) 255-4863

Fax: (213) 255-4422

Councilmember Bob Blumenfield, Chair,
and Members of the Public Works and Gang Reduction Committee
Los Angeles City Hall
200 N. Spring Street, Room 361
Los Angeles, CA 90012-4801

November 16, 2020

Re: Amendment to add the toyon & Mexican elderberry native species to the Protected Tree Ordinance (CF 13-1339)

Dear Chairperson Blumenfield and Committee Members,

The process to add the toyon and Mexican elderberry to the Protected Tree Ordinance was begun seven years ago by a member of the Community Forest Advisory Committee (CFAC). CFAC thanks the Public Works Committee, StreetsLA, and the Office of Forest Management for responding to our requests to bring this item before your Committee to move this amendment towards completion.

CFAC voted unanimously at its November 5, 2020, meeting to adopt the following positions in response to the October 14, 2020, Report from StreetsLA and the City Forest Officer. For your reference, a copy of their Report is attached, as well as the complete CFAC motion (below signature & cc's).

1) MEASUREMENT STANDARD FOR THE 2 NEW SPECIES

The Protected Tree Ordinance (PTO) currently applies a single measurement standard to all four species in the ordinance: a measurement of 4" *cumulative* diameter at 4 1/2 feet high. The Urban Forestry Division (UFD) wants a new and different measurement standard applied to the two

new species: in order to qualify for protection, they would have to have at least one 2" diameter stem at 4 1/2 feet high.

This change to the standard measurement protocol would result in substantially fewer toyon and Mexican elderberry qualifying for protection. There are many characteristics of these species — including their regrowth pattern after being mistakenly cut down during annual brush clearance (a common occurrence), and the way they regrow after exposure to wildfires — that result in even mature and highly valuable species not having a single 2" diameter stem. Concerns about inadequate staffing to implement an expanded PTO led UFD first to oppose the addition of the two new species outright, and then to set a new measurement standard that would significantly limit the number of toyon and elderberry that would qualify for protection.

CFAC, Citizens for Los Angeles Wildlife (CLAW), the Santa Monica Mountains Conservancy, the Hillside Federation, Friends of Griffith Park, Neighborhood Councils, and other stakeholders have been steadfast in their recommendation to the City to create clean policy and keep the measurement the same as it is for all other species in the Protected Tree Ordinance: **4" cumulative diameter at 4 1/2 feet high.**

- **RECOMMENDATION: CFAC asks the Committee to apply a measurement standard of 4" cumulative diameter at 4 1/2 feet high for the toyon and Mexican elderberry, consistent with the other protected species in the Ordinance.**

2) IN-KIND REPLACEMENT

The October 14 StreetsLA/CFO Report calls for UFD to have the discretion to replace a removed protected tree with any of the listed protected trees, rather than requiring like-for-like replacements. It also allows off-site plantings at the discretion of UFD. Out-of-kind replacement is not ecologically sound, and the determination of mitigations for plant removals in native plant habitats should appropriately be the province of qualified ecologists and biologists. Allowing discretionary decision-making by personnel without the knowledge base for such decisions invites additional unintended and damaging consequences to our hillside ecosystems.

- **RECOMMENDATION: CFAC asks that on-site replacements be the rule. In instances where protected species replacements cannot be accommodated on-site, project designs should be altered or, if absolutely necessary, the choice and use of out-of-kind replacement species for planting should require the approval of the Board of Public Works at a public hearing (i.e., not be determined by a “designee”).**

3) DEDICATED STAFF FOR PROTECTED TREE ORDINANCE IMPLEMENTATION

CFAC fully supports the call in the October 14 StreetsLA/CFO Report for dedicated staffing to administer this program, but the new staff should not be employed by or located within the Urban Forestry Division. Applications for protected tree removals and associated activities should be administered by an independent unit composed of a biologist/ecologist, an arborist, and an architect. This unit should be based in LASAN's Biodiversity office or in the City's new

Climate Emergency department where they can be appropriately integrated with other environmental sustainability and conservation efforts.

- **RECOMMENDATION: CFAC fully supports the StreetsLA/CFO request to approve dedicated staffing for administration and enforcement of the Protected Tree Ordinance. However, that staffing should be a separate unit composed of a biologist/ecologist, an arborist, and an architect, and should be established in a relevant environmental office such as LASAN's Biodiversity group or the Climate Emergency department.**

4) FEE REVIEW AND FULL COST RECOVERY FOR PTO ADMINISTRATION

CFAC fully supports the call in the October 14 StreetsLA/CFO Report for revising and substantially increasing the fee structure in order to fully recover the cost for administrative and field staff to administer the program.

- **RECOMMENDATION: CFAC fully supports the StreetsLA/CFO request to approve an escalated fee structure based on full cost recovery for implementation staff to administer the Protected Tree Ordinance. It is appropriate for the Ordinance's implementation to be fully funded by fees paid by those who financially benefit from the removal of native habitat.**

In summary, in an age of mansionization, drought, wildfires, and other threats to biodiversity, we urge our councilmembers to act upon their constituents' and experts' increasingly urgent calls to protect the wildlife habitat and native species critical to our local ecosystems. Our very own health and survival as a species depend upon our willingness to protect what little remains of our natural world.

Sincerely,



Shelley Billik

Chair, Community Forest Advisory Committee

Cc: Councilmember O'Farrell
Councilmember Buscaino
Councilmember Ryu
Councilmember Lee
Councilmember De Leon
Mayor Garcetti

Motion passed unanimously by CFAC at its November 5, 2020, meeting:

MOTION: CFAC recommends the original language in the Protected Tree Ordinance on the measurement standard of 4" cumulative at 4 1/2 feet (4" cumulative DBH - diameter at breast height) to apply for all species, including the two new species toyon & Mexican elderberry. CFAC also supports on-site replacements as the rule. In instances where protected species replacements cannot be accommodated on-site, project designs should be altered, or if absolutely necessary, the choice and use of out-of-kind replacement species for planting must be approved by the Board of Public Works, at a public hearing (not by designee). CFAC supports adding dedicated staffing for administration and enforcement of the Protected Tree Ordinance, to be established in LASAN's Biodiversity group or the Climate Emergency department. CFAC supports an escalated fee structure based on full cost recovery for implementation staff to administer the Protected Tree Ordinance. PTO implementation should be fully funded by fees paid by projects that financially benefit from the removal of native habitat. CFAC will send a letter to the PW&GR Committee and the rest of the City Council outlining these points.