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**ENCINO NEIGHBORHOOD COUNCIL
PLANNING AND LAND USE COMMITTEE
MEETING NOTICE AND AGENDA**

(TUESDAY) August 14, 2018, 7:00-8:45 PM

Location: Encino Women's Club

4924 Paso Robles Ave. Encino, 91316

Residents and Stakeholders are invited to hear presentations from the presenters listed in the action items, below. These items may affect your neighborhood. These developers, projects or presenters are seeking advisory comment from the Encino Neighborhood Council. You may speak and provide oral or written comments for the record on the impacts this project will have on you or your neighbors.

MEMBERS OF THE PUBLIC ARE INVITED TO COMMENT, ASK QUESTIONS OR SPEAK UNDER PUBLIC COMMENTS WILL BE ASKED TO FILL OUT A SPEAKER CARD AND PROVIDE IT TO THE CHAIR. Any personal information can be released pursuant to the CA Public Records Act. MOTION(S), DISCUSSION(S), AND A VOTE MAY BE TAKEN ON ALL ITEMS POSTED ON THE AGENDA

At the discretion of the Chair this agenda may be modified as to time slots for agenda items or speakers to accommodate changes at that time:

1. Call to Order: Roll Call, Determination of a Quorum, selection of voting PLU Committee Members, Selection of Secretary for this meeting.
 - A. Committee Members on the ENC Board:
Eliot Cohen* (Chair), Henry Eshelman*, Carol Levin*, Dr. Gerald Silver*, Lee Blumenfeld*, Al Mass**
 - B. Stakeholder Committee Members:
Diana Menzer, Jo-Dee Becker, Greg Zeisler MPH
 - C. Alternate Committee Member(s): Steven Turner**

*Indicates ENC Board Member, **indicates ENC Alternate Board Member, no more than a total of 5 Board Members and/or Alternates May vote on the same item during the course of a Committee Meeting.

2. Approval of Minutes

3. **Action Items:** Votes may be taken on the following items. Ten (15) minutes will be allowed for presentations with an additional ten (15) minutes for responses per item. (* May be adjusted by the Chairperson.)

3A: Update on proposed Traffic Study encompassing Ventura Blvd from the Sepulveda Blvd. to Hayvenhurst and South to Mulholland.



3B: Power Point presentation by Jacky Surber from Angeleons 4Trees on best practices on Urban Forestry as found in exemplary Cities, like Pasadena, Seattle, Pittsburg and Washington DC.

The benefits of Trees - <https://www.treepeople.org/tree-benefits>

3C: The Encino Neighborhood Council Urges the Los Angeles City Council to upgrade its Urban Forest Practices to the best of class. Further Materials included in Attachment A

PLU-18-08-0001: MOTION; The Encino Neighborhood Council requests that the Los Angeles City Council set a 2018 public hearing date in Council Chambers, and invite leading arborists of the U.S. to present best practices for the greater good of the residents of L.A., in an open government setting, to publicly discuss a way forward given our twin environmental crises.

- 1) L.A.'s man-made heat-island effect, which has fueled our record-high, deadly, heat waves.
- 2) The loss of our urban tree canopy, the saving of which, and the expanding of which, are crucial elements in reducing the heat-island effect and fighting climate change.

3D- Discussion and possible action on motion to protect our urban canopy through an adjustment to the municipal code, tracking system, and enforcement. PLU-18-08-0002

Motion: The ENC Urgently requests that the Los Angeles City Council, within 60 days, protect our urban canopy by amending the effectiveness gap in the municipal code to include enforcement, tracking, and corrective distribution of funds to the affected City/Neighborhood Council boundary. Please see attached Fines, Penalties, and Enforcement for solution.

4. Public Comment (for Items not on the Agenda, but within the jurisdiction of the Encino Neighborhood Council)
5. Committee Member Comment for Items not on the Agenda
6. Adjournment (8:45PM)

The Encino Neighborhood Council (ENC), is a Certified Neighborhood Council of the City of Los Angeles which ADVISES City, other Governmental Officials' and the Community on issues or concerns that are affecting the community of ENCINO. The ENC is made up of volunteers who are ELECTED by the community who live, work or otherwise are involved in the community of ENCINO. The ENC also makes appropriations of City Funds for Community Projects and needs as requested and approved by various committees and the general board.

PUBLIC INPUT AT NEIGHBORHOOD COUNCIL MEETINGS – The public is requested to fill out a "Speaker Card" to address the Board on any agenda item before the Board takes an action on an item. Comments from the public on agenda items will be heard only when the respective item is being considered. Comments from the public on other matters not appearing on the agenda that are within the Board's jurisdiction will be heard during the General Public Comment period. Please note that under the Brown Act, the Board is prevented from acting on a matter that you bring to its attention during the General Public Comment period; however, the issue raised by a member of the public may become the subject of a future Board meeting. Public comment is limited to 2 minutes per speaker, unless adjusted by the presiding officer of the Board.



PUBLIC POSTING OF AGENDAS - ENC agendas are posted for public review as follows:
glass case outside the Encino Chamber of Commerce office at 4933 Balboa Blvd, Encino
Encino-Tarzana Branch Library, Encino Community Center and www.encinonc.org

· You can also receive our agendas via email by subscribing to L.A. City's
Early Notification System at
[http://www.lacity.org/government/Subscriptions/NeighborhoodCouncils/index.
htm](http://www.lacity.org/government/Subscriptions/NeighborhoodCouncils/index.htm)

THE AMERICAN WITH DISABILITIES ACT - As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Sign language interpreters, assistive listening devices and other auxiliary aids and/or services, may be provided upon request. To ensure availability of services, please make your request at least 3 business days (72 hours) prior to the meeting you wish to attend by contacting Alex Garay, Board President, at [\(818\) 971-6996](tel:8189716996) or email via president@encinonc.org

PUBLIC ACCESS OF RECORDS – In compliance with Government Code section 54957.5, non-exempt writings that are distributed to a majority or all of the board in advance of a meeting may be viewed at our website: [encinonc.org](http://www.encinonc.org) or at the scheduled meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact Alex Garay, Board President, at [\(818\) 971-6996](tel:8189716996) or email via President@encinoNC.org

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RECONSIDERATION AND GRIEVANCE PROCESS

For information on the ENC's process for board action reconsideration, stakeholder grievance policy, or any other procedural matters related to this Council, please consult the ENC Bylaws. The Bylaws are available at our Board meetings and our website www.encinonc.org

SERVICIOS DE TRADUCCION

Si requiere servicios de traducción, favor de avisar al Concejo Vecinal 3 días de trabajo (72 horas) antes del evento. Por favor contacte a Alex Garay, Presidente de la Mesa Directiva, al [\(818\) 971-6996](tel:8189716996) o por correo electrónico president@encinonc.org para avisar al Concejo Vecinal."

ATTACHMENT A (Expanded discussion and direction RE: Item 3C (PLU-18-08-0001)

We declare the following key facts as a basis for the City Council to set this "Public Hearing of Public Interest on the Los Angeles Urban Tree Canopy":

KEY FACTS: LA does not yet commonly use these best practices to maintain or replenish its 500,000-700,000 street trees:

- Leadership cities follow state-of-the-art tree species selection to assure maximum shade, water recapture and survival based on local conditions (Sacramento, et al), and follow a growing emphasis on soil volume in the "tree well" to assure proper survival (Denver, et al).
- Leadership cities resolve "tree-sidewalk conflicts" with Operations Plans that range up to 90 pages in length (Seattle), or smaller detailed programs for tree/sidewalk problems (Cleveland, Santa Monica). Such Plans are crafted by top arborists and engineers .



- Leadership cities care for their street trees on a roughly 5-year cycle (Washington DC, et al). L.A. is on roughly 18-year cycle and has not revived its funding to pre-Recession times.
- Several leadership cities spend 75% more than L.A. on tree planting. S.F. has a parcel tax that won 79% voter approval. In Sacramento, an inspired City Councilman led the push for its robust tree funding.
- We have no comprehensive tree inventory, as do the leadership cities, who agree that such an inventory is the very basis of maintaining and re-growing an urban tree canopy (Austin, et al). We appreciate that L.A. has begun the very first steps toward that goal. This progress should be aired at the hearing.
- **Distribution:**
- First to DONE for a Request for Action
- Second, sent to all NCs asking for letter of support of motion or CIS to be sent to info@encinonc.org for collection
- Third, retransmitted to all council members, board of public works, planning and land use committee, to include any additional NCs
- Request receipt of acknowledgment
- Communication to Council Office CD5.

ATTACHMENT B (Expanded discussion and direction RE: Item 3D (PLU-18-08-0002))

Distribution:

First to DONE for a Request for Action

Second, sent to all NCs asking for letter of support of motion or CIS to be sent to info@encinonc.org for collection

Third, retransmitted to all council members, board of public works, planning and land use committee, to include any additional NCs

Request receipt of acknowledgment

Communication to Council Office CD5.

Attachment for the Motion / Request for Support

Rationale for the Motion:

Our urban forest is in danger. We are seeking your assistance in an ever-increasing problem in our neighborhood and citywide, concerning illegal tree trimming and tree removals. Within the last month, we've had several known incidents where trees in the public right of way were either destroyed or illegally cut.

Recent incidents:

The first incident was located on Newcastle Ave. in Encino where several pecan trees were illegally cut down. Local residents approached the contractor, hired by the property owner, and asked to view a permit for the tree removal. When a permit was not presented (and verified by Urban Forestry Division UFD that none was issued) the residents asked the contractor not to cut the trees down. A my311 request and a phone call were placed to report the incident. A UFD inspector showed up after all the trees were cut down and only stumps remained. To date; no fines have been issued, a safety hazard still exists on the street and although a Notice to



Comply was issued, no "A" permit was obtained. The contractor is currently trying to plant new, small trees with no inspection from the relevant agencies. The trees they are planting are not up to city standards.

The second incident occurred on [17550 Burbank Blvd.](#) where multiple parkway trees were trimmed illegally. It was reported both on my311 as well as a phone call with an urgent request to have a UFD inspector show. The service request number [1-942-663-401](#) was then closed 3 weeks later with the report of "no issue found." Even though photos and the name and number of the contractor were provided. A follow-up request with a superintendent from UFD was held, to which the response was prompt action to open up another request to vet the viability of the trees. When asked if citations were to be given to the contractor or property manager was to be given, the answer was "at most they will receive a letter not to do it again without obtaining a permit." Since then, a letter was sent out, a street tree notice (STN), with no fine or corrective action stated on the STN, was that if at some point in the future something were to happen then the owner can be held liable. There is no a searchable record with a bond for damages at the Bureau of Engineering's Permit process.

A third location on Clark St, SR# 1-847862047, had a protected California Black Walnut cut down from a mature fruit-bearing tree to a 4' stump. These specific trees, only grow 1' a year, and only about 17% when planted reach maturity per a UC Davis Study. When reported, the owner was told he should personally take legal action against the neighbor and contractor, so as to not be fined personally. To date, this service request is still open.

Los Angeles has weak laws that protect our trees:

The tree and shrub ordinance have no process nor enforcement mechanisms. If a tree is removed illegally or harmed, the current ordinance provides for no penalties for doing so. This was confirmed with our neighborhood liaison to the city attorney's office, (see section 62.160s of Municipal Code). Los Angeles is currently deficient in its obligations and requirements to have, and maintain an urban canopy under both State and City General Plan mandates and goals. Additionally, through the Mayor's directive, our urban forest is equivalent in importance to that of other city infrastructure. Through an oversight, effective enforcement and tracking was not established to preserve, protect or enforce existing laws, rationales, and ordinances.

Without enforcement, we cannot protect the ones we have. Without restorative funding, we will not be able to replace the trees, leaving the neighborhoods barren with an increase in the heat island effect. Without the ability for inspectors to hand out citations on the spot, enforcement is impossible. Without Fines, there is no repercussion to removing or damaging trees through non-certified landscapers.

The Fix

Fines and Penalties:

We need to ensure that licensed and trained professionals are doing the work. Therefore, fines and penalties should be structured into two categories, Property owners as one category, and Trades/Others as the second category. "Trades/Others" are classified as property management, contractors, developers, and other agencies. Fines should be on an escalating tier-based system that can be tracked. A repeat of infractions should result in an increase in fines. Homeowner fines should start off at a lower rate to that of "others", seeing as that "others" by their very nature should know better. Contractors should receive higher penalties for doing work without a permit; and if doing work outside their authorized license, additional fines and referral to the state licensing board for civil action are recommended. We need to discourage illegal activities by contractors who refuse to pull a permit and convince the homeowner it's not needed. The citation should include instructions on obtaining the necessary permits and where to obtain them or appeal them.



Fees/penalties generated by citations should be restricted to the area impacted and placed in a special fund for only use in restorative actions or improvements required/plan compliance under the Open Space Plan. They should be controlled by a combination of the City Council District and corresponding Neighborhood Councils with input by UFD. This will ensure not only more reporting of illegal activity but an oversight and pride of ownership by the localities. Part of the fine should also go to UFD to support additional inspectors since they do not draw funds from the current permitting system.

Enforcement:

1) Be Executed by Existing City Forces:

a. Why and How: Enforcement should be done by existing city forces, not by the police since they are overwhelmed and will not respond to a low priority call. Currently, only the UFD can issue street tree correction notices; but CAN NOT issue fees or fines. In speaking with several UFD representatives, they confirmed that such an on the spot citation would greatly help enforcement of their jobs. The department of Urban Forestry, Public Works Inspectors, DOT Inspectors, parking enforcement, etc... have over 600 inspectors combined. Currently, only a handful of Public Works Construction Inspectors can actually issue a ticket citation, and only for peak hour construction violations in the roadway.

2) Recording of Infractions in "V" Permits & Corrections

a. Why and How: The fines should state to obtain a permit to conduct the work legally and be obtained at any BOE public counter throughout the city. There, a "V" permit should be issued to distinguish it from the current "A" or "B" class permits. At the counter, the city can obtain the fine plus the additional cost for the inspectors to ensure the time they spend ensuring work is being completed per conditions of permit.

Under no circumstance should the city allow solely an "A" permit because it is not guaranteed by funds to complete if a violator just doesn't do the work. Either a Revocable Permit or a "B" permit has a bond against it. The "V" class permit mirror the same refundable guarantee attached; a set replacement cost of work to be done by city forces if the violator refuses to perform (see current cost tables by BOE).

The system to track such a permit already exists for "A" class permits and SRP Sidewalk rebate permits, so no need for additional IT development costs for a system.

b. Fines issued in error:

If a violator wishes to challenge the citation, they should follow existing protocol established by the Board of Public Works. For fines that are not paid and permits not pulled within 30 days, a delinquency notice with the citation plus an additional charge (for filing) now gets added on and is recorded against the property and/or license.

3) Funding

a. Fees/penalties generated by citations should be restricted to the area impacted and placed in a special fund for only use in restorative actions or improvements required/plan compliance under the Open Space Plan. They should be controlled by a combination of the City Council District and corresponding Neighborhood Councils with input by UFD. This will ensure not only more reporting of illegal activity but an oversight and pride of ownership by the localities. Part of the fine should also go to UFD to support additional inspectors since they do not draw funds from the current permitting system.

