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Eric Nakamura – Vice Chair/ Business Rep.  
Jay Handal – Treasurer/ Organizational Rep.  
Naomi Kageyama – Secretary/ Business Rep.

Partho Kalyani - North West Rep.  
Zana Glisovic – North East Rep.  
Arman Ghorbani – South East Rep.  
Jean Shigematsu – South West Rep.  
Rosie Kato - At Large Rep.  
Ron Migdal – At Large Rep.  
Desa Philadelphia- At Large Rep.  
Jay Ross - At Large Rep.  
Danilo Torro – Business Rep.  
Jennifer Gavina -Organizational Rep.



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**To: Jamie Keeton, Chair, Board of Directors**  
**Fr: J. Ross**  
**Date: Jan. 24, 2018**  
**Re: Motion: Support for changes to Protected Tree Ordinances to improve protection of trees - Council File #03-1459-S3 (Ord. 177404)**

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Motion: The NC shall vote to improve the protection of existing trees in conjunction with the City Council’s motion to strengthen the Protected Tree Ordinance (177404) and authorize the Chair to submit Community Impact Statements for CF 03-1459-S3.

City motion: [http://clkrep.lacity.org/onlinedocs/2003/03-1459-s3\\_mot\\_11-22-2017.pdf](http://clkrep.lacity.org/onlinedocs/2003/03-1459-s3_mot_11-22-2017.pdf)  
<https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=03-1459-S3>

Current ordinance: [http://cityplanning.lacity.org/Code\\_Studies/Other/ProtectedTreeOrd.pdf](http://cityplanning.lacity.org/Code_Studies/Other/ProtectedTreeOrd.pdf)

Facts and background:

1. Two westside councilors proposed the motion - CD 5 (Koretz) and CD11 (Bonin), which calls for the Urban Forestry Division to study the issue and propose recommendations.
2. The Council has voted to improve protection of wildlife areas, urban forest and biodiversity (CF #15-0499) and prevent habitat fragmentation (CF #14-0518).
3. The Council approved the Protected Tree Ordinance, which aims to preserve four significant native trees: All native oaks (except Scrub Oak), Black Walnut, Western Sycamore, and California Bay.
4. These significant trees are regularly chopped down by developers in order to build larger buildings, and preservation does not happen, because the loophole that allows removal if the trees impede “reasonable development”.
5. Developers do not leave enough room for trees to grow, and stuff them in planters with barely any soil. Trees need 15 x 15 ft. area to expand their branches (at least), and developers should include enough open space in flat dirt to do so.
6. Other cities require developers to build around large and important trees and have larger lists of protected species.
  - a. Agoura Hills: Example of L-shaped office building built around large oak trees (red circles):
  - b. Pasadena: The has more categories of trees, more species of trees, more levels of protection, and various levels of protection and mitigation (see exhibit).
    - i. 100+ trees are on the city’s protected list.
    - ii. Categories: Public, landmark, specimen, native.

Findings and justifications:

1. Trees are not being adequately protected, and city departments are not collaborating sufficiently to enforce the existing ordinance.
2. “Reasonable development” is considered to be 5-story buildings that cover 80% of the property and provide negligible open space.
3. 30-55% of the city’s tree canopy was lost in the last 10 years, primarily because of new large buildings that replace green space and these new buildings provide little dirt area for new, large replacement trees (2017 USC study).
4. Trees provide numerous benefits - absorb carbon dioxide to reduce climate change (reduces heat and air conditioning costs), retain water (prevents landslides), provide habitat for animals/birds, and add greenery and shade to neighborhoods (increases property values and improves mental health).

<i>Quercus virginiana</i>		Live oak	12"
<i>Sambucus mexicana</i>		Mexican elderberry	15"
<i>Schinus molle</i>		California pepper	25"
<i>Sequoia sempervirens</i>		Redwood	25"
<i>Stenocarpus sinuatus</i>		Firewheel tree	12"
<i>Syzygium paniculata</i>		Eugenia or brush cherr	12"
<i>Tabebuia chrysotricha</i>		Trumpet tree	10"
<i>Tabebuia avelanadæ</i>		Trumpet tree	10"
<i>Tabebuia impetiginosa or ipe</i>		Pink trumpet tree	10"
<i>Tristania coriferta</i>		Brisbane box	20"
<i>Ulmus parvifolia</i>		Chinese elm	20"
<i>Washingtonia filifera</i>		California fan palm	35"
<i>Zelkova serrata</i>		Sawleaf zelkova	15"
<b>NATIVE Protected Trees</b>			
<i>Aesculus californica</i>		California buckeye	8"
<i>Alnus rhobifolia</i>		White alder	8"
<i>Juglans californica</i>		California black walnut	8"
<i>Platanus racemosa</i>		California sycamore	8"
<i>Populus fremontii</i>		Western cottonwood	8"
<i>Populus trichocarpa</i>		Black cottonwood	8"
<i>Quercus agrifolia</i>		Coast live oak	8"
<i>Quercus berberidifolia</i>		Scrub oak	8"
<i>Quercus chrysolepis</i>		Canyon live oak	8"
<i>Quercus engelmannii</i>		Mesa oak, Engelmann	8"



<i>Quercus lobata</i>		Valley oak	8"
<i>Salix lasiolepis</i>		Arroyo willow	8"
<i>Umbellularia californica</i>		California laurel	8"

Dissenting opinions: TBD.

Ex parte communications: Jay Ross conferred with Linda Whitford, an advocate of the proposal.

Disclosures and conflicts of interest: TBD.

**Exhibit: Pasadena**

**Tree Protection Ordinance Summary**

In recognition of the significant aesthetic, environmental, and economic benefits to the community provided by trees, and to increase the tree canopy in Pasadena, the City Council adopted measures to protect public trees, landmark trees, native trees and specimen trees in certain areas of the city.

**Public, Landmark, Specimen and Native Trees**

1. Public trees are those trees located on property under ownership or control of the city.

2. A landmark tree is a tree designated under chapter 2.75 (Cultural Heritage) because it is one of the largest or oldest species located in the city; it has a historic significance due to an association with a historic building, site, street, person, or event; or it is a defining landmark or significant outstanding feature of a neighborhood.
3. A specimen tree is a tree of a species and size established on a list adopted by the city council and is thereby presumed to possess distinctive form, size or age, and to be an outstanding specimen of a desirable species. There are 63 species listed on the specimen tree list.
4. A native tree is a tree with a trunk size of more than 8 inches in diameter and is one of thirteen listed species.

### **Public Trees**

All public trees are afforded protection in the ordinance and it is a violation to prune, remove, injure, or plant a public tree. No attachments (wire, rope, sign, or nail) to public trees, tree supports, shrubs or plants in public places are permitted. The Public Works Department will review out-of-cycle pruning and planting request submitted by a property owner. Requests for the removal of public trees will be reviewed and approved by the City Manager or designee based on the following criteria:

The condition of the tree in regards to health, age, viability, and performance.

For one or two public trees, the City Manager will notify the abutting property owners and applicant ten days prior to the removal. For three or more public trees the City Manager will also notify the City Council, Design Commission, and any known neighborhood association.

### **Native and Specimen Tree Protection Areas**

In single family residential and RM-12 (Multi-family two units on a lot) zoning districts, native and specimen trees are protected in the established front yards and corner side yards, and required side yards and rear yards.

Established yard means the area between the property line and principal structure on a lot. Required yards for each zoning district are defined in the zoning code. If any portion of the tree is located in the yard, then the entire tree is protected.

### **Landmark Tree Protection Areas**

Landmark trees are protected in all areas of all zones, on private as well as public property.

### **Landmark Tree Designation Process**

Any person or agency may nominate a tree for landmark designation. The Cultural Heritage Commission will review all such nominations and make a recommendation to the City Council. Upon City Council approval, and if no objection has been received in writing from the property owner, the tree will be designated as a landmark. A covenant will be recorded with the office of the county recorder.

### **Tree Protection Guidelines**

The tree protection guidelines set the standards and specifications for the protection of trees and are adopted by resolution of the City Council. The guidelines offer protection measures for projects involving construction and require submittal of a tree protection plan for review and approval. Specifically, the guidelines seek to avoid mechanical injury to tree roots, trunks, or branches; the compaction of soil; and changes to existing grade, which may expose or suffocate tree roots. The plan must show trees on-site, on the adjacent public property, and any protected tree on adjacent private property that might be impacted by the proposed project. Key elements to the guidelines are for the requirement of fencing to protect the trees, and inspections before, during, and after construction.

### **Landmark, Native and Specimen Tree Removal**

Requests for the removal of a landmark, native and specimen tree will be denied unless one of the following findings is made:

1. There is a public benefit, or a public health, safety, or welfare benefit, to the injury or removal that outweighs the protection of the specific tree (public benefit means a public purpose, service, or use which affects residents as a community and not merely as particular individuals); or
2. The present condition of the tree is such that it is not reasonably likely to survive; or
3. There is an objective feature of the tree that makes the tree not suitable for protection; or
  - a. There would be a substantial hardship to a private property owner in the enjoyment and use of real property if the injury or removal is not permitted; or
  - b. To not permit the injury or removal would constitute a taking of the underlying real property; or
  - c. The project includes a landscape design plan that will result in a tree canopy coverage of greater significance than the tree canopy coverage being removed, within a reasonable time after completion of the project.

In addition, a request for the removal of a landmark tree will be denied unless the procedures specified for the removal of landmarks and the granting of a certificate of appropriateness is first followed.

Relocation of a specimen or native tree will be treated as a removal.

Tree removal requests with a discretionary action will be reviewed by the applicable decision-maker.

Decisions on tree removal are subject to standard appeal and call-for-review procedures. Specimen and native tree removal requests, not associated with any discretionary action, will be reviewed by the City Manager or designated staff, with a decision rendered 15 days after the application has been deemed complete. In this case, the appeal process is the same as for a planning director decision.

**Penalties Violators of the ordinance and/or approved tree protection plan may be charged with a misdemeanor or infraction. A misdemeanor can result in up to six months imprisonment and a maximum \$1,000 fine. An infraction can result in a \$250.00 fine. In addition, there may be civil penalties, late payment penalties, administration fees, and tree replacement costs charged to the violator.**

<https://ww5.cityofpasadena.net/public-works/parks-and-natural-resources/urban-forestry/>