

## Communication from Public

**Name:** Gerry Hans, Friends of Griffith Park  
**Date Submitted:** 11/30/2020 10:51 AM  
**Council File No:** 13-1339  
**Comments for Public Posting:** Please accept our letter into CF 13-1339 regarding the toyon and Mexican elderberry amendment to the Protected Tree Ordinance of 2006. Thank you!



**Friends of Griffith Park**

P.O. Box 27573

Los Angeles, CA 90027-0573

[friendsofgriffithpark.org](http://friendsofgriffithpark.org)

November 30, 2020

RE: 13-1339, Mexican Elderberry / Toyon / Adding to Protected Tree Ordinance (PTO)  
Support Amendment, with recommendations

To: Chair Bob Blumenfield, and Members, Public Works and Gang Reduction Committee

Friends of Griffith Park reiterates full support for adding toyon and Mexican elderberry to the current species list of the PTO. We further strongly recommend adopting the cumulative metric, same as the current protected species (4 inches cumulative diameter at 4 ½ feet high) for determining applicability of PTO to both toyon and Mexican elderberry. This keeps the Ordinance simple, but also presents an equitable and justified basis for applying the Ordinance to all species.

The plant morphology of both species often presents with multiple trunks. The cumulative diameter method is the best solution for measurement and the same metric used for the current protected species. "Multiple trunking" is prevalent with toyon and elderberry, just as it is for protected species already listed, especially Southern California black walnut and bay laurel.

Griffith Park abounds with toyon and elderberry, but on its soft edges and within many urban residential zones we are losing both of these native species at an alarming rate because most homeowners and developers don't realize their habitat and wildlife value. With insect infestations devastating oaks and sycamores, toyon and elderberry become even more valuable ecologically, with our new era of drought conditions and climate warming.

We are all too aware that elderberry and toyon are often hacked down during brush modification procedures occurring within 200 feet of structures. For this reason, we hope that the City is able to do outreach to the various agencies, including LAFD and RAP, responsible for brush clearance when this important Ordinance amendment is implemented.

Finally, this is an urgent measure that can no longer wait. Developers anticipating these species being added to the PTO have jumped the gun to remove them.

Sincerely,

Gerry Hans  
President

## Communication from Public

**Name:** Marian Dodge

**Date Submitted:** 11/30/2020 03:30 PM

**Council File No:** 13-1339

**Comments for Public Posting:** Please amend the measurement for Toyon & Mexican Elderberry to be a 4-inch cumulative diameter.

P.O. Box 27404  
Los Angeles, CA 90027  
[www.hillsidefederation.org](http://www.hillsidefederation.org)



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Public Works and Gang Reduction Committee  
Los Angeles City Council  
200 N. Spring Street  
Los Angeles, CA 90012

November 30, 2020

Argyle Civic Assn.  
Beachwood Canyon NA  
Bel-Air Assn.  
Bel-Air Hills Assn.  
Bel Air Knolls Property Owners  
Bel Air Skycrest Property Owners  
Benedict Canyon Association  
Brentwood Hills Homeowners  
Brentwood Residents Coalition  
Cahuenga Pass Property Owners  
Canyon Back Alliance  
Crests Neighborhood Assn.  
Dixie Canyon Assn.  
Doheny-Sunset Plaza NA  
Franklin /Hollywood West Residents  
Franklin Hills Residents Assn.  
Highlands Owners Assn.  
Hollywood Dell Civic Assn.  
Hollywood Heights Assn.  
Hollywoodland HOA  
Holmby Hills Homeowners Assn.  
Kagel Canyon Civic Assn.  
Lake Hollywood HOA  
Laurel Canyon Assn.  
LFIA (Los Feliz)  
Mt. Olympus Property Owners  
Mt. Washington Homeowners All.  
Nichols Canyon NA  
N. Beverly Dr./Franklin Canyon  
Oak Forest Canyon HOA  
Oaks Homeowners Assn.  
Outpost Estates HOA  
Pacific Palisades Res. Assn.  
Residents of Beverly Glen  
Save Coldwater Canyon!  
Save Our Canyon  
Shadow Hills POA  
Sherman Oaks HOA  
Silver Lake Heritage Trust  
Studio City Residents Assn.  
Sunset Hills HOA  
Tarzana POA  
Torreyson Flynn Assn.  
Upper Mandeville Canyon Assn.  
Upper Nichols Canyon NA  
Whitley Heights Civic Assn.

Re: **CF 13-1339 Protected Tree Ordinance Amendment  
Mexican Elderberry/Toyon/Adding to Protected Tree List  
PW&GR Committee, December 2, 2020, Agenda Item 2**

Honorable Chairperson Blumenfield and Committee Members:

The Federation of Hillside and Canyon Associations, Inc., founded in 1952, represents 46 homeowner and resident associations with approximately 250,000 constituents spanning the Santa Monica Mountains. We previously submitted letters to the record in support of protecting these native species, and in September, 2019, urged the PLUM Committee to reject the qualifying measurement standard recommended in the May 3, 2019, DCP Staff Report and amend it to a 4-inch *cumulative* diameter measurement taken at 4 1/2 feet high, consistent with the existing measurement standard for the other species in the Ordinance.

In response to the October 14, 2020, Joint Report by the Office of Forest Management and Bureau of Street Services, we write again to urge you to correct the measurement standard as above. This *cumulative* measurement is backed by the Community Forest Advisory Committee (CFAC), Tree People, the Santa Monica Mountains Conservancy, Friends of Griffith Park, Citizens for Los Angeles Wildlife, and highly qualified biologists and ecologists with expertise in the ecosystems of the Santa Monica Mountains. Efforts by City staff to insert a different measurement standard for the new species arose late in this amendment's seven-year process, without rationale, and will severely limit the number of trees qualifying for protection.

Additionally, we support the allied recommendations of the Community Forest Advisory Committee in their November 16, 2020, letter to your Committee:

- Developers should be made aware of an expectation that projects shall be designed so as to retain as much native vegetation as possible. If, as a last resort, off-site or out-of-kind replacements must be considered, they should require the approval of the Board of Public Works at a public hearing, not be determined on the fly by a “designee.”
- Dedicated staff should be approved to implement the administration and enforcement of the Protected Tree Ordinance. Those staff should form a separate unit composed of specialists such as a biologist/ecologist, an arborist, and an architect and be located not in the Urban Forestry Division but in a relevant environmental office such as LASan.
- Fees should be reviewed and updated to achieve full cost recovery and fund the staff needed to implement the program administratively and in the field.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Charley Mims". The signature is written in dark ink and is positioned above the printed name.

Charley Mims

## Communication from Public

**Name:** Shelley Billik, CFAC CD5, Chair

**Date Submitted:** 11/30/2020 09:44 PM

**Council File No:** 13-1339

**Comments for Public Posting:** Updated Community Forest Advisory Committee (CFAC) position letter, with support from TreePeople, Citizens of Los Angeles for Wildlife (CLAW), and the California Native Plant Society (CNPS).



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 28, 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). We thank 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.

#### **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 trees 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 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

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 and enforce the Protected Tree Ordinance. It is appropriate for the Ordinance's implementation and enforcement 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



Manny Gonez  
Director of Policy Initiatives



Tony Tucci  
Chair



Snowdy Dodson  
LA SM Mountains Chapter  
Co-President

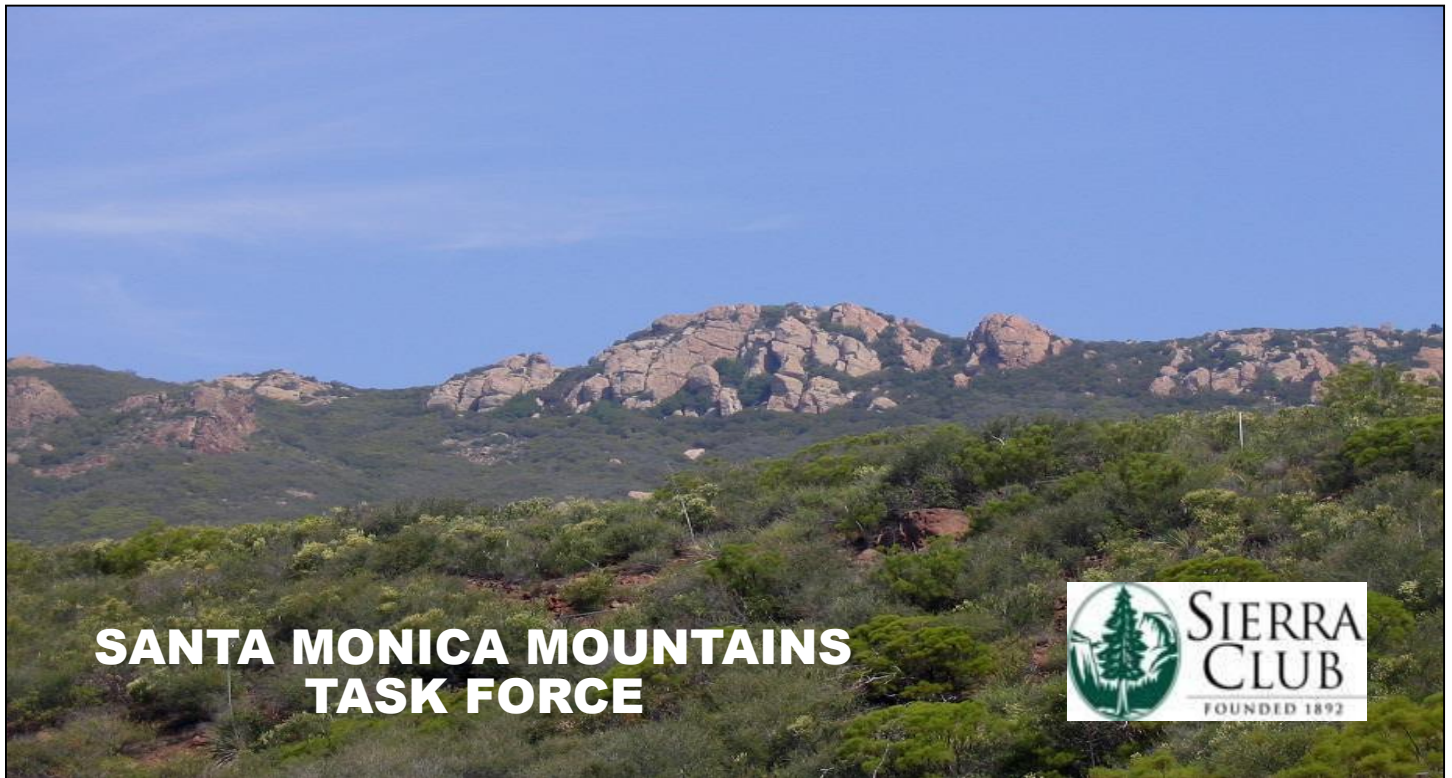
Cc: Councilmember O'Farrell, Councilmember Buscaino, Councilmember Ryu, Councilmember Lee, Councilmember De Leon, Mayor Garcetti, Board President Greg Good, General Manager Adel Hagekhalil

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

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.

## Communication from Public

**Name:** Sierra Club Santa Monica Mountains Task Force  
**Date Submitted:** 11/30/2020 11:07 PM  
**Council File No:** 13-1339  
**Comments for Public Posting:** Support, if amended. Please see attached letter from the Sierra Club Santa Monica Mountains Task Force.



November 30, 2020

Public Works and Gang Reduction Committee  
City of Los Angeles  
200 N Spring Street  
Los Angeles, CA 90012

VIA EMAIL AND CFMS SUBMISSION  
<https://cityclerk.lacity.org/publiccomment/>

**Re: CF 13-1339 Addition of Toyon and Mexican Elderberry to the Protected Tree Ordinance**  
**SUPPORT FOR COMMUNITY FOREST ADVISORY COMMITTEE RECOMMENDATIONS**  
**Public Works and Gang Reduction Committee Hearing Date: December 2, 2020**

Dear Chairperson Blumenfield and Honorable Committee Members:

The Sierra Club, founded in 1892, is the nation's oldest and largest environmental and conservation organization, with over two million members and supporters, of whom 150,000 reside in California. The Santa Monica Mountains Task Force was created in 1972 to work for preservation of open space and precious biological resources in the largest intra-urban mountain range in the United States. One of our goals is to promote and protect the biotic resources of the Santa Monica Mountains.

We SUPPORT the addition of these two species to the Protected Tree Ordinance and the associated recommendations of the City's urban forest advisory body, the Community Forest Advisory Committee:

1) The existing measurement standard in the Protected Tree Ordinance should be applied to the two new species — four inches in diameter measured **cumulatively** at four and a half feet above the ground. Applying the newly created measurement standard proposed by the Urban Forestry Division

and the City Forest Officer will exclude too many of these shrubs/small trees, especially given that the natural morphology of these species is multi-stemmed. Applying a measurement standard requiring a single stem of substantial diameter is not reasonable or logical for “shrubs” which are by their nature multi-stemmed.

2) Developers should be advised at the outset of their projects that the City expects — and potentially in the future even *rewards* — project design that accommodates the retention of the naturally occurring native habitat on their sites so that removals of protected native trees and shrubs are largely avoided up front. They should also be informed early that any absolutely necessary removals will need to be mitigated through the planting of the same species on site at the current Board-mandated 4:1 ratio. This “education” of developers at the front end could serve to make removals and replacements less common generally, and help reduce and avoid an expressed “need” for off-site and out-of-kind replacement plantings.

Allowing the exercise of discretion for out-of-kind plantings at the staff (“designee”) level would undesirably keep awareness or monitoring of this action, and the extent or frequency of its use, out of public view. Requiring a Board of Public Works hearing provides the opportunity for the public to provide the informed comment, backed by ecological or biological expertise, that has so frequently resulted in tree-retention solutions and improved projects through that review mechanism. While the City continues to lack the appropriately qualified biologist or ecologist staff to supply this knowledge, public participation at Board hearings has often filled this gap and provided viable project alternatives that have improved site outcomes for native habitat.

3) To fill the gap in expertise noted above, we support the creation of a separate unit to administer the Protected Tree Ordinance, the aim of which is surely not to administer the removal of native habitat, but to help avoid its necessity in the first place. This can be better achieved through the hiring of dedicated staff — an ecologist, an architect, an arborist/horticulturist — able to knowledgeably guide and assist developers to avoid native plant removals, and the stationing of that unit in a relevant environmental department, such as LASAN’s Biodiversity office or the new Climate Emergency Department.

4) We support CFAC and the October 14 Staff Report’s call for a revised, full cost recovery fee structure to fully fund the staffing needs and costs of administering the Protected Tree Ordinance.

Sincerely,

*Eric Edmunds*

Eric F. Edmunds, Jr.

Chair,

Sierra Club Santa Monica Mountains Task Force