

COMMUNITY FOREST ADVISORY COMMITTEE (CFAC)

ENFORCEMENT AD HOC SUB-COMMITTEE

Minutes

Tuesday, June 28, 2022, 1:00-3:00 Zoom

Present: Joanne D'Antonio (CFAC), Ad Hoc Subcommittee Chair; Shelley Billik (CFAC), Cyndi Hubach (CFAC), Marianne King, Jeanne McConnell, Hugh Kenny, Ann Rubin, John Hale, Michelle Hale, Ron Bitzer Rachel Malarich (City Forest Officer)

1. Call to Order by Joanne D'Antonio at 1:08 pm, establishment of quorum (2)
Welcoming Remarks – caution that CFAC email addresses do not have a pattern
2. April 26, 2022 Minutes (JD, SB) approved with one typo correction.
3. General Public Comment on Non-Agenda Items: Ann Rubin: ticket + tow for parking 18" from curb is \$310 – can we learn from Parking Enforcement and apply it? JD: No enforcement system or set up right now for Trees. Infractions are generally not safety issues so they don't rise to same level. Marianne King: Should have tree enforcement patrol. 311 service requests get closed out for no apparent reason and no response. Grading for ADU with heritage oak on property line and LADBS claims no tree responsibility and no response from UFD top staff. JD: UFD only has Gerald Stephens answering 311 for entire city; sometimes they send district supervisor if nearby. MK: Why can't they handle it? JD: 153, 500 is all they are funded to do – no enforcement budget. JD: not going to solve on case-by-case basis; going to have to figure out enforcement system for UFD and get it funded. UFD can't give a ticket, has no badges; if they send a BOE enforcer, the most the ticket can be is \$200. MK: UFD needs to be able to put hold on the DBS permit. Shouldn't there be a UFD clearance if an oak tree is reported in jeopardy – why not interdepartmental cease and desist? A call to the inspector? Used to do this when worked for Planning. Why not more effort? JD: No staff to do this. LADBS does not "see" trees. John Hale: Deaf ear. Silos. New mayor – election time may be opportunity to tell the candidates. Hugh Kenny: Like parking tickets, have private contractors looking for violations. SB: There are immediate things that can be done – Steve Duprey lives in area. MK: did email him and did not hear back.
4. Old Business (Discussion, Motion, and Possible Action)
 - a. Attempt to meet with BPW City Attorney Ted Jordan has been unsuccessful – no response. Need to know what ordinances could fly with city attorney. Need to know some answers to "why not?" questions on ideas like using Google Maps as evidence.
 - b. (this item also includes c. Investigate modeling of enforcement procedure for tree violations after Streets LA ACE enforcers)
What to expect from Urban Forest Management Plan (UFMP) – is enforcement structure in the plan? Schedule? RM: Financing study undergoing revisions, final by

end of July according to Rachel O’Leary. Study includes life cycle care, pest management, preservation, development and non-development cases, enforcement, tree removal, baseline to meet current requirements within code. Street trees, park trees and protected property trees. JD: Enforcement squad like BOE bicycle force? Will violations of Landscaping Ordinance requiring a significant tree on a property to be covered? Robust enforcement element needs to be there, or we need to get that funding from Council offices. RM: Financing will be an appendix to UFMP. UFMP planting, preservation, enforcement strategy, tree valuation methodologies, improved processes, additional staffing needs. Goal to develop recommendations and adopt UFMP with ordinance changes to effect goals. A year and a half from now. JD: Run talking points by CFAC so we can all support it; make sure we feel it is robust enough. SB: Can any fee studies be started now? RM: MyLA311 number of complaints will indicate the volume of work we need. Need to think about what does enforcement team look like to inform fee study? JD: UFD does not have background for certain jobs. UFD could have non-treeclimber college-educated staff department to do inspections for development. This job description not in 153,500. Description not adequate for what people feel is UFD’s responsibility. RM: RAP has this non tree surgeon classification. JD: Need ecological staff in UFD to look at woodlands. UFD is not what people expect them to be. My LA311 does not have places to report certain problems like agriperms. RM: Doing interviews with teams from other cities to adapt or add classifications. A lot of work to add job classifications.

- d. List of District Supervisors list – not able to get, maybe Rachel can help get this; David Miranda’s idea to provide it.
- e. DWP trimming issues – meeting with Arian Chavez to be pursued. JD: spoke to DWP Inspector General, but not about this. Subcontractor’s work with line clearance; need better adherence to guidelines.
RM: has not met with them re: line clearance in a while. JD: has had reports of corruption in subcontractors. SB: need Rachel’s help to reach to someone higher up at DWP to deal with problems with guidelines. JD : Miranda says UFD has to do emergency trims after DWP subcontractors’ poor work. Will refer complaints to Inspector General. SB: Above CFAC’s ability to get fixed.
- g. Tree messaging banner campaign working group formation. No charge to have them up. NC just paid for the banners printed. Showed Isabelle’s artful cards for newly-planted native trees. Volunteers: Cyndi (knows graphic artist) include 311 reporting? JD: Show to Rachel. Discussed at Dudek Working Group. Possible do/don’t. Simple stuff. AR: iconic image. JD: Not too subtle. MK “Did you know?” campaign; progression of banners. Importance of preserving trees.
- f. Efforts to promote biodiversity directive at UFD – asked of all City Departments. Trying to get more native trees – can grow very small saplings at City nursery to get larger to plant. RM: Biodiversity team providing recommendations to departments.

Waiting to hear these. Comes up against issue of space. 4 or 5 foot replanting and plant palette is small – short list limits what can plant. Access activities going on. Expand use of Commonwealth and other nurseries. Near-native procurements. JD: Diana’s list smaller natives. RM: are the trees be healthy and long-lived and provide decent amount of shade? Blend of benefits and risk. JD: Sylmar – grant from Metro for tree wells in parking spaces in underutilized streets, thought there was a gutter for water along curb. Will try to locate photo. Parking space areas designated for trees in UFMP to put in big native trees. CH: oak trees in 5 foot parkways in Elysian Park with huge canopies shading sidewalks. RM: Interested in the process how DOT approved the bulb outs, how compatible. Which decisionmakers and what criteria helped them say yes. With USC and Urban Trees Initiatives looking at high need communities on with space constraints but need larger trees. Getting feedback from city departments what their concerns are that could also work in the Valley. By end of summer will get 2nd phase which may have some vetting by City departments for small spaces in and can look at ways to implement. JD Residential streets have underutilized parking that could be places to create canopy here and there in parking spaces. Looking on TGF sites -- not Vanowen with 3 foot parkways and heavy traffic, but on the cross streets we could have put in bigger trees, though we put in some native desert willows. Can we build into the plan that we do a certain amount of cement work, maybe in the name of equity? We also need to be able to afford the inspectors for the trees in the Harris-Dawson motion – they are proposing property trees larger than 8” DBH to be considered. UFD said they don’t have it in their budget to inspect beyond protected trees.

h. 03-1459-S3 Should we pursue this report back?

https://clkrep.lacity.org/online/docs/2003/03-1459-s3_mot_11-22-2017.pdf

JD: Should Tree Protection Zones be added to this, since according to UFD there is not funding for inspections during construction? And should this include enforcement because the report back on the Harris-Dawson motion (15-0499-S2) is not including enforcement? We have been getting a lot of complaints of property owners who clear-cut their lots before they go to Planning or Building & Safety, and that is why I bring this up. Recent example is possibly historic RSO garden apartments in Argyle area, and Council office said they were within their rights. Is this report back going to happen or will it just be folded into the Urban Forest Management Plan? RM: Taking a pause with this report because all that we have discussed thus far is to be included in the scope of the UFMP. We are starting with the process for the ordinances that currently exist, so we lay the groundwork for enhanced protection. Can’t expand if we can’t enforce what we have. That is why we worked on the Tree Disclosure statement and other forms; so when we bring in enhanced protection, the departments can be supportive. JD: If the City Attorney will not let us use Google Earth and Google Maps, to say there were trees there, then how do we enforce? The first two items on New Business are people that have clear cut their trees prior to

getting any kind of permit. RM: We don't currently have a penalty that we feel is sufficient; need deterrant. We don't have a private property tree inventory. Working with County that may be able to alert us of a change in cover. Working with LADBS to give referrals to UFD when there are trees, and working with Council Office to give UFD what they need to respond. One step at a time. Gets the frustration.

- i. Per last meeting request by Steve Duprey: discussion of ordinance 153,500 that defines Urban Forestry's work. JD: this is the ordinance that defines what Urban Forestry is supposed to do, and it is very limited. I am anticipating that you are enhancing this with the UFMP. RM: The goal is to update any of the ordinances that address trees to be consistent with the goals of the UFMP. JD: I think Stephen Duprey brought this up at our last meeting to share that this is really all UFD is supposed to do, as frustrating as that is to all of us. I want to talk about the one tree per property ordinance because in the UFMP we should also be addressing the requirements of the Landscape Ordinance which require significant property trees and trees in parking lots. The enforcement of this needs to be handled somewhere, probably in Urban Forestry – where else would you do it? RM: Haven't looked at latest landscape ordinance. When we consider urban ecology, then UFD's scope goes even further. Would we bifurcate and say that the tree components would be handled by UFD? JD: Yes. RM: I don't think that would be problematic. That goes back to the development process, and I think we have that in the scope of the current UFMP. JD: We see properties where they are not doing any building, just cutting down their required tree. When I try to report it to DBS, they say there is no safety violation. The Landscape Ordinance presentation indicated that the requirement is still there. So we need an enforcement that the tree is there and stays there. The mechanism is not there right now to solve these enforcement issues.

5. New Business

- a. 2016 Vista del Mar extensive tree removals prior to getting demo permits – no no permits applied for. Now LADBS will tell them they need to get a permit to demo. If there were protections for significant trees, they would be denied their demo or building permit, the way the Protected Tree Ordinance is supposed to work. Would have to wait years. MK: Applicants are required to identify the protected trees on the lot and adjacent lots, and sign a penalty of perjury statement. There could be better wording on the penalty of perjury. If they file after they remove trees, that would be piecemealing under CEQA. City Attorney would have to be on board with no moving forward with project. JD: We have a strong building lobby. Would this apply to LADBS as well? Do they have to give a tree report list yet? MK: They have to for structures over 40 years old. RM: Testing report at Planning to work out any kinks, then will discuss with LADBS the use of the form. Applicant can hire arborist; then what is UFD's staff capacity to certify the report?

- b. Onyx and Tigertail illegal protected tree removals JD: Onyx property in El Sereno applied for building permit, protected tree application was taking place, and they just cut all the trees anyway. Tigertail, in Brentwood, prior to applying for permits, they just cut all the trees. It went up on Nextdoor and was reported to me. Unless someone gets a lawyer, I don't think they will be stopped from building. Sullivan Canyon had to hire a lawyer to prevent the building to go forward. RM: Can't speak to any potential investigation. JD: CFAC not contemplating comment letter, just reporting what has been reported to me by email. I am trying to raise awareness, not do the work of fighting these. MK: Hoping that valuation of trees is being included in UFMP. JD Santa Monica has this. RM: Asking consultant which tools like this were most successful in court and useful for staff to use. JD: Recommends using liens.
- f. MyLA311 additional categories – bring any suggestions. Michele Hales: problem with identifying with just co-ordinates. Was given back response with an incorrect address in totally different location. MK: only one category for trees: street trees. JD: protected tree reporting is only on Streets LA website. MK: People don't know where to go. Beef it up! JD: Who updates MyLA311? RM: Team at UFD integrating with MyLA 311 for inventory software – good place to start. Send to her and Elias and copy David Miranda and Stephen DuPrey who supervises Elias. Tangential to his project but good place to start because he is already working in the area. SB: Ann could not report rubble injuring tree. Sent to Steve and Elias and they said they would work on it. AM: Information mapping on 311 – you have to go too far into the process only to find out you are at a spot that does not address your concern. Pathways for the various topics need to be looked at – should be intuitive. Maybe count how many abandoned data entries without completing. JD: Ann and Marianne compile a list. AR: Is there a judgment being made at the intake? How does it get funneled to the right department? SB: Injury to trees is the LAMC code name. JD: That is misleading if nothing is cut from the tree but stuff is under it. UFD can note it but it can't move it. AR: Uses "other", and there is no check box for that. That would be a good one. Also, tree houses and tents in trees. They just closed the request. JD: Homeless makes it complicated. JH: started by calling, then thought writing was better but not given incident #. Have to give you this when you call in.
- c. 15-0499-S2 early tree consideration -- trigger potential violations? (addressed in 4 h. above)
https://clkrep.lacity.org/onlinedocs/2003/03-1459-s3_mot_11-22-2017.pdf
- d. Parking lot trees – code and enforcement (not addressed at this meeting)
- e. "Injury to trees" enforcement (contained in 153,500) (not addressed at this meeting)
- g. Tree incentives or citations? (postponed to next meeting – need to find a way to give citations. An enforcement force?)

6. Announcements -- MK : Heard that blue gum eucs being protected for monarchs (likely County) Also Wildlife Ordinance information meeting tonight and public hearing July 13 -- has list of native plants and trees.

Meeting ended 3 :10 pm.

Next CFAC Enforcement Subcommittee Meeting tentatively Tuesday, August 30 time TBA

Minutes prepared by Joanne D'Antonio and approved at Oct. 13, 2022 meeting

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