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FROM: Community Forest Advisory Committee (CFAC)

RE: CPC-2023-1083-CA and CF 22-0268

The Community Forest Advisory Committee (CFAC), which is comprised of representatives selected by City Council and the Mayor to advise on issues pertaining to the urban forest, had its largest turnout of its members in years at a special meeting to consider Case Number CPC-2023-1083-CA and the zoning code amendment to CF 22-0268. CFAC voted unanimously to protest giving ministerial freedom to developers on structures over 50 units with affordable units, and write this comment letter to warn of the ramifications, as well as to suggest solutions. While we understand the need to expedite affordable housing, tree issues have typically delayed projects because they were not considered at the start, during pre-permitting. Left to be dealt with down the line is what has caused project delays, not because protecting nature is difficult.

EXISTING “BY RIGHT” PROBLEMS

We have observed that *existing* “by right” building practices when coupled with LADBS procedures have resulted in:

1. The illegal removal of protected trees, for which there is no mechanism in place for these species to be identified beyond an “honor system” for property owners and thereby leading to protected tree removals without fees, penalty, or mitigation (Ord. 1868730).
2. The removal of all existing property trees without any replanting.
3. Street tree damage or illegal removal (no enforcement procedures exist).
4. Rebuilding without tree planting or open space amenities that enhance quality of life.
5. No requirement to install badly needed large right of way parkways for canopy street trees and/or setbacks to accommodate tree planting.

Extending this ministerial approach to larger buildings promotes even worse decline in tree canopy and increases in heat island effect. Do the inhabitants of affordable housing not deserve shade, cooling, and livability with green landscapes?

WHY BUILDINGS AND RESIDENTS NEED TREES

There have been so many studies on the necessity of living with trees – here is an excerpt from the New York State Department of Environmental Conservation:

<https://www.dec.ny.gov/lands/4957.html>

Benefits of Trees in Urban Areas

- 1) Health benefits: improved air quality; reduced stress & depression, reduced domestic violence and heat illness
- 2) Pride in community
- 3) Reduced utility needs

Some of this need can be accomplished with parks, but the City of Los Angeles is by design park-poor, this with the understanding that backyards would provide the green open space for residents. Money accumulates in the Quimby Fund developers contribute for park creation, but rarely is a new park established. The Recreation and Parks Department is stretched thin on maintenance resources and opposes new park creation. Plus the cost of land has become prohibitive.

TREE ADVANTAGES GAINED IN SITE PLAN REVIEW AND DUE PROCESS

For non-ministerial projects, the Planning Department requires a Tree Disclosure Statement & Tree Report. When developers/contractors indicate removal of PROPERTY TREES, in site plan review the Planning Department's judgments require some planting for significant tree removals. Developers also try to eliminate or minimize space for RIGHT OF WAY STREET TREES, but when there is Planning Department review, they must also go through Urban Forestry for a permit and public notification with opportunities to preserve them. If removal is granted, the property owner must replant 2:1 or pay a tree guarantee (in lieu) fee.

Bypassing site plan review would eliminate any current due process for existing trees. Without site plan review, the Protected Tree Ordinance, UFD's public tree removal notifications, and Board of Public Works hearings for the removal of more than two street trees or protected trees, our canopy will disappear.

Finally there would be inspections to make sure tree planting takes place. And neighborhood councils, whose involvement in new projects has already been diminished, will likely not even be aware of what happens in their community until a demolition permit is applied for, and will have no way to even have a relationship with the developer.

TREE EQUITY

The City has spent time and money on an environmental justice TREE EQUITY STUDY: <https://laurbanresearchcenter.org/wp-content/uploads/2021/02/LAUF-Equity-Assement-Report-February-2021.pdf> which demonstrates that our city has very low tree canopy in what are considered lower income areas, compared to more affluent neighborhoods where the city's overall tree canopy is concentrated.

Waiving Site Plan Review for new affordable housing will allow developers to build lot line to lot line with no space for trees and no adequate setbacks for trees. This will create tree inequity for low-income residents and make our city less livable as we add structures. The implementation of CPC-2023-1083-CA will deprive low-income residents of a healthy place to live and create new environmental justice problems.

“DUDEK” REPORT: https://www.cityplants.org/wp-content/uploads/2019/07/10939_LA-City-Plants_FirstStep_Report_FINAL_updt_7-2019.pdf

In 2018 the City adopted the “Dudek” report that was to bring about an Urban Forest Management Plan. Though it is in the works, it has yet to happen. And the Urban Forest continues to not have expert ecologically-oriented leadership at its helm. **Instead, we have moved to diminishing our urban forest by removing thousands of trees every year and limiting our planting palette to smaller trees.**

BIODIVERSITY REPORTS

The City Council adopted a biodiversity directive in 2022 and LASAN is working with City Departments to further biodiversity goals -- their reports are listed here: https://www.lacitysan.org/san/faces/wcnav_externalId/s-lsh-es-si-bd-par?_adf.ctrl-state=hcmgxm3g_5&_afLoop=2880225341311893#

Trees are vital to our interconnection with wildlife, and in its first round of asking City departments to evaluate their practices to further biodiversity, the grades they gave themselves were very low. To allow developers to simply remove trees without any oversight will lead us to become a City that does not support the ecosystem – dare we say a dead zone?

BIOPHILIC CITY

The City Council (CF- 15-0499-S4) joined the international Biophilic Cities Network in February 2023 and adopted this Vision Statement: “Los Angeles is a City where all Angelenos value biodiversity, honor and respect nature, and steward the natural world, ensuring that ecosystems are protected, enhanced, and restored, environmental and public health benefits are maximized and equitably shared by all, and that Los Angeles is a resilient, biophilic City for generations to come.” **How can we justify just building whatever “box” buildings developers want to build to maximize square footage for affordable housing and at the same time live up to this commitment?**

WHAT CAN WE DO?

CFAC has outlined a methodology: Start With Trees (This 10/22 white paper is available from CFAC)

To “Start with Trees” is to consider one of the City’s most basic, inherent, and cost-effective resources as true assets. As both economic and environmental assets, trees need to be identified early in planning and project development processes in order to:

- Leverage City efforts which include trees as an element of consideration, decision-making, and impact;
- Maximize the range of long-term and short-term benefits to communities and habitat; and
- Effectively plan for future developments and needs in the areas of sustainability, energy, housing, conservation, and equity.
- Trees are not easily added later, especially if the building is designed lot line to lot line. (Trees in planters on the roof don’t count as they have little environmental benefit and are stymied by space). Every project should have a basic tree goal and inventory of existing property and street trees before design starts.

CFAC is aware of the need for affordable housing and the urgency to utilize space that has led to this amendment. But housing needs to be built such that low-income housing residents will want to live in it and thrive. They deserve a healthy place to live that starts with trees. Interestingly, many unhoused people gravitate to living in a park under the trees.

DESIGNING FOR DENSITY AND BIRDS

According to Travis Longcore, Urban Ecologist, in his March 29, 2023 City Watch article: <https://www.citywatchla.com/index.php/climate/26709-an-urban-forest-for-the-birds>

. . . the design and construction of human-scale, high density housing with substantial associated greenspace is nowhere to be found in Los Angeles because we currently have the upzoning of small lots without taking care that there is any space for trees and other vegetation. CFAC maintains we need to FINANCIALLY INCENTIVIZE WITH BONUSES for open space and trees (both large canopy preservation and planting). This is necessary because no thought is being given to the future livability of our city. Will the residents be here as transients with the intention of eventually moving to a more livable locale?

Apartment living does not have to be a negative experience as long as there are trees in the ground and amenities for children to play outside.

TREE-LINED STREETS

We will never have a city of tree-lined streets with birds unless we start requiring every builder to put in 10-foot parkways which Urban Forestry requires for our native large trees like coast live oak and sycamore, that maximize tree canopy and contribute immensely to biodiversity. Developers need to give dedications for these parkways and not just plant in the small existing tree wells – or even worse put in small tree wells. Trees need space. Also consider incentives for Silva Cells that will allow a small tree well, but with a structure below ground that supplies what a large tree needs. This added cost is an investment and trees are the only infrastructure that grows in value over time.

Another way to achieve tree-lined streets is to go back to the set-backs of the apartment buildings of the past, though on taller buildings this may be too costly.

CEQA

By waiving Site Plan Review for affordable housing units, it would eliminate environmental reviews, though important environmental issues may exist at the property. By declaring these buildings categorically exempt from CEQA, there is no opportunity to make sure the projects are environmentally sound and there are no appeals possible. Furthermore it can open the City to problems – for example, a few years ago tree removal permits from UFD were halted for a year due to CEQA noncompliance.

PARITY RISK

It is also risky to set aside environmental considerations for affordable housing because it leaves open a parity issue, such that all developers will want environmental considerations bypassed for all projects and predictably would sue to get this.

CONCLUSION

Every stakeholder regardless of income should be a benefactor, have access to shade, cooling, cleaner air and the beauty of nature. We dare not contribute to environmental *injustice* with new affordable housing.

Because new trees take several decades to mature, we should be cautious not to further accelerate our declining canopy with fast-tracked tree removals, especially in lower income neighborhoods. We cannot plant our way of the dwindling urban canopy.

Newly planted trees use a lot more water and resources, often don't survive, and take decades to provide shade cooling and other environmental benefits.

Because we have a climate emergency and heat problem, we must be careful when we create heat-attracting large housing structures, to balance with heat-mitigating and biodiversity-enhancing trees.

Please do NOT eliminate important Site Plan Reviews, which are meant to improve projects. There are better ways to make the pre-building process efficient.

Sincerely,

A handwritten signature in blue ink that reads "Joanne D'Antonio". The signature is written in a cursive style with a long, sweeping tail on the letter 'o'.

Joanne D'Antonio

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