

# Memorandum

To : The Conservancy  
The Advisory Committee

Date: October 28, 2019

From :  Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Director

Subject: **Agenda Item 18: Consideration of resolution supporting the addition of Mexican elderberry and Toyon to the City of Los Angeles Protected Tree Ordinance.**

Staff Recommendation: That the Conservancy adopt the attached resolution supporting the addition of Mexican elderberry and Toyon to the City of Los Angeles Protected Tree Ordinance.

Legislative Authority: Sections 33211 of the Public Resources Code.

Background: The City of Los Angeles has had a longstanding (2006) protected tree ordinance that covers four native species. City staff is proposing the addition of Mexican elderberry and toyon to the list of protected trees. The attached draft resolution supports the staff recommendation to add these two species either as trees or shrubs as long as they receive the highest level of protection. The draft resolution also recommends that the criteria used to determine the minimum sized trees to be eligible for protection be as expansive as possible. There is currently a debate about how to determine the eligibility of multi-trunk species such as toyon and Mexican elderberry.

One of the key facets of the tree ordinance is to incentivize the avoidance of native trees. With ever increasing global warming and loss of habitat, the number of micro-sites that can support native trees without long-term supplement irrigation is dwindling rapidly. Under such worsening conditions, the locations for most tree replacements under the ordinance are inevitably non-sustainable sites because of a lack of dry season soil moisture. The replacement of native trees is also too poorly monitored and enforced to expect replacement ratios to come close to adequately mitigating the loss of native trees.

To maximize the eligibility of toyon and Mexican elderberry trees for protection, and thus promote avoidance, the draft resolution recommends that the City adopt a criteria that measures trunks at two heights and considers the cumulative diameters of trunks at both heights. In short if either measurement criterial qualifies a tree, the tree should receive protected status. Many trees are often re-sprouts from illegal cutting or even fire. Without this expanded methodology they would not be eligible for protection.