

Agenda Report

April 03, 2017

TO: Honorable Mayor and City Council

THROUGH: Municipal Services Committee (February 28, 2017)

FROM: Department of Public Works

SUBJECT: AMENDMENT OF PASADENA MUNICIPAL CODE TITLE 8, CHAPTER 8.52, CITY TREES AND TREE PROTECTION ORDINANCE

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the recommended actions to safeguard City trees is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 5, Section 15061(b)(3); and
2. Direct the City Attorney to prepare an amendment to the Pasadena Municipal Code (PMC) Title 8, Chapter 8.52, the City of Pasadena City Trees and Tree Protection Ordinance (TPO) as described herein.

URBAN FORESTRY ADVISORY COMMITTEE RECOMMENDATION:

On February 8, 2017, the Urban Forestry Advisory Committee unanimously supported the Department of Public Works' recommendation to amend the PMC to strengthen the City's TPO.

BACKGROUND:

As a longstanding Tree City and member of the Arbor Day foundation, the City of Pasadena is proud of its urban forest. Pasadena's Urban Forestry program is administered by the Department of Public Works, Parks and Natural Resources Division. In an effort to enhance the City's stewardship of public trees, the Department of Public Works recommends that the City Attorney prepare an amendment to the PMC Title 8, Chapter 8.52, City Trees and Tree Protection Ordinance (TPO). The purpose of this action is to establish increased penalties for TPO violations, thereby establishing a stronger deterrent against violations and allowing the City to recover financial losses as a result of violations to the TPO.

During a joint meeting between the Urban Forestry Advisory Committee and the Design Commission on October 13, 2015, the Department presented a draft version of the Urban Forest Management Plan. In response, community members provided valuable feedback pertaining to the penalties associated with violations of the TPO. The Department concurs that the current penalties do not serve as a strong deterrent against violations of the TPO and that the penalties are not commensurate with the violations -- penalties associated with illegal City tree removals, and actions that are injurious to City trees, are treated equally regardless of the species and age of the subject tree(s) and despite the greater inherent value in certain, mature hardwood tree species.

Currently, the common recourse against violations of the TPO is an administrative citation levied per offense, per City tree. Illegal tree pruning, activity that harms a City tree and removals are categorized as equal administrative citation offenses. The first administrative citation is currently \$108.00. In the case of repeat offenders, the City may pursue further prosecution through the City Prosecutor's Office.

The goal of this recommendation is to amend the PMC so that in addition to any applicable administrative citations, the assessed value of the subject tree, and the removal cost (if applicable), are levied as a standard administrative practice, absent adjudication by the City Prosecutor's Office, when a City tree is illegally removed, or the illegal activity is considered detrimental enough to warrant a condition-based tree removal by the City. Additionally, the Department will work with the City Attorney to strengthen the remedies to address repeat offenders, such as stop workorders, and the revocation of construction permits.

On February 28, 2017, the Municipal Services Committee requested staff provide information on the assessed values of different trees species. Table 1 – Sample Tree Assessed Valuations provides the assessed value for four (4) different tree species at different sizes.

TABLE 1 – SAMPLE TREE ASSESSED VALUATIONS

Species Name	Common Name	Condition	Diameter at Breast Height (DBH)		
			7" (small)	14" (medium)	21" (large)
<i>Podocarpus macrophyllus</i>	Yew pine	Fair	\$1,500	\$5,800	\$12,500
<i>Quercus ilex</i>	Holly oak	Fair	\$1,600	\$4,800	\$10,000
<i>Ficus microcarpa</i>	Ficus	Fair	\$2,000	\$4,800	\$9,500
<i>Fraxinus uhdei</i>	Shamel ash	Fair	\$1,300	\$2,900	\$5,500

Additionally, the Department recommends that the City Attorney amend the PMC, in order to apply administrative citations at a higher rate for illegal activities, such as topping, pollarding, lion tailing and root zone compaction. In instances where a TPO

violation requires corrective arboriculture measures, the costs associated with such measures would also be passed on to the offender.

Such tree protection measures described herein are in line with tree protection ordinances adopted by other local municipalities. A comparison of different municipal tree protection ordinances is provided in Attachment 1.

Tree Protection - Conditions for Development and Construction Projects

In addition to penalties for violations of the TPO, the Department identified the need to enhance protection measures related to development and construction projects. Accordingly, the Department recently adopted the following standard conditions in an effort to mitigate impacts on City trees during development and construction projects:

1. Applicants must provide a Tree Protection Plan prepared by a registered Landscape Architect, or certified Arborist, subject to review by staff, which includes protective fencing and parkway cover for all City trees identified within the scope of the project.
2. Applicants must submit a bond in the amount of their total potential liabilities including the assessed value, and removal cost for all City trees identified within the scope of the project. Should the health of any City tree(s) within the care of the applicant become critically compromised, the Department reserves the right to deduct all applicable costs from the applicant's bond.
3. Applicants must continue to care for any newly planted City tree(s) for a minimum period of three years starting when the Certificate of Occupancy is issued to the applicant. If any newly planted trees are critically compromised during this period, the applicant will be required to replace them.

The Department's full Tree Planting and Protection Conditions for Construction Projects is provided in Attachment 2.

COUNCIL POLICY CONSIDERATION:

This action supports the City Council's goal to increase conservation and sustainability. Amending the TPO as such also supports the Open Space and Conservation Element of the City's General Plan by supporting stewardship of natural resources and conservation.

ENVIRONMENTAL ANALYSIS:

The proposed recommendation of amending the TPO to better safeguard City trees is exempt from CEQA pursuant to Article 5, Section 15061(b)(3).

FISCAL IMPACT:

The proposed recommendation of amending the TPO is intended to serve as a deterrent against violations of the TPO and should not add any additional costs to the City. The goal of the recommendation is to implement the subject fees and higher administrative citations, commensurate of the violation, in order to enforce the TPO and recoup financial losses that the City currently incurs. The additional steps to levy the proposed fees should not add more staff time as it would be incorporated into existing processes. Any revenue produced from violations using the additional fees proposed herein will be deposited into the City's Street Tree Deposit Fund.

Respectfully submitted,



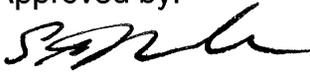
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STEVE MERMELL
City Manager

Attachment 1 – Municipal Tree Protection Ordinance Comparison
Attachment 2 – City of Pasadena Tree Planting and Protection Conditions