

Special Meeting on  
**TREE PROTECTION ORDINANCE REVISIONS**  
October 6, 2008

**PUBLIC COMMENTS:**

Environmental concerns/issues

Canopy coverage using fast-growing trees is often undesirable; maybe have a list with suggested/recommended trees for replacement canopy.

Are we imposing a “forest” and “landscaping” in a location that historically did not have one? [*Environmental benefits of trees/some native trees but other tree species should not be encouraged. Ordinance should encourage certain species. Hardscape has changed eco-system; try to balance*] The issue was tested with Chandler School master plan: new trees on slope to screen new buildings (urban design objective) vs. trees and plants appropriate to the Arroyo. City wants to rebuild eco-system in the Arroyo. This is a unique situation.

Historically area had many oak trees—should encourage return of oaks.

Does current ordinance encourage drought-tolerant plantings? [*City has xeriscape ordinance, but it is applied on a case-by-case basis.*]

Time for replacement canopy may need to consider slower time frame because of periodic drought.

Are permeable paving materials promoted as well? [*In guidelines*]

Purpose of ordinance is to protect existing canopy. It does not specify a climate or types of trees suitable for replacement—esp. on private property.

Should suitable replacement trees be a consideration for inclusion in the ordinance? [*Identify trees that are important to the City and worth planting. PNR working on a recommended plant palette and will post on website. In ordinance, could add specifications to modify to encourage types of trees that are native to climate and do not consume large amount of water.*]

How much canopy do we want—how much? Ordinance should acknowledge importance of native trees.

Conflicts between roof-mounted solar panels and shade from trees—would City approve removal of protected tree under public benefit or does State law for solar installations prevail over local regulation? [*The issue has not been tested as yet. City’s canopy-coverage study will identify buildings and sites appropriate for solar installations.*] What about satellite TV receptors and trees?

## Process/procedures/fees

Private-tree removals take too long; once tree is identified as unsafe, owners should be able to remove tree within ten days. Homeowner's experience is that it takes three weeks for City to approve removal of the tree. Permit fee is too expensive, esp. for a dead tree on private property—and arborist's report increases cost as well. Some trees in parkway grow too large and homeowner has to pay for costs caused by damage from roots. 113 trees are too many. *[Fees are based on average cost of visiting site, sometimes asking for opinion from consultant. Fees are reduced by 50% for single-family house. Maybe no fee for a tree that is dead?]*

Paying fee to remove a dead tree is “insult to injury”; homeowner should not have to pay for permit. Tree ordinance should not cause a hardship for homeowners. Waive fee for dead trees.

Pine Bluff Dr.—ordinance needs to respect property rights. Pasadena protects more trees than nearby communities not just native trees. Why apply ordinance to private property? Ordinance focuses only on projects during construction. City encourages larger tree to encroach on neighboring smaller specimen trees. A right place for the right tree: City is indifferent to proper tree spacing for new trees and to new trees encroaching on trees on a neighbor's property. No definition of an “outstanding example” of a specimen tree. Some protected trees grow into power lines. Ordinance should follow laws protecting private property. Follow example of other cities when developing a list of protected trees. Minimum spacing should be specified in the ordinance. Trees growing under overhead power line should not qualify for protection. Trees encroaching into a neighbor's property should not qualify, unless neighbor consents in writing. City should maintain a data base of protected trees on private property. Define “outstanding example” of specimen tree. Ordinance should be fair to all property owners and based on common sense. Many small lots in the city, and owners should be able to enjoy their property. Allow some off-site replacement.

Replacement street trees are failing on So. Marengo Ave.—not maintained adequately? Too many street trees are dying.

What happens if a neighbor willfully harms a tree on another property? Or if neighbors claim problems from a neighbor's tree? After City fines a property owner, what happens when a neighbor's tree is damaged?

## Replacement

Use “ratio of trees” (e.g., 1:3 replacement) in place of canopy replacement. Should revisit and update an earlier study of oak-tree canopy (% of canopy). Why are there only two landmark trees in the city?

Economic hardship and trees: City has asked developers to propose alternatives to reduce removals of protected trees. Design Commission reluctant to apply economic-hardship finding to commercial/speculative development.

Off-site replacement: where would it occur? *[Maybe within a certain radius or closest park or other open space. Option allowed in other cities.]*

What about relocating trees? *[Ordinance treats as a removal because tree will require extensive maintenance. It also discourages relocation. Prefer money to be spent on replacement canopy with healthy trees. Most relocated trees do not survive over time. They require “weekly care” to survive. Focus on replanting trees in feasible locations.]*

Inadequate setback or subterranean parking influence decisions about retaining trees on site. Do development standards need to change?

Always needs to be an allowance to remove a tree—an objective review--e.g., windstorm damaged a tree with exposed root ball; large trees are not always healthy and could imperil the safety of a house.

Flexibility in current ordinance works well for a local institution. If cannot replace same species of tree, and ordinance requires planting of native trees, then existing canopy will change over time (may be a good thing).

Need to be sensitive to loss of views (e.g., mountains). What happens to funds collected from penalizing people? If not planted on site, where should they be planted—what are the City’s priorities for these sites? Measuring canopy conflicts with other objectives such as LEED certification. May want to encourage planting in locations to add shade; can direct new tree planting. Decrease light inside living spaces when isolate trees to side yards and rear yards. Oak trees and increasing allergy rate; other factors are involved. Encourage new multi-unit residential projects to have shared open space/main gardens—plan more long-range approach. What about incentives to reduce underground parking and allow more area for trees? Vary criteria by different zoning districts?

Avoid using appraised value to evaluate replacement trees because of subjectivity. Trunk diameter is preferable. Solar- access issues will affect large institutions (State law may influence outcome). Importance to follow a tree-protection plan during grading and trenching; qualified personnel needs to monitor. Ordinance should require extensive monitoring of tree-protection plans during construction.

## Comments from UFAC & Design Commission

There is an interest in canopy coverage vs. DBH. Is canopy coverage a loophole, and does five-year standard lead to undesirable types of planting. Agrees that appraisal would be unsuccessful and impractical. There is interest in replacing trees with native species—and what are the changes over the long term to the tree canopy? The change could be unanticipated. City also wants to maintain a variety of trees (e.g., Jacaranda), and residents value this diversity of trees. [*Species diversity is important to the City and the eco-system. Trees that are more drought tolerant help to maintain the water table.*]

Incentives: include reduce parking near transit.

Changing the tree ordinance interlocks with changes to design guidelines and zoning development standards.

Appraisal system could work for penalizing and enforcement. Need to be mindful about regulating property in areas zoned single family. Could have an in-lieu fee for replacement trees; City would need to have a plan for using the in-lieu fees.

The goal of a sustainable environment should be linked to how the City plants street trees.

Trees attract new residents to the City.

Public accepts ordinance more readily if it is easy to understand; use a “common-sense” approach when revising the ordinance. Keep things simple.

Don't lose sight of intention to preserve significant trees and balance this objective with the rights of developers and homeowners. Differentiate between trees worthy of protection-- possibly by DBH.