

Agenda Report

Date: September 17, 2001

TO: CITY COUNCIL
FROM: CITY MANAGER
SUBJECT: TREE PROTECTION CODE AMENDMENTS

RECOMMENDATION

It is recommended that the City Council:

- 1) Direct the City Attorney to prepare a Tree Protection Ordinance amending Pasadena Municipal Code Section 8.52 to protect native, landmark and specimen trees on private and public property.
- 2) Direct staff to prepare California Environmental Quality Act (CEQA) exemption documentation.

EXECUTIVE SUMMARY

The City recognizes the substantial economic, environmental and aesthetic importance of trees and plantings within the community. The goal of the proposed tree protection ordinance is to preserve and grow Pasadena's canopy cover by protecting landmark, specimen and native trees on private property and expanding the protection of trees on public property. Implementation of the ordinance would assist in the preservation of individual trees and groups of trees by regulating their removal, making provisions for replacement of canopy cover, and preventing unwarranted removal. This ordinance concept is a follow up to the update presented to City Council on April 23, 2001.

COMMISSION REVIEWS

The recommended tree protection code amendments were reviewed in two rounds. The Planning Commission, Design Commission, Code Enforcement Commission, Cultural Heritage Commission, Recreation and Parks Commission and the Urban Forestry Advisory Committee reviewed and commented on a conceptual overview of the code amendment. The commissions and committees were favorable to increasing protection for trees on private and public property. Some of their comments were incorporated into the document. The remaining comments are contained in Attachment A.

Staff presented the tree protection concept to the Recreation and Parks Commission and the Planning Commission on September 12, 2001. The Recreation and Parks Commission unanimously endorsed the tree protection ordinance concept for adoption

by the City Council. The Planning Commission also unanimously endorsed the staff recommendations with the amendments listed below.

1. Include protection for native and landmark trees in the backyard setback of residential properties.
2. Delete the requirement for owner consent for landmark tree designation and require written notice instead.
3. Include California Walnut in the list of protected native species.
4. To the extent possible, mitigation should be on-site.
5. Fully implement ordinance through the hiring of staff for permitting, inspection, plan review, record keeping, education and enforcement.
6. All projects with protected trees required to submit plans that meet the Tree Protection Plan Requirements as listed in Attachment C.
7. Require a permit for the pruning of landmark trees.
8. Educational outreach needs to be coordinated through the City's public information office, the Water and Power Department, community groups, and the Pasadena Board of Realtors.

Staff concurs with items one, three, four, six, seven, and eight and recommends inclusion in the ordinance.

BACKGROUND

The proposed tree protection ordinance would amend the existing 1987 tree ordinance that provides only limited protection for trees in the public domain. The current ordinance does not protect trees on private property where more than 50% of Pasadena's Urban Forest is located. This amended ordinance would expand protection for trees on public property and provide new protection for landmark, specimen and native trees on private property.

Pasadena has a rich heritage of trees and full canopy cover that can be recognized from satellite images. In recent years, trees have been acknowledged for their value to the environment as well as the community. As a result, more attention has been placed on the removal of trees throughout the City. Residents have become aware that there are no regulatory measures in place to protect special, significant trees.

Staff has recently been working with developers to preserve trees and reduce the number of removals in major development projects. Staff has been working with them early in the site planning phases of the projects to keep as many healthy trees as possible and requiring mitigation when appropriate. However, the City of Pasadena does not have an ordinance that provides protection for the removal of trees with a significant value or impact to the community.

Trees add historic character to neighborhoods and contribute to the visual framework of the city by providing scale, color, silhouette and mass. Trees affect air quality directly by removing pollutants.

The City of Pasadena is surrounded by cities with protection for trees on private and public property. The cities of San Marino, Arcadia, La Canada-Flintridge, Glendale, Burbank, Sierra Madre and the County of Los Angeles, have ordinances protecting trees located on private property. Tree protection policies for these surrounding cities range from the protection of oak trees over 12 inches in diameter in the County of Los Angeles' Oak Tree Ordinance, to protecting Landmark and Specimen trees in San Marino.

The City of Santa Monica surveyed 25 California cities. The findings show that 15 of these cities have ordinances that protect trees on private property. The survey further revealed that 14 of the cities require no-cost permits to prune or remove protected trees. Additionally, the survey revealed that permits were administered through the building permit process. Finally, the codified tree ordinances also incorporate appeal procedures. In some cases the appeals are handled through the City Council and in others it is an appointed board.

TREE PROTECTION ORDINANCE CONCEPTUAL OVERVIEW

Trees Recommended For Protection:

LANDMARK TREES -

Trees of historic or cultural significance as designated by City Council would be protected by this code amendment. Nominations for tree(s) could be submitted by any person with written consent by the property owner(s) and recommended for approval to City Council by the Cultural Heritage Commission as defined by City Code 2.75.120 – 2.75.160.

A tree may be designated as a landmark tree upon finding that it has historic or cultural significance and has importance to the community due to any of the following factors:

- a) It is one of the largest or oldest trees of the species in Pasadena.
- b) It has historical significance due to an association with a historic building or street.
- c) It is a defining 'landmark' (significant outstanding feature) for a neighborhood.

In 1995, the Pasadena Beautiful Foundation and city staff identified trees throughout Pasadena that may be considered for designation as landmark and/or specimen trees. This list may be adopted by the City Council as part of the Tree Protection Ordinance amendment. The list is included as Attachment B. At any time; the City Council may remove a tree from the list upon its own motion or upon request.

The list of landmark trees would be maintained in the Parks and Natural Resources Division as well as in the Planning and Development Department. The City will notify property owners if a tree on their property is designated as a landmark tree. The trees would retain their designation upon sale of property. Once designated, a landmark tree would be subject to the provisions and protection provided in the Pasadena Municipal Code Section 8.52.

SPECIMEN TREES -

Any tree over 25 inches in diameter at breast height (4 ½ feet) that has any of the following characteristics:

- a) Possesses distinctive form, size, age or location.
- b) Outstanding specimen of a desirable species.

Fruit trees and less desirable species will be excluded. A list of excluded trees will be maintained by the Parks and Natural Resources Division and updated regularly with approvals from the Urban Forestry Advisory Committee.

NATIVE TREES –

Any tree over 12 inches DBH (4 ½ feet) that is of a species indigenous to the area. Protected native species include:

- a) Coast Live Oak
- b) Engelmann Oak
- c) Canyon Oak
- d) California Sycamore

APPLICATION

It is the goal of this amendment to recognize the historic, environmental and economic value of specific trees by establishing protection to prevent illegal removal or damage. Any protected tree that is removed without a permit is an illegal removal.

PUBLIC PROPERTY – Street Trees

It is the goal of this amendment to preserve and grow the city's street canopy cover by increasing protection for Landmark, Specimen and Native trees on Public Property. The following recommended code amendments are designed to increase protection for trees in city parkways, parks and open spaces and other city right-of way properties.

1. Add provision to prosecute property owners for illegal pruning or removal of trees on public property.
2. Add provision to allow for potential modulation of the building face or increase to the sidewalk width, which may be required to insure adequate root space and air space for large crowning shade trees.
3. Establish permit fees to cover the full cost of plan review, permits and inspections for each project.
4. Prior to the issuance of any permits, projects will be required to submit plans that meet the Tree Protection Plan Requirements shown in Attachment C.
5. Each project covered under this ordinance will develop a tree protection plan for the site with the City Arborist using the Tree Protection Standards as shown in Attachment D.
6. Owner and contractor to jointly and severally sign an agreement that they have read, understand, and agree to comply with tree protection requirements.

PRIVATE PROPERTY – Single Family Residential

It is the goal of this amendment to recognize the historic, environmental and economic value of neighborhood trees by providing protection for trees on private property. The following recommended code amendments are designed to provide new protection for trees in residential areas on private property.

1. Protect specimen and native trees in front and side yards.
2. Landmark trees in all areas of private property will be protected.
3. Fruit trees are excluded from this ordinance.
4. Protected trees may be pruned without a permit. To ensure that trees are pruned in a safe and healthy manner, it is suggested that homeowners use pruning standards available through the International Society of Arboricultural (ISA). Damage may occur from pruning trees not following the standards. If damage occurs, it may be permanent and considered an illegal removal.
5. No-cost permits will be required for residential projects that impact root zone and canopy of protected trees. As a commitment to preserving the neighborhood trees, the City will subsidize the actual cost of inspections and plan review.
6. No-cost permits will be issued for trees that clearly pose a public safety hazard or are damaged in a natural disaster.
7. Each project covered under this ordinance will be required to submit plans following the Tree Protection Plan Requirements described in Attachment C and the follow the Tree Protection Standards as shown in Attachment D. Staff to provide information to assist in tree protection during construction.
8. Owner and contractor to jointly and severally sign an agreement that they have read, understand, and agree to comply with tree protection requirements.

PRIVATE PROPERTY – Commercial, Institutional, Industrial and Multifamily

The following code amendments are recommended to preserve and increase canopy cover in Commercial, Institutional, Industrial and Multifamily areas.

1. Landmark, specimen and native trees are protected in all areas of Commercial, Institutional, Industrial and Multifamily sites. Projects with protected trees will be required to submit plans as described in Attachment C for review and approval by the City Arborist before any permits will be issued.
2. Proposed amendment to include a provision that the City arborist will review and provide guidelines to projects during the site planning phase of projects. This will be done in an effort to retain the greatest number of healthy trees on site.
3. Establish permit fees for Commercial, Institutional, Industrial, and Multifamily projects to cover the full cost of plan review, permits and inspections.
4. Each project covered under this ordinance will be required to develop a tree protection plan with the City Arborist using the city's Tree Protection Standards as shown in Attachment D.
5. Owner and contractor to jointly and severally sign an agreement that they have read, understand, and agree to comply with tree protection requirements.

APPEALS AND PENALTIES

As an element of this amendment, the City will establish an administrative appeal process yet to be determined for decisions rendered at the permit level.

Trees removed illegally or damaged without a permit would be subject to a fine greater than the assessed value or the cost of cure whichever is greater. The cost of cure is the amount of money it would cost to replace the values lost by removing or damaging the tree. The assessed value is the actual value of the tree as calculated by the International Society of Arboriculture. The percentage greater than the assessed value of the tree would be determined by a nexus study performed by the city before implementation of the ordinance.

Violations of tree protection guidelines could result in a monetary fine and the issuance of a stop work order for the project.

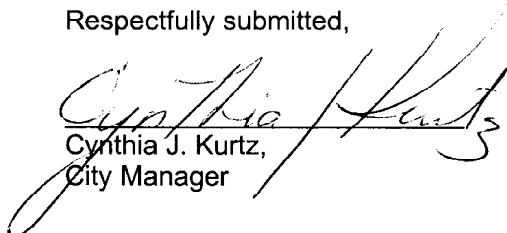
ENVIRONMENTAL IMPACTS

The tree ordinance would be categorically exempt under section 15307 and 15308 (actions by regulatory agencies for the protection of resources). This will have to be verified upon creation of the ordinance by the Environmental Planner.

FISCAL IMPACTS

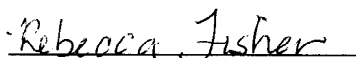
Fiscal impact for the implementation of this ordinance is unclear. Once the draft code amendments are approved, staff can estimate the revenues that might be generated from fines and fees and any workload impacts.

Respectfully submitted,



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