



Legislation Text

File #: 14-190, **Version:** 1

Staff Report for Consideration of Various Options in Adopting an Ordinance to Protect Significant and Heritage Trees in San Leandro

SUMMARY AND RECOMMENDATIONS

Staff recommends that the City Council review the information presented, including the draft ordinance, accept public input, and provide direction to staff.

BACKGROUND

At the February 3, 2014 City Council meeting, several residents spoke during the Public Comment period regarding a large walnut tree that had recently been legally cut down and removed by the single-family residential property owner. The speakers requested that the City Council enact a tree protection or preservation ordinance pertaining to certain trees on private property. Later in that meeting, City Council directed the City Attorney and staff to look at ordinances from other local cities as models for a draft ordinance.

The matter of regulating trees on private property was previously discussed by the City Council. In December 1998, Councilmember Joanne Lothrop shared a tree ordinance from the City of Davis and asked for a report back on the feasibility of enacting a similar ordinance in San Leandro. At the March 1, 1999 City Council meeting, Community Development Director Steve Emslie introduced staff member Dan Nagle, and indicated that Mr. Nagle would be drafting a tree ordinance. A 'Tree Preservation Presentation' was agendaized for the April 12, 1999 City Council work session (minutes are not taken for work sessions). Per the September 27, 1999 work session staff report, further public discussion of a draft ordinance was referred to the Planning Commission (May 5, 1999); Board of Zoning Adjustments (May 20, 1999); at three public meetings held on May 22, May 25, and June 2, 1999; and at the request of homeowners' associations.

The September 1999 work session staff report provided several options for consideration (it should be noted that street trees on City property were included in this discussion, in addition to trees on private property). For trees on private property, staff provided the following options: No changes to current policies; development of regulations that only pertain to properties zoned for commercial, industrial, or multi-family uses (specifically exclude single-family properties from any regulation); develop standards related to development sites; and develop a method to define and protect significant trees with historic, heritage, or landmark value.

The staff report noted that for an ordinance to be successful, it must have the support of the community. While most residents recognize the value of trees to the community, the majority of community input in 1999 did not support a tree preservation ordinance that would regulate tree removal on single-family lots. Thus, staff recommended that the City not proceed with developing a tree ordinance governing single-family lots.

Current Policy

Title 12, Chapter 8 of the Administrative Code applies specifically to City street trees (trees in the public right-of-way), the planting thereof, removal, trimming, other maintenance, and administrative authority. With the exception of trees that were required plantings as part of a project undergoing zoning/planning approval (and which are covered as part of the project's mitigation measures or conditions of approval) there are no City policies that regulate the planting or removal of trees on private property, regardless of zoning.

Analysis and Policy Proposal

Chapter 7 of the 2002 General Plan, entitled 'Historic Preservation and Community Design' notes the major role that landscaping (both in the public right-of-way and on private property) plays in how San Leandro looks and feels. This Chapter 7 of the City's General Plan provides that, "Ultimately, a greener and more attractive City can provide economic and property value benefits as well as ecological and aesthetic benefits." General Plan Policy 44.03 provides as follows: "...Encourage the preservation and proper care of mature trees throughout the City, particularly those which may have historic importance or contribute substantially to neighborhood character." *Action 44.03-A: Tree Preservation* speaks to providing incentives for property owners to maintain significant trees and reduce the burden of maintenance.

Redwood trees at Juana / Bancroft, and 647 and 651 Juana are noted as Historic Landscape Elements in the 2002 General Plan; they are identified on the City's Local Register of Historic Significance, and thus they are protected by Ordinance 74-12.

The attached draft ordinance borrows primarily from the cities of Pleasanton and Walnut Creek, with the intent to be mid-range in regulating trees on private property. The attached Exhibit 1 is a matrix of tree ordinance information from the websites of other Alameda County cities. Please note when looking at the numbers that some cities measure using *diameter*, while others use *circumference*. The circumference of a tree is measured at $\text{Pi (3.14) x diameter}$. Also, the height at which the measurement is taken varies from three feet above grade to four feet, six inches. When not specified, typical measurements are taken at breast height (hence the common terms *CBH, Circumference at Breast Height and DBH, Diameter at Breast Height*).

For those cities that do regulate on private property (as shown in Exhibit 1), the attached Exhibit 2 is a simplified comparison chart. The axis on the left represents the regulated diameter, without consideration of the variation in the height at which it's measured. (Cities that utilize a circumference metric were converted to diameter for the purpose of this representation). Staff notes that the smaller the tree, the more restrictive the ordinance (i.e., a permit is required for a smaller-sized tree). This comparison shows that amongst Alameda County cities that do regulate tree removal on private property, the figures presented in the draft ordinance put San Leandro on the less-restrictive end of the spectrum.

Fiscal Impacts

Staff is not anticipating any impacts to the City's budget with adoption of a tree preservation ordinance.

If an ordinance is ultimately adopted by the City Council, a fee could be required for consideration of a permit to remove trees on private property. The fee would cover a portion of staff's time in reviewing the request, performing a site visit, reviewing the arborist report and preparing a final determination. Staff is not recommending a 100% cost recovery fee, as this would likely make it onerous on the property owner, who in addition to paying for the permit, could also have to pay for the preparation of an arborist report.

ATTACHMENTS

- Draft Tree Preservation Ordinance
- Exhibit 1 - Matrix of tree ordinance information from the websites of other Alameda County cities
- Exhibit 2 - Chart comparing regulated tree diameters of Alameda County cities

PREPARED BY: Debbie Pollart, Public Works Director, Public Works Department