



## **Sacramento Tree Ordinance Stakeholder Advisory Committee Meeting #4 Summary**

Thursday, April 17, 3 p.m. - 5 p.m.

Sacramento Food Bank  
3333 3<sup>rd</sup> Ave., Sacramento

### **Meeting Attendees**

Project team members in attendance included:

- Joe Benassini, City of Sacramento
- Deanna Hickman, City of Sacramento
- Amy Lapin, EPS
- Jim Clark, HortScience
- Gene Endicott, Endicott Communications

Approximately 15 stakeholder organization representatives and/or community members attended the meeting.

### **Meeting Goal**

Review and solicit feedback on the draft tree ordinance structure and content.

Gene Endicott provided an overview of the meeting agenda and facilitated Stakeholder Advisory Committee (SAC) and project team self-introductions.



### **Review of SAC Meeting #3 and City Working Group Meeting #3**

Mr. Endicott briefly reviewed results from SAC meeting #3 held on March 6, and City Working Group Meeting #3, held on March 13. The SAC and CWG meetings were focused on issues related definition and identification of protected trees; noticing, appeals and Urban Forestry Advisory Board concept; and performance standards for tree care professionals.

### **Draft Revised Ordinance Sections**

Joe Benassini reviewed the current, draft revised ordinance structure and content. As of the date of the stakeholder meeting, the revised ordinance is proposed to include 16 sections. As noted during the meeting, the revised ordinance content is in draft format and subject to additional changes based on input from the City Working Group, City commissions, and City Draft Review Ordinance Committee, which will be reviewing the revised draft ordinance over the next several months. It was indicated by the project team that a copy of the actual draft ordinance document will be available when materials are publicly posted prior to the City Council Law and Legislation Committee meeting, currently

scheduled for August 5.

### 1. Findings

**Purpose:** To set forth the reasons the local government finds it necessary to adopt an ordinance.

**Content:**

- Protect City's signature tree canopy and maintain City's identity as "City of Trees"
- Maintain consistency with City General Plan
- Lists benefits provided by trees (e.g., reducing urban heat island effect; absorbing carbon dioxide and pollution; enhancing the natural scenic beauty of the City)

**SAC Feedback:**

- Include a statement regarding property owners' responsibility – or civic duty – to maintain private trees along City streets.

### 2. Purpose

**Purpose:** To set forth the goals to be achieved through the ordinance.

**Content:**

- Establish and maintain the optimum sustainable amount of canopy cover on public and private lands in the City
- Maintain City trees in a healthy and nonhazardous condition through good arboricultural practices
- Establish and maintain appropriate diversity in tree species and age classes to provide a stable and sustainable urban forest
- Authorize the Public Works Director to administer and enforce the Tree Planting and Preservation ordinance
- Implement the urban forest and other tree-related goals of the City General Plan and approved Urban Forestry Master Plan Purpose



### 3. Definitions

**Purpose:** To define key words which are to be used in the ordinance.

**Content:**

- Expanded set of definitions to provide clarity of terms used throughout ordinance
- E.g., Arborist; City-Maintained Tree; Landmark Tree; Protected Tree; Regulated Work

### 4. Liability Limitation

**Purpose:** To disclaim liability for any personal injury or property damage caused by trees on private property.

**Content:**

- Essentially the same as previous ordinance section (12.56.130 Liability)
- Expanded to include reference to any urban forest guidelines adopted by the City

## 5. Protected Trees

**Purpose:** To define the types of trees that will be protected under the ordinance.

**Content:**

- Classification of trees protected under the ordinance
  - City Maintained Trees
  - Private Amenity Trees
  - Parking Lot Shade
  - Trees Preserved by a Condition of Approval
  - Landmark Trees

**SAC Feedback:**

- Stakeholders inquired about the possibility of setting up an automated process so that the City will know when a tree reaches the size at which it can be protected as a Private Amenity tree.
- Many stakeholders expressed concern that front yard trees were not included in the definition of “City-Maintained Trees” and did not have another classification to protect them other than the “Private Amenity Trees.”
- Stakeholders expressed preference that front yard trees should be protected/maintained by City.
- Would prefer that the City take over maintenance of all street trees.
- Stakeholders noted the benefit of tree canopy cover and reduced asphalt/street maintenance costs.
- Fear of losing trees because residents won’t want to maintain them when that responsibility is shifted.
- May lose a character-defining feature in City historic districts.



## 6. Director’s Authority

**Purpose:** To identify the duties and responsibilities of the Public Works Director.

**Content:**

- Allows Director to exercise and enforce ordinance, as well as maintain Urban Forest and prepare a planting list for Protected Trees.
- Allows Director to classify high risk (private) trees

## 7. Duties of Property Owners

**Purpose:** To identify the duties of private property owners related to the maintenance of protected trees.

**Content:**

- Based on previous ordinance section (12.56.050 Duties of Property Owner/Tenant and Public Utilities)
  - Property owners responsible for maintaining park strips, irrigating, weeding
  - Property owners responsible are for pruning any tree on their property such that it does not obstruct streets, alleys, or traffic sign or device

**SAC feedback:**

- Should add language that property owners are also responsible for ensuring that trees are maintained in good health.
- Require larger tree wells when sidewalks are redone.
- Tree roots need to be protected when sidewalks are repaired or re-laid.
- Need good outreach to ensure community understanding on these issues and new property owner responsibilities.
- Potentially add a duty to maintain trees along City streets.
- Potentially add a duty to protect City property from damages caused by private trees.
- Concern was expressed about topping of trees, and some stakeholders requested a blanket prohibition against the practice. Another way to prevent this would be to specifically list tree topping as “Regulated Work” so that the City would know when topping was planned and could work with requestor to find a different method that is better for the tree.

**8. Tree Permit Requirements**

**Purpose:** To clearly identify activities for which a tree permit is required or exempted.

**Content:**

- Tree permit is required to perform “Regulated Work” on “Protected Trees”
- Tree permit is required to plant trees or other landscaping feature in any park strip, streetscape, or on City-owned property unless there is a valid contract with City or discretionary project approval
- Tree permit is exempted under specific scenarios (e.g., minor pruning, routine maintenance, utility work, imminent high risk)
- Discretionary projects – reference to the provisions of Title 17, requires project arborist



**SAC feedback:**

- Add more specific definition related to minor pruning (suggest 2 inches).
- Need to preserve street trees.
- Make sure that there is a provision to allow the Director to waive a fee upon a showing of good cause or in certain instances (such as for reasonable planting flowers in the park strip, or building planters that won’t harm the tree).
- Stakeholders and members of Planning Commission expressed desire for notices regarding potential tree work to be sent to Urban Forestry in the very first stage of a development project.

**9. Tree Permit Applications**

**Purpose:** To ensure the maintenance and sustainability of Protected Trees within the City’s urban forest.

**Content:**

- Tree permit process and application requirements, owner agent, administrative and discretionary
- Arborist Report and Tree Protection Plan requirements for development projects

### 10. Removal of Protected Trees: Notice Required

**Purpose:** Specify how the City will inform the community of actions pertaining to removal of Protected Trees.

**Content**

- Noticing Procedures
  - Method of noticing, posting, mail, possible opt-in list on website
  - Notice timing (proposed 14-day period in advance of hearing/action)
  - Standardized format of notice (displaying time and date of hearing; procedure for appeal)

**SAC feedback:**

- Potential tree removals should be incorporated into EIR processes.
- Support an opt-in list concept.

### 11. Appeals Process

**Purpose:** To establish an appeals process for Tree Permit decisions.

**Content**

- Types of decisions subject to appeal
- Procedure for filing an appeal
  - Tree Permit decisions can be appealed by the applicant or any person who is a resident, property owner, or business owner with a physical address within the City
- Time limitations for appeals and responses to appeals
- Rules governing the hearing process, unless provided for elsewhere



**SAC feedback:**

- Some stakeholders expressed a preference for a two/multi-tiered fee structure such that filing an appeal wouldn't be cost-prohibitive to individuals or neighborhood groups.

### 12. Tree Mitigation

**Purpose:** To protect existing Protected Trees and to prevent net loss of existing tree canopy in the City.

**Content:**

- In the scenario in which applicants are granted Tree Permits to remove Protected Trees
  - May require bonding
  - Allows for a full range of mitigation options (e.g., on-site or off-site protection or planting new trees; in-lieu fee)
  - Mitigation compliance and monitoring

**SAC feedback:**

- Stakeholders expressed a preference for mitigation resources to be confined within the proposed project area.
- Make sure the mitigation revenue isn't used to replace other budget; it needs to be used for actual mitigation.

- Planting should be done as close to the removed tree as possible.

### **13. Landmark Trees**

**Purpose:** To establish a process for designating and declassifying Landmark Trees.

**Content:**

- Nominations from resident or property owners
- Advisory Committee Reviews
- Historic Preservation Classifies
- City to Maintain Tree
- Declassification
- Documentation by City

### **14. Urban Forestry Advisory Committee**

**Purpose:** To establish an urban forestry advisory committee.

**Content**

- Responsibilities and authority (e.g., input towards policy, practices, and procedures; education and outreach; research assignments; define guidelines for hiring tree-care professionals; Master Plan guidance, low-level appeals)
- Composition of committee members
- Rules which govern the committee (e.g., committee member terms and removal; meeting frequency; committee reporting procedures)

### **15. Penalties and Enforcement**

**Purpose:** To define penalties for violating provisions of the ordinance and to designate the position responsible for enforcing the ordinance.

**Content**

- Legal categorization of violations
  - Violating provisions of ordinance or conditions of a Tree Permit is a misdemeanor
  - Unauthorized removal, destruction or disfigurement may carry a civil penalty (e.g., fine equal to value of destruction)
- Legal means for stopping and correcting situations which constitute violations
- Designation of authority responsible for enforcing penalties

### **16. Solar Shade Control Act**

**Purpose:** To exempt the City from the provisions of the California Solar Shade Control Act.

**Content**

- Retained the previous ordinance section (12.56.160 Solar Shade Control Act)

### **Wrap-up/Next Steps**

Amy Lapin reviewed the current schedule for City review of the proposed revised ordinance, as follows. The meeting schedule is subject to change and stakeholders will be notified of any modifications.

- Parks and Recreation Commission (May 1, 2014)
- Planning Commission (May 15, 2014)
- Historic Preservation Commission (May 21, 2014)
- Draft Ordinance Review Committee (review process in June 2014)

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- Council Law and Legislation Committee (August 5, 2014)
- City Council (September 16, 2014)

A final SAC meeting is planned for Thursday, May 29 at a location to be determined.

The meeting adjourned at 5 p.m.