



PASADENA



Amendments to the Tree Protection Ordinance – Private Trees

**City Council
Public Hearing
January 25, 2010**





Presentation Overview

1. Background
2. Brief overview existing ordinance
3. Proposed revisions



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Background

- Tree Protection Ordinance since **2002**
- Hundreds of trees have been saved and hundreds more planted
- Concerns about the **replacement canopy** provision and the loss of **mature trees**
- Objective is to find ways to **strengthen and improve** the ordinance





Background

- Staff research
 - Studied **best practices** from other cities
 - Assessed the **canopy** of projects built 5 years ago
 - Analyzed **aerial photography**
 - **Comparisons** of existing ordinance and proposed replacement matrix
- Created a webpage that served as a **clearinghouse** of information
- Received over **40** comments via website and email and another **30** at public meetings_



Background

Timeline:

- Background research: Spring 2008
- Initial recommendations to UFAC: July 2008
- Five public workshops (joint Design Commission/UFAC meetings): October 2008 – October 2009
- Two Public Hearing with Planning Commission: September and November 2009



Existing Ordinance

*Purpose: **Preserve and grow**
Pasadena's canopy cover*

4 types of protected trees:

1. Public
2. Landmark
3. Native
4. Specimen



Existing Ordinance

Native: There are **13** species of protected native trees; each must be a minimum size of 8 inches *DBH*-to qualify for protection.

Specimen: The City's specimen tree list identifies the species and minimum size requirements for approximately **95** individual tree species.

***DIAMETER AT BREAST
HEIGHT (DBH): 4 ½ feet
above the ground***

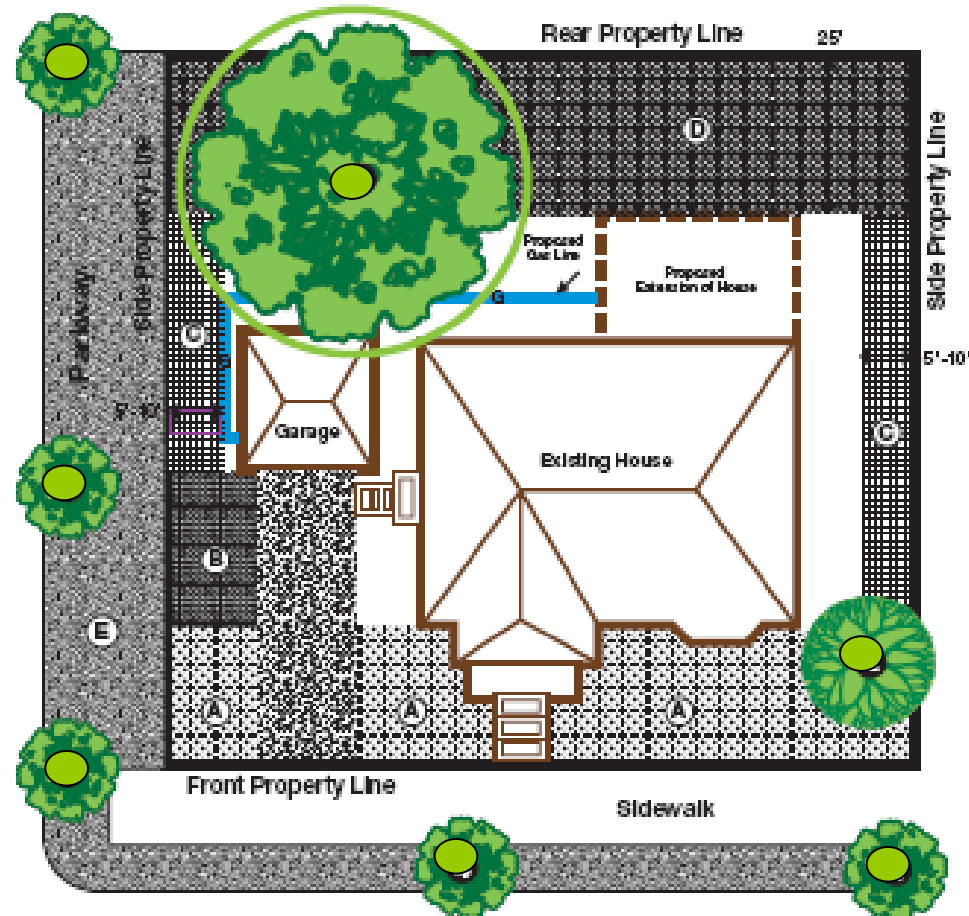




Existing Ordinance

In RS (Single Family) and RM-12 (duplex) zones specimen and native trees are protected in the required setbacks:

- (D) Front yard
- (E) Corner yard
- (F) Side yard
- (G) Rear yard





Existing Ordinance

Native and specimen trees are protected in all areas of all other zones.

Landmark trees are protected in all areas of the City.



Existing Ordinance

Findings for private tree removal:

1. *The **public benefit** (or public health, safety, or welfare benefit) of removing the tree outweighs the protection of the tree;*
2. *The tree in its existing condition is **unlikely to survive**;*
3. *An **objective feature** of the tree makes it not suitable for protection;*



Existing Ordinance

4. *Denial of a request to remove the tree would cause **substantial hardship** to a private property owner in the enjoyment and use of real property;*
 5. *Denial of a request to remove the tree would constitute a **taking of the underlying real property**; or*
 6. *The landscape design for the new project will result in a **tree canopy of greater significance** than the tree canopy coverage being removed within a reasonable time after project completion.*
- proposed for revision**



Proposed Changes

Proposed Amendments:

- **Sustainable long-term tree canopy**
- **Alternative replacement fee**
- **Changes to the protected tree list**
- **On-site retention**
- **Development waivers**



1. Sustainable tree canopy

Proposed Changes

- **Current ordinance incentivizes fast-growing** replacement trees rather than slower-growing trees.
- Moving from “canopy coverage” to a **replacement matrix**.
- **Arboricultural standard** and similar to what is used in many cities.
 - When a tree meets the **criteria** for designation as a **landmark tree**, this finding **cannot** be applied to permit removal of that tree.



1. Sustainable tree canopy

Proposed Changes

Trunk of Removed Tree	Replacement Trees	
	Diameter at Breast Height	Number
8-12 inches	4	15 gallon, or;
	2	24 inch box
13-18 inches	8	15 gallon, or;
	4	24 inch box, or;
	2	36 inch box
19-36 inches	8	24 inch box, or;
	4	36 inch box
37+ inches	12	24 inch box, or;
	8	36 inch box

Protected native trees must be replaced with native trees on the list of protected native and specimen trees.

Protected specimen trees must be replaced with specimen or native trees on the list of protected native and specimen trees.

Non-protected trees with a DBH of 18 inches or greater must be replaced at ½ the corresponding ratio (the species is not restricted).



1. Sustainable tree canopy

Proposed Changes

Trunk of Removed Palm Tree		Replacement Trees	
Brown Trunk Height (if replacing with palm species)	Brown Trunk Height (if replacing with non-palm species)	Number	Size
One for one replacement: Aggregate height of replacement trees must meet or exceed height of palm to be removed	8-12 feet	4	15 gallon, or;
		2	24 inch box
	Greater than 12 feet - 18 feet	8	15 gallon, or;
		4	24 inch box, or;
		2	36 inch box
	Greater than 18 feet - 40 feet	8	24 inch box, or;
4		36 inch box	
Greater than 40 feet	12	24 inch box, or;	
	8	36 inch box	

Non-protected palm species of greater than 12-feet would be replaced at one half the replacement.



2. Alternative Replacement Fee

Proposed Changes

- **IF** arborist determines that the number of required on-site replacement trees would inhibit healthy growth
and
- **IF** reasonable alternatives (related to building footprint and/or lot coverage) have been pursued
- Decision-maker **can** allow off-site replacement with an alternative replacement fee
- **100%** of the appraised value
- Maximum of **50%** of the required number of replacement trees
- The funds will be used by Public Works for **new public trees**
 - Trees that meet **landmark criteria** cannot be removed using the replacement finding and thus are **not eligible** for this consideration



3. Changes to the protected list

Proposed Changes

- In **2007**, staff **began the process** with members of UFAC, landscape architects, and members of the community.
- Proposed changes are based on **field experience**, knowledge of Pasadena's trees, and the trees that are most commonly in need of protection.
- Not all tree species/sizes will be protected, but all trees **18"+** will be.



3. Changes to the protected list

Proposed Changes

- Extend the protections to *non-protected species* with an **18” or larger DBH**.
- These trees would be required to be replaced at **1/2** of the replacement requirements for protected trees *or meet one of the other five findings* for private tree removals.
- **Exception** for single-family properties subject to the *RS development standards or duplexes subject to the RM-12 development standards*.



4. On-site retention

Proposed Changes

If a tree **meets landmark tree criteria** (as determined by the decision-maker), the replacement finding cannot be used for the removal of that tree.

- *one of the **largest or oldest trees** of the species located in the City;*
- *historical significance due to an **association** with a historic event, person, site, street, or structure; or*
- *defining landmark or significant **outstanding feature** of a neighborhood.*



5. Development waivers

Proposed Changes

- Mirrors the existing waivers for **preserving historic structures**.
- Through design review (or other entitlements) the decision maker can approve **development waivers—or to approve alternative solutions** if all of the 6 findings are made.
- Gives architects the **flexibility** to respond to the existing mature trees and reconfigure a site design.
- Applies to **all projects on private property** except single-family & duplex.



Conclusion

- Stronger protection for mature trees
- Arboricultural industry standards
- Thorough 1.5 year public process with 7 public hearings
- Unanimous support from UFAC, Design Commission and Planning Commission

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