

## **TREE PROTECTION ORDINANCE REVISIONS**

Pasadena's tree protection ordinance (TPO) has been an important tool in protecting the City's urban forest canopy. To improve on the success of the TPO, specific elements of the ordinance might be improved to better implement the City's goal of a sustainable urban forest. These issues are complex and inherently interconnected with one another (see expanded matrix).

At the October 6<sup>th</sup> meeting, we will be examining the following issues:

### **1. Purpose of Tree Ordinance**

- Are there additional goals and purposes to state in the revised ordinance?
- What kind of urban forest should we have in the future?
  - Where do we need more canopy?
  - How much more canopy?
- How do we achieve it?

### **2. Evaluating Existing Trees on Private Property**

How do we evaluate or measure the existing trees? There are several options for measurement:

- a. Adding total canopy coverage. Pasadena has been using coverage area to determine the replacement calculations for a removed tree. Canopy coverage is, however, not an *arboriculture standard* nor is it *clearly defined* within the ordinance (e.g., volume or footprint on ground plane). Coverage calculations require a degree of *expertise* most single-family residents do not have.
- b. Adding total number of trees with a certain DBH (diameter at breast height). Many cities use this standard.
- c. Monetarily appraising the replacement cost of each protected tree proposed for removal. This is the standard that Public Works uses when evaluating *public* trees.

Additional question: When considering replacement trees, should we limit the new canopy coverage, the new DBH or the new appraisal value to the existing protected trees or do we add up the numbers for all existing trees on site?

### **3. Findings to Approve Removal of Trees on Private Property**

Tree removal permits are rigorously reviewed by Staff to ensure as many trees are preserved and protected as possible. This removal process requires an applicant to demonstrate one of the six findings (*Existing PMC language*)

*Any permit or approval which will result in injury to or removal of a landmark, native or specimen tree protected under this chapter shall be denied unless one of the following findings is made:*

- (1) there is a public benefit as defined in Section 8.52.024(R), or a public health, safety or welfare benefit, to the injury or removal that outweighs the protection of the specific tree; or*
- (2) the present condition of the tree is such that it is not reasonably likely to survive; or*

*(3) there is an objective feature of the tree that makes the tree not suitable for the protections of this chapter; or*

*(4) there would be a substantial hardship to a private property owner in the enjoyment and use of real property if the injury or removal is not permitted; or*

*(5) to not permit injury to or removal of a tree would constitute a taking of the underlying real property; or*

*(6) the project, as defined in Section 17.12.020, includes a landscape design plan which will result in a tree canopy coverage of greater significance than the tree canopy coverage being removed, within a reasonable time after completion of the project.*

- Are there other public benefits that would be appropriate to incentivize through additional findings or additional wording in the existing findings: innovative landscape design, architectural excellence, sustainability/LEED rating, other?
- Currently a variance can be sought to allow for deviations from the development standards to accommodate the retention of trees. Would a fee-waiver (as we do with historic buildings) and expedited process encourage owners/developers to utilize this process?
- Are there cases where off-site replacement should be allowed and are there cases when removal of a protected tree should be denied even if the findings can be made to approve removal?

#### **4. Protected Tree List**

- Should it be hierarchical or 2 tiered?
  - Certain trees cannot be removed regardless of findings?
  - Some large healthy trees protected despite species?
- Should there be discretion allowed for gradations in aesthetic quality?
- How do we encourage the right kinds of species for long term sustainability? Should the City be able to regulate the selection of replacement trees on private property to promote the objective of long-term sustainability? If so, what type of projects? Currently, we only review landscape plans for projects with three or more units of new construction.