DRAFT Discussion items for Tree Protection Ordinance Revisions (Private Tree Removal)

Refine purpose	e of Tree Protection Ordin	nance				
Current Ordinance:	Generally discusses the benefits derived from trees and outlines the goal of growing Pasadena's canopy coverage. However, no specifics and no scientific approach is provided to indicate the "ultimate" goal of a certain sized urban forest.	Additional goals and priorities:	Pasadena shall increase its canopy coverage by X% within X years.	Denote specific time horizons (5, 10, 20 years?) that should be used to guide tree replanting guidelines, or to determine what types of trees should be protected (e.g., slow v. fast growing).	Where should we focus our efforts?	Additional goals and priorities to include:
Findings to ap	prove removal of trees or	n private pr	roperty			
Current Ordinance:	 (1) public benefit (2) present condition of the tree is such that it is not reasonably likely to survive (3) objective feature (4)substantial hardship to owner (5) taking of the underlying real property (6) plan which will result in a tree canopy coverage of greater significance. 	Additional public benefits/ findings:	Architectural excellence of replacement project – (public benefit)	Overall project sustainability / LEED rating – (public benefit)	Removal if the tree is a detriment to or crowding an adjacent protected native tree(s).	Other Recommendations:
Encourage Ret	ention					
Current Ordinance:	Retention of quality mature trees is often difficult to guarantee in development projects because the language in Finding 6 of PMC 8.52.075 allows the removal of protected trees if: "a landscape design plan will result in a tree canopy coverage of greater significance than the tree canopy coverage removed" Not enough incentives are provided to encourage retention Replacement trees are also more vulnerable to interferences during formative years, such as: under/over watering, excessive pruning, neglect, and other forms of irreparable damage.	Alternatives:	Incentivize Retention: applicants can currently apply for a zoning variance to retain significant trees on-site, but the time and cost required for the review process can be prohibitedly expensive. Perhaps waiving the application fee and expediting the processing variance could facilitate retention?	Modify Language: modify the wording of PMC 8.52.075 to allow removal and canopy replacement only if: 1) Objective feature/s can be claimed 2) No possible mitigation measures can accommodate reasonable economic returns (such as site re-design incorporation existing trees) 3) Staff and/or respective commissions find a project is only feasible with removal and replacement A multi-layered approach will	Authorize City Manager or Planning Director to adopt additional incentives subject to approval by City Council.	Other Recommendations:

				ensure projects are examined		
				several times to protect existing trees, and will require applicants		
				to more diligently consider trees in their site plans.		
Replacement C	Canopy					
Current Ordinance:	Finding #6 allows removal if: "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."	Alternatives:	Ratio/Diameter at Breast Height Formula: Most jurisdictions throughout California employ some form of a Replacement ratio that is paired with DBH standards (for example, a tree with 24" DBH may have a replacement ratio of 1:3 – for every one tree removed, three must be planted).	Trees removed must be replaced by native trees.	Replacement trees should be the most desirable for long term-growth of the urban forest and should take into account water use, maintenance costs, aesthetic benefits, fire danger, etc.	Other Recommendations:
Off-Site Replace	cement					
Current Ordinance:	Doesn't allow for off-site	Alternatives:	Allow off-site replacement but	Allow in-lieu fees for part of the		Other Recommendations:
	replacement.		require it to occur within a specified radius from removal site.	replacement total. If off-site replacement is allowed, a		
	Many cities provide options for off- site replacement.		radius nom removal site.	distinctly separate tree fund		
				could be created to plant more trees beyond Public Work's regular planting budget.		
Measuremen	t/valuation of existing	on-site tr	ees			
Current Ordinance:	Canopy Coverage	Alternatives:	Diameter at Breast Height (DBH)			
			Diameter at breast neight (DBH)	Appraisal-Cost Approach		Other Recommendations
	Canopy coverage isn't the arboriculture industry standard The skill and expertise required to calculate canopy coverage often require applicants to hire		DBH measurements are very precise and commonly used throughout the arborist industry. This method assumes that the larger the DBH, the larger the canopy.	Appraisal-Cost Approach Industry standard practice, but very complex monetarily appraising the replacement cost of each protected tree. This is the standard that Public Works uses when evaluating public trees.		Other Recommendations
	arboriculture industry standard The skill and expertise required to		DBH measurements are very precise and commonly used throughout the arborist industry. This method assumes that the larger	Industry standard practice, but very complex monetarily appraising the replacement cost of each protected tree. This is the standard that Public Works uses		Other Recommendations
Protected Tree	arboriculture industry standard The skill and expertise required to calculate canopy coverage often require applicants to hire consulting arborists or landscape architects, thus raising the cost of removal and replacement significantly for single-family residents.		DBH measurements are very precise and commonly used throughout the arborist industry. This method assumes that the larger the DBH, the larger the canopy. DBH is a more widely accepted standard and much easier to use, but may not reflect the actual shade	Industry standard practice, but very complex monetarily appraising the replacement cost of each protected tree. This is the standard that Public Works uses when evaluating public trees. Much more accurate valuation standard, as it accounts for subjective features – such as aesthetics – in addition to physical		Other Recommendations

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Removing Larg	ge DBH Trees					
Current Ordinance:	Possible to remove large DBH trees that are not protected, but still have substantial aesthetic, economic, and ecological benefits	Alternatives:	Require Permit for Tree Removals over certain DBH (all species).	Add "less-desirable trees" to Protected Tree List but only with a very large DBH.	No change: encourage Landmark Tree applications to address this issue.	Other Recommendations:
Removing Unp	rotected Trees					
Current Ordinance:	Only protected trees are reviewed and permitted. Unprotected trees can contribute to the urban forest.	Alternatives:	Add Parks and Natural Resources Staff review on projects that include 10+ removed trees regardless of species or DBH.			Other Recommendations:
Monitoring Pro	and Monitoring					
Current Ordinance:	After Final Sign Off, if a tree dies the City has no recourse.	Possible Solutions:	Implement Fee for Monitoring Program: add fee element to tree removal applications to monitor tree replacements on private property. A monitoring program would ensure trees that die due to improper maintenance or other conditions are replaced within a specified time period.	Initiate Bonding Program: require 3 or 5 year bonding requirement that equals the replacement value (labor and other costs) for 3 or 5 years of monitoring by Public Works or Planning / Development.		Other Recommendations:
Unauthorized F	Pomovals					
Issue:	Currently the monetary penalty for removing a tree without authorization does not dissuade companies/individuals from removing trees.	Possible Solutions:	Increase Penalty / Fines for Unauthorized Removal	Impose Stringent Developmental Penalties: penalties that withhold vital permits – such as a Certificate of Occupancy – will ensure more complete compliance.		Other Recommendations:
				<u> </u>		
Procedural Is	ssues					
High Application	on Fee, Low Penalty					
Issue:	High application fees and low penalties are a disincentive to follow correct procedures	Possible Solutions:	See "Unauthorized Removals" (above)			Other Recommendations:
Inaccurate Doo	cumentation / Plans					
Issue:	Inaccurate or invalid documentation provided on site plans	Possible Solutions:	Require tree inventories and site plans to be certified by an arborist or landscape architect.			Other Recommendations:

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Definitions	/Clarifications				
Issue:	Define objective features through tangible examples.	Clarify:	Include photographs that clearly indicate what types of objective feature can be used to satisfy finding #3.		
Issue:	Code silent on if replacement canopy includes all trees on site or just protected trees	Clarify:	Clarify Canopy Replacement Standards: update code to clearly indicate if all removed trees, or just protected trees need to be included with canopy replacement calculations.		
Issue:	The term "reasonable time" for growth of replacement canopy is vague.	Clarify:	The TPO should clearly state a reasonable time frame for canopy growth estimates. A "reasonable time" that is defined in the long-term may encourage slow-growing, but large replacement canopies; whereas a "reasonable time" of only a few years may encourage fast-growing, but ecologically inappropriate trees (e.g. water intensive).		
Issue:	Does a dead tree require an application?	Clarify:	Yes, with a minimal fee. Forestry staff is willing to verify that a tree is dead (and death was not likely from injury).		
Issue:	Does an <i>uprooting/collapsed</i> tree require application? (must define properly: ie, not just a fallen limb)	Clarify:	Yes, with a minimal fee. Any member of the Police, Fire, or Forestry staff can approve. Forestry staff is willing to verify that a tree is down/hazardous.		
Issue:	Does a hazardous tree require application? (define properly: imminent threat to life or property)	Clarify:	No, but there should be some documentation that it was deemed dangerous by Police, fire or Forestry.		

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