



# Introduction of Ordinance: Tree Related Code Enhancements

Department of Public Works

January 30, 2024

# Background

- Beginning in 2021, staff presented on the urban forest, inclusive of Citywide tree programs, funding, forest health, and tree protections
- At a March '23 meeting, staff covered this topic
  - Council requested more stringent ordinance protections and citation penalties, and protecting additional private trees
- Presented to Sustainability on October 7, 2023



# Proposed Municipal Code Modifications

- Title 16 Subdivisions -  
3 sections
- Title 30 Zoning -  
3 sections
- GMC 12.40 Street Tree  
Ordinance
- GMC 12.44 Indigenous  
Tree Ordinance



# Titles 16 (Subdivisions) & 30

## (Zoning)

- Staff reviewed all City codes for consistency with existing ordinance and City policy
- Proposed minor modifications in six codes within these Titles, including improving parking lot tree selection
- The Planning Commission recommended these changes at the February 1, 2023 meeting.
- Sustainability Commission did not have additional input.



# GMC 12.40 and 12.44 – Street and Indigenous Tree Ordinance Proposals

Across both ordinances:

- Improved terms and definitions for consistency and codify more harmful acts
- Refined duties and prohibitions to ensure consistency
- Expand violation classes in ordinance and Citywide Fee Schedule, allow for more post-damage requirements



# GMC 12.40

## ~~Street~~ City-Owned Tree Ordinance

- Existing protections for Street trees should be expanded to any City-owned tree
  - Enables City to more effectively respond to tree damage within parks and open spaces
- In-lieu tree replacements: in rare cases, required improvements remove a tree with no replacement. PW had no way to obtain a fee to replant elsewhere
- Hedgerows within City rights-of-way: not allowed; the proposed modification refines the definition of tree and makes this clear



# GMC 12.40

## Street City-Owned Tree Ordinance

Improvements since previous Council meeting:

- Requires posting of notice 3 days prior to work; notice generated with issued permit
- Refines definition of 'protected zone,' to better protect trees with irregular canopies during plan review
- Increases citation penalties to reflect actual value of a given tree per Council direction



# GMC 12.44 Indigenous Tree Ordinance

- Clarifies process for emergency removal exemptions
- Replacement trees: set size and location requirements
- Permit conditions: revised public tree installation fee to allow future inclusion of watering and maintenance costs, consistent with LA and Pasadena
- Makes clear infestation is a valid reason for removal, like in the Street Tree Ordinance
- Updated arborist report requirements to improve quality of submitted reports



# GMC 12.44 Indigenous Tree Ordinance

Improvements since previous Council meeting:

- Added same improvements as with street trees, including noticing
- Clarifies that Arborist Reports may be required when construction access or staging may impact a tree
- Now requires independent Certified Arborist to supervise all permitted tree work, in addition to licensed contractor requirements
- Adds language enabling City to enforce replanting if mitigation trees die before reaching protected size
- 3x penalties for knowingly destroying a tree, as with City Tree Ordinance



# Fees and Penalties

- Enforcement difficulties with current framework of civil penalties for extreme cases
- Glendale should mainly utilize Citywide Fee Schedule framework – which is not a civil penalty
  - Increase transparency to public
  - Simplify appeals process using existing Code processes
  - Fees equal to appraised value of tree plus cost to replant; removed old cap of \$10,000 per Council direction



# Program Management

- At March 2023 meeting, the public commented on Forestry staffing and Council requested staffing needs
- Staffing has traditionally been sufficient to manage administration of tree programs
- New online permitting system increases workload but also streamlines process; further refinements coming in terms of alerts for trees



# Additional Protections

Staff will discuss three private tree protection options raised at Council and Sustainability Commission:

1. Protection of all private trees over 30” diameter, or additional species
2. Require mitigation payment for tree removals
3. Heritage or Specimen Tree Program



# Protect Mature Trees or New Species

- Not recommended by staff
- Will lead to significant costs for tree owners and impacts to property improvements
- Management and enforcement would require physical access and inspection; significant City staffing
- Sustainability supported protection of mature shade trees



# Require In-Lieu Payment for Removals

Program to permit any requested private tree removal, with a fee to fund public tree planting

- Not recommended by staff
  - Disincentivizes tree planting
  - Difficult to enforce and verify exemptions
  - Significant costs to already costly tree removals



# Specimen or Heritage Tree Program

- Not recommended by staff after further review
  - Protect notable trees on private property
    - Opt-in owner nominations of notable private trees
    - Sustainability concerned that owner opt-in would limit quantity of trees, wished to see City designation
    - Protections would last for lifetime of tree
- High fiscal, staffing impact
- May set up potential conflicts with neighbors, especially if program allows for City designation or non- tree owner petition



# Summary and Recommendations

- Proposed code modifications and related Citywide Fee Schedule are intended to increase efficacy of existing ordinance protections, with no increase in staffing
- Enhanced protections for trees results in more tools enabling staff to preserve trees after violations, or require tree replacement after major damage
- Program enhancements will require a comprehensive outreach effort with new and revised City collateral





*#MyGlendale*



# In Lieu Comparisons

## Comparison of In-Lieu Fees

Jurisdiction	In-Lieu Fee
Alhambra	Appraised value of a tree
Citrus Heights	\$298/inch
Cupertino	Appraised value of a tree
El Dorado County	\$153-459/inch
Elk Grove	\$200/inch
Glendale	\$180-\$5,950 fee to plant new tree, based on removed tree size
Los Angeles	\$2,612 flat fee to plant replacement tree
La Cañada Flintridge	\$354-\$3600, based on removed tree size
Pasadena	Appraised value of a tree
Placer County	\$100/inch OR the appraised value of a tree
Pomona	Appraised value of a tree
Rancho Cordova	\$165/inch
Sacramento	\$325/inch
Santa Clarita	Appraised value of tree
Sunnyvale	Appraised value of tree



# Comparison of Illegal Tree Destruction Restitution

Jurisdiction	Monetary restitution or administrative citation per tree
Alhambra	\$100 citation, 2x cost to replant, automatic 1-year permit moratorium
Burbank	\$100 administrative citation
San Mateo County	\$2,500 to \$10,000 citation , based on tree size and quantity
Cupertino	\$2,536 administrative citation
Culver City	\$1000 administrative citation
Glendale	\$400 citation, 1 <sup>st</sup> offense, restitution of replacement (Street); \$400 citation, 1 <sup>st</sup> offense, 10-year building moratorium possible (ITO)
Los Angeles	None; 10-year building moratorium possible
La Cañada Flintridge	\$1,062 to \$10,800 administrative citation based on tree size
Pasadena	\$5000 or tree appraisal, whichever is higher, 2x cost to replant
Sacramento	\$250-\$25,000 restitution
South Pasadena	2x appraised value of tree, 2x permit and replant costs restitution
Thousand Oaks	Appraised value of tree, 2x replant costs restitution



# Fees and Penalties

## Proposed and Comparative Administrative Citation Schedule Unpermitted Removal or Destruction of City or Private Protected Trees

Size Class Penalties	Glendale Existing	Glendale Proposed	La Cañada Flintridge	San Mateo County
Unpermitted removal or destruction, 0-6" DBH	\$400	\$1,090	N/A	N/A
7-12" DBH	\$400	\$1,770	N/A	N/A
13-18" DBH	\$400	\$3,650	\$1,062	\$2,500
19-24" DBH	\$400	\$6,470	\$1,062	\$2,500
25-30" DBH	\$400	\$10,220	\$1,062	\$2,500
31-36" DBH	\$400	\$17,220	\$2,115	\$2,500
36"+ DBH	\$400	\$26,210	\$10,800	\$5,000
Unknown, under 30" DBH	\$400	\$10,220	\$5,400	\$2,500
Unknown, over 30" DBH	\$400	\$26,220	\$10,800	\$5,000

\*In San Mateo County, fines increase if multiple trees are impacted



# Fees and Penalties

Citations equal to tree value; Council and Sustainability recommended

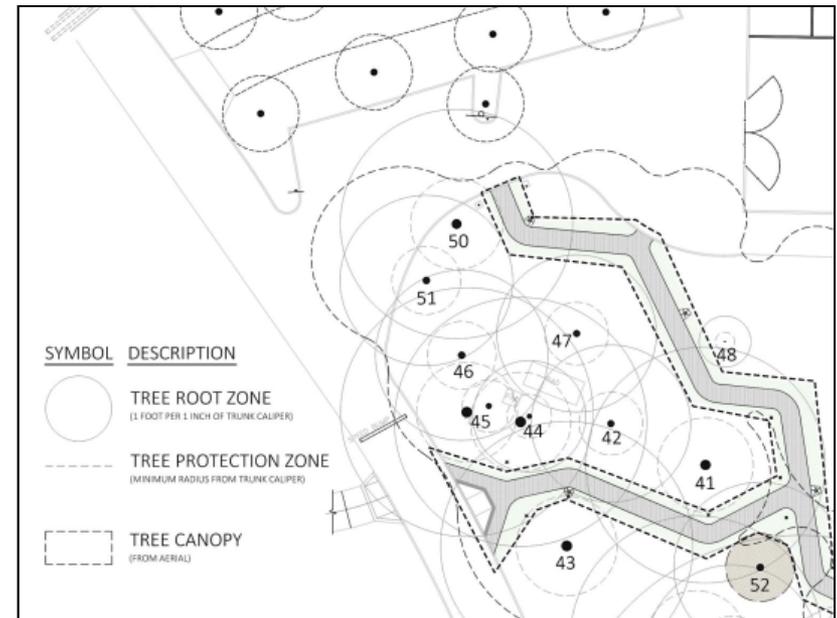
Tree Diameter Range	City replant cost	Appraised value assuming, fair condition and average height	Recommended City administrative citation amount
0-6"	\$390	\$700	\$1,090
7-12"	\$390	\$1,380	\$1,770
13-18"	\$390	\$3,260	\$3,650
19-24"	\$390	\$6,080	\$6,470
25-30"	\$390	\$9,830	\$10,220
31-36"	\$390	\$17,220	\$17,610
36+"	\$390	\$25,820	\$26,210
Unknown, under 30" DBH	\$390	Unknown	\$10,220
Unknown, over 30" DBH	\$390	Unknown	\$26,210

# Title 16: Subdivisions

- Three codes with requirement to depict trees over 8” – PW proposes trees over 6” are depicted
  - 16.12.050; Miscellaneous Provisions; Additional required information
  - 16.24.050; Tentative Tract Maps; Tentative tract map requirements.
  - 16.24.060; Tentative Tract Maps; Additional required information.

# Title 30: Zoning

- Three codes are proposed for modification
  - 30.26.080; Advertising Signage Overlay Zone (ASOZ); Tree trimming.
  - 30.32.160; Parking and Loading; Landscaping of parking and loading areas.
  - 30.47.040; Design Review; Standards.



# 30.32.160; Parking lot trees

- Existing code offers guidance on parking lot landscaping and codifies PW's Urban Forester as able to approve modifications to species.
- Existing code provides a 'Specie [sic] Palette City of Glendale' with 36 tree species, with additional cultivars as options.
- PW recommends omitting this list, and instead using a larger, non-Codified list to be provided by PW and available online. This list consists of the 100+ tree species which are found along City streets and parks.

# 30.47.040; Design review standards

- Proposes aligning standards with the Indigenous Tree Ordinance, which this code already references - trees over 6” shall be depicted on plans, not over 8”
- Street trees are protected, but this section did not directly address them; a reference to GMC 12.40 has been proposed and a requirement to depict on plans
- PW recommends modifying the use of ‘should’ to ‘shall’ in relation to considering preservation of any tree on site

# Fees and Penalties

- Staff proposes retaining existing Code Compliance and Citywide Fee Schedule framework for violations, except for rare and extreme cases of tree removal or destruction
- Retaining existing tree appraisal and restitution processes are recommended as an option, but are generally impractical and more costly to City due to necessary Legal involvement





### TOPPING:

Reduction of tree size using intermodal cuts without regard to tree health or structural integrity.

*Topping is not an acceptable pruning practice.*



### HAT RACKING:

The severe act of pruning a tree by reducing the length of branches, lowering the tree height, stubbing or removing foliage so that the tree resembles a hat or coat rack.

*Hat racking is not an acceptable pruning practice.*



### LION'S TAILING:

The removal of an excessive number of inner and/or lower lateral branches from parent branches.

*Lion's tailing is not an acceptable pruning practice.*

