



## CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

### AGENDA ITEM

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Report: Introduction of Ordinance for Public and Private Indigenous Tree Protections

1. Ordinance amending portions of Chapter 12.40 and 12.44 of the Glendale Municipal Code to update standards and enforcement mechanisms for public and indigenous tree protection
2. Ordinance amending portions of Titles 16 and 30 of the Glendale Municipal Code regarding tree-related zoning provisions
3. Resolution establishing and modifying administrative citation fines in the Citywide Fee Schedule for enforcement of the public tree and indigenous tree ordinances
4. Resolution of Appropriation for Outreach Services

### COUNCIL ACTION

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**Item Type:** Public Hearing

**Approved for** January 30, 2024 **calendar**

### EXECUTIVE SUMMARY

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At five City Council meetings between 2021 and 2023, the Public Works Department presented information regarding the state of Glendale's urban forest. At these meetings, the City Council expressed interest in improving Glendale Municipal Codes relating to trees. This report describes the proposed ordinances and the proposed fee structure to enforce the ordinances. The report also covers additional modifications proposed since the most recent Council discussion in March 2023, as well as feedback from the Sustainability Commission.

The city currently protects any tree within the city's right-of-way, and six species of private indigenous trees, under its Street Tree Ordinance (GMC 12.40) and the Indigenous Tree Ordinance (GMC 12.44), both of which are administered by the Public Works Department. Additionally, portions of Chapters 16 (Subdivisions) and 30 (Zoning) have requirements concerning protected city and private trees and give Public Works oversight over the landscape design of trees within new parking lots.

On March 28, 2023, an ordinance was presented for consideration by the City Council to modify protections for public and private trees. The ordinance was not introduced for adoption. Instead, the Council provided direction to staff on further modifications to the ordinance, additional outreach measures and further research.

## **RECOMMENDATION**

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Introduce an Ordinance amending the Glendale Municipal Code (GMC) to revise the existing Street Tree Ordinance into a “City Tree” Ordinance and revising both Public Tree and Indigenous Tree code language to protect trees more effectively, as well as amending these tree-related codes to align with current city policy and practice. Also, that the Council introduce an Ordinance to simultaneously clean up portions of Titles 16 and 30 to match the other tree-related code modifications and update zoning and subdivision standards in line with current practice. Additionally, that the Council approve a Resolution Adding and Modifying Administrative Citation Fines in the Citywide Fee Schedule for Enforcement of the proposed Public Tree and Indigenous Tree Ordinances. The Council may approve a Resolution of Appropriation for outreach services related to the ordinance.

## **ANALYSIS**

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In early 2021, the City Council requested a report on the current state of the urban forest. Over four City Council meetings on May 18, 2021, September 21, 2021, March 1, 2022, and September 27, 2022, staff provided information on aspects of public tree maintenance and tree protection ordinances. Staff recommended a 10-year planting program to return our public tree canopy to previous levels. The City Council gave direction to expand the tree planting program significantly to meet a new 25% citywide tree canopy goal, and allocated funding for this program, which is ongoing. Council also expressed interest in expansion of protections for public and private trees.

Public Works staff worked with the Community Development Department to review Titles 16 (Subdivisions) and 30 (Zoning) to ensure consistency with existing street and indigenous tree ordinances, inclusive of the parking lot code. Amendments to Titles 16 and 30 were presented and approved by the Planning Commission on February 1, 2023.

At the March 28, 2023 City Council meeting, Council requested that Public Works reassess portions of the proposed code for further refinement, review outreach and financial impact, and consider policies for expansion of the ordinance protections to additional trees. On October 5, 2023, Public Works also presented these refinements to the Sustainability Commission for their feedback as requested by the Council. Commission’s feedback has been noted and incorporated into this report.

### **Introduction of Revised Ordinances Regulating Public and Indigenous Trees**

Staff identified shortcomings within existing ordinance language, and other language outdated by the advance of arboricultural science in the current city code. The aim of proposed changes is to, address inconsistencies between code chapters, and expand protections to all currently protected City and private trees. Staff has prepared proposed revisions to GMC Chapters 12.40 and 12.44 based on Council and community feedback at the March 28, 2023, meeting, and these revisions have been reviewed by the City Attorney’s office and the Sustainability Commission.

Additionally, staff previously reviewed relevant sections of Titles 16 and 30 in collaboration with the Community Development Department to correct minor discrepancies within those codes, and to improve GMC 30.32 concerning private parking

lot trees. No further revisions to these codes are proposed beyond what Public Works previously recommended to Council in March 2023.

The proposed changes to the City's tree protection ordinances are intended to accomplish three goals: (1) ensure consistent language across both ordinances and current city practice; (2) clarify ambiguous areas within the ordinances; and (3) add stronger protections to trees currently protected and include all city-owned trees under these protections. These modifications are intended to support and grow the urban tree canopy by preserving existing trees and increasing opportunities for requiring replacement plantings, while providing clarity to residents or their contractors in terms of what is and is not permissible.

The proposed modifications to Titles 16 and 30 are intended to accomplish two goals: (1) update language to be consistent across city ordinances related to trees, and (2) improve and expand the species to be planted within parking lots; both without increasing workload for applicants or city staff.

These ordinance amendments presented here do not reflect any proposed program changes to expand classes of protected trees to additional species or tree types, which will be discussed later in the report.

#### **Street Tree Ordinance, GMC 12.40**

Substantive changes to the street tree ordinance involve the following:

- Expands existing street tree protections to trees located within city parks, lots, open spaces, and other various city-owned properties, and renaming the code section to *City Tree Ordinance* to reflect these changes. These trees currently have no ordinance protections.
- Ensures definitions and word choices are consistent between both tree ordinances, and with current arboricultural language and science.
- Provides specific examples for permit requirements and prohibitions and provides protections that are currently enforced but not specifically codified.
- Provides an in-lieu payment option for tree replacement in cases where the city determines a tree cannot be planted in the same location, for permitted or unpermitted removals. Some Citywide Fee Schedule titles would be modified to reflect both City and Indigenous tree in lieu payment options.
- Adds requirement for the applicant to post public signage when a permit is issued.

#### **Indigenous Tree Ordinance, GMC 12.44**

Modifications proposed to the indigenous tree ordinance, in addition to changes noted under GMC 12.40, include the following:

- Clarify language regarding pest infestations and the standard for treatment.
- Update language to fit current arboricultural standards, including protecting a kind of scrub oak which is now considered a separate species.

- Assert non-liability of City related to staff recommendations to property owners in line with codes from comparable municipalities.
- Set a minimum standard replacement tree size at 24" box container size and planting specifications for most situations.
- Omits codified references to dollar amount penalties, instead referencing the Citywide Fee Schedule, which can be updated regularly with Council approval.
- Adds requirement for the applicant to post public signage when a permit is issued.
- Refines standards for work; an arborist must supervise work that requires a permit, rather than just a licensed contractor, and an arborist report must be submitted for any proposed development project with trees on site or within 20' inclusive of if construction access or staging is likely to impact trees.

### **GMC Chapter 16, Subdivisions**

Changes proposed to Chapter 16 include the following:

- Corrects the incorrect minimum tree trunk diameter previously codified. In Glendale, indigenous trees are protected at 6" trunk diameter, not 8" as written in Title 16. Staff believes this 8" diameter reference was an oversight.
- Inserts a reference to GMC 12.44 and the additional requirements when plans depict protected trees.

### **GMC Chapter 30, Zoning**

There are few substantive changes proposed to zoning codes. Modifications proposed include the following:

- Enhancement and expansion of the species list for parking lot tree planting, in line with city policy on best planting practice and to ensure climate-appropriate trees are being planted. The current codified list includes species now inappropriate for Glendale's climate and cultivars of species that are difficult to locate, thus artificially limiting the species palette. Expanding this list would be achieved by not codifying the species list as it is currently, but instead aligning it with the species found in the city's designated street tree list, which is maintained by the Public Works Department as part of the city's Community Forest Management Plan. This list has been established and regularly updated for the past twenty years and consists of over 100 appropriate species. The updated list will be made available on the city's website, following conclusion of this process. All species on the city's list are at least 25' tall at maturity.
- Correction where diameter for protected trees was incorrectly codified as 8".
- Clarification that applicants must depict trees on plans per GMC 12.40 and 12.44.
- A suggestion to change applicant consideration of preservation of existing trees from 'should' to 'shall' per the Sustainability Commission's feedback.

Chapters 16 and 30 were presented to the Planning Commission at their February 1, 2023, meeting. The Planning Commission's only concern related to the change from 'should' to 'shall,' as the Commission did not wish to explicitly require tree preservation, just to encourage the consideration.

### **Permitted Tree Removal and Replacement Fees**

Currently, there is no ability for Glendale to require payment when a street tree is approved for removal if it is determined that on-site replacement is not possible due to various factors. The proposed modifications to the street tree ordinance would rectify this. Currently, if a tree is removed in a parkway, and there is no space to replant it, there can be no replanting requirement.

The indigenous tree ordinance does provide this ‘in-lieu’ fee option, with tree replacement to occur on city property and performed by the City or its contractor. The Citywide Fee Schedule includes five fees for varying sizes of replacement tree. These fees were recently assessed by a consultant as part of a citywide fee study and were recommended for an increase to meet cost recovery. The citywide fee study process is ongoing, and the fee amounts will be recommended for adjustment when the study is presented to Council later this fiscal year. In Table 1 below, Public Works proposes updating the language of these fees to be inclusive of both the proposed street and existing indigenous tree in lieu functions.

**Table 1: Current Citywide Fee Schedule Proposed Title Changes**

Current Service Title	Proposed Service Title
Indigenous Tree Fees in Public Works Tree Installation Fees 15 Gallon tree	Public Works Tree Installation Fee – 15-gallon tree
Indigenous Tree Fees in Public Works Tree Installation Fees 24 Inch Box Tree	Public Works Tree Installation Fee – 24-inch box tree
Indigenous Tree Fees in Public Works Tree Installation Fees 36 Inch Box Tree (City Staff Install)	Public Works Tree Installation Fee – 36-inch box tree
Indigenous Tree Fees in Public Works Tree Installation Fees 48 Inch Box Tree (City Staff Install)	Public Works Tree Installation Fee – 48-inch box tree
Indigenous Tree Fees in Public Works Tree Installation Fees 60 Inch Box Tree (City Staff Install)	Public Works Tree Installation Fee – 60-inch box tree

### **Unpermitted Tree Damage or Destruction Fees**

Both the current street and indigenous tree ordinances enable the city to pursue restitution in cases of unpermitted tree damage or destruction. In the case of the street tree ordinance, beyond restitution for the tree, a removal which occurs after the denial of a removal permit (or when city staff can prove the damage or removal was committed with the knowledge that a permit was required) could lead to civil penalties of three times the appraised value of the destroyed tree.

With the indigenous tree ordinance, the maximum civil penalty fee is \$10,000 per tree removed or destroyed. In addition, the ordinance is unclear as to what other amounts may be appropriate, meaning every case must be discussed with the City Attorney’s office.

For both ordinances, the city also has the authority to issue administrative citations per violation, with \$400 at the first instance, and \$1,000 and \$2,000 for subsequent violations. For more egregious cases with sufficient evidence, the city can may opt to issue citations

per violation, per day. With the current fee structure, there is no distinction between violations. For example, a person cutting the top off a large city or private indigenous tree to obtain a better view would typically be assessed a \$400 administrative citation, which is the same administrative penalty for illegally removing the tree.

The current restitution process for the illegal removal of a tree is ineffective. As is, should there be any refusal to pay, the billed restitution would necessitate civil action through the City Attorney's office. The process is not only time and resource consuming but will cost the city more than the appraised value of a tree.

As an example, a recent case saw the destruction of a 60' tall city tree's root system, resulting in its removal. Rather than being able to obtain restitution for the estimated value of over \$20,000 for this healthy, mature tree, the city issued two small administrative citations for violations referenced in the GMC. Public Works, Code Compliance, and the City Attorney's office work together to pursue violations to the appropriate extent, but options can be limited. Such minor consequences do little to dissuade parties motivated to destroy trees and limits the city's ability to maintain existing tree canopy or plant enough trees to make up losses.

A solution is to set Citywide Fee Schedule citation amounts based on the appraised value of trees of certain size classes. Increased fees are set for unpermitted actions which lead to tree destruction and set amounts are listed for when the exact size of the removed tree is impossible to determine. Staff proposes that the city establish administrative citation amounts for illegal tree removal and damage resulting in removals, codified in the Citywide Fee Schedule, and enforced in tandem with Code Compliance. In turn, this will provide increased clarity for Glendale's residents.

The intent is not to create new, excessive fines, but rather to improve enforceability of our existing ordinances and utilize the tree valuations already reflected in existing code. Existing administrative citations of \$400, \$1,000, and \$2,000, would instead be used for violations that don't result in tree destruction, such as minor unpermitted pruning. Larger administrative citations would be limited to clear cases where city or private protected trees were removed or damaged to the point where removal is the only option. The existing street tree ordinance permits tripling damages in cases where the city can prove a tree removal was done with knowledge that city approval was required. Staff recommends retaining this option and extending it to the Indigenous Tree Ordinance.

Table 2 shown below, describes the methodology behind the calculation of fees in the proposed administrative citation schedule. Values were taken from the city's tree inventory software which calculated the appraised value of each city tree based on its size, health, and location. In situations of private tree removal where staff has no recent diameter size recorded for the removed tree, evidence such as past and present site photographs can be utilized, as is done in La Cañada Flintridge.

**Table 2: Glendale Calculated Tree Replacement Values**

Tree Diameter Range	City cost to plant new 24"-box tree	Appraised value of this size range tree, assuming fair condition and average height	Total replacement value
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

Table 3 below shows a comparative analysis of San Mateo County and La Cañada Flintridge where the administrative citation is based on the size of the removed or destroyed tree. The proposed citation fee schedule in Table 2 is based on the cost to replace and establish a new tree and the calculated value of a tree in fair condition of similar size, based on established industry standards. This table has been modified and expanded to accurately reflect the appraised value of trees, based upon Council feedback at the March 2023 meeting. The Sustainability Commission also recommended that penalties for trees falling into the 'Unknown, under 30" DBH (Diameter at Breast Height)' class have a citation amount equal to the penalty for removed trees of the 25-30" size, or \$10,220. Previously the amount was set equal to trees at 13-18", or \$3,650. The Sustainability Commission commented that this would incentivize total tree removal to obscure the size of any removed tree.

**Table 3: Comparative Administrative Citation Schedule, Removal of Public 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	\$17,610	\$2,115	\$2,500
36"+ DBH	\$400	\$26,210	\$2,115	\$5,000
Unknown, under 30" DBH	\$400	\$10,220	\$5,400	\$2,500
Unknown, over 30" DBH	\$400	\$26,210	\$10,800	\$5,000

It is also important to note that the GMC allows for non-exclusive penalties, meaning illegal tree removal, destruction, or damage can additionally result in denial of construction permits, holds on development, liens, and replacement tree requirements or in-lieu fees, in addition to administrative citations. Per Council request, a comparative chart of other cities' replacement mitigation is shown in Table 4 below. For all cities, trees

than cannot be planted on site, as determined by staff, require an in-lieu payment.

**Table 4: Comparative Mitigation, Protected Tree Replacement at 24" box**

City	Typical Replacement Ratio	Notes
Glendale	2:1, but no set quantity	Per code, diameter of new trees cannot exceed diameter of removed tree
Pasadena	3 to 8:1	Quantity based on size of removed tree
La Canada Flintridge	1:1	If removed tree is larger than 24", larger box sizes are required
Los Angeles	4:1	Based on value, not quantity of trees

Public Works has traditionally required at least 2:1 replacement ratio for removed trees, meaning that one removed tree requires two new trees. If space is not available for all required trees, the in-lieu fee would be levied. Staff does not recommend codifying any replacement ratio standard, as this is better addressed in the City's Community Forest Management Plan which affords flexibility on the quantity of required replacement trees based on the factors of a case.

#### **Continuing the current program, with proposed ordinance modifications**

At the March 28, 2023 meeting, Council heard from a number of Glendale residents who asserted that Public Works staffing is not sufficient to administer the current protected tree programs. As stated previously, with the aforementioned modifications to the ordinances, staff believes current staffing is sufficient to administer the tree programs. Should the direction from Council be to undertake more proactive enforcement, with more inspections, and more frequent patrols in forested areas, than staff would concur that our current resources are insufficient.

The city's new online permit system has streamlined the permitting and plan review processes. Tree permits are not like most permit applications. With few exceptions, Public Works must inspect a tree or property prior to permit issuance. This inspection provides an important educational opportunity for the tree owner, and enables staff to determine if the pruning, removal, or other work is justified, or if important considerations were missed on the permit submittal. It also reduces instances where contractors exceed the approved scope of work. Unlike typical violations like cleaning up debris or redoing a project to code, a tree cannot be undamaged. Due to time limitations, staff are not always able to inspect following the completion of work.

In terms of plan and permit review, Community Development relies on voluntary disclosure of trees by the applicant to flag projects for our review, and other projects are flagged by Planning when protected trees are seen in site surveys. In FY 2022-2023, over 3,100 building, pool, fence, and right of way permit applications were submitted, which are the permit types which most commonly impact trees. Forestry staff was assigned to review over 100 of these – 3% of the total.

Of the remaining 97% of permit requests, some likely impacted city street trees or private indigenous trees without explicit Public Works approval or protection guidelines. Thanks to the city's new permit portal, staff is noticing long-extant loopholes, and are closing



them, and we are working on technical solutions to flag addresses potentially containing protected trees. The result will be more reviews for staff, but the exact quantity is unknown at this time.

Two positions in our existing staffing, the Urban Forester and the Arborist Technician, are trained to handle permits, plan reviews, and code violations, and only the Arborist Technician is dedicated fully to these tasks. Existing staffing has been sufficient to manage the program historically.

Staff estimates the Arborist Technician spends at least 1,085 hours annually reviewing plans and permit applications and plans. This is in addition to violation cases, outreach and education, informational calls, and other daily duties, which takes almost equal time.

Violation investigations are time consuming due to the need to comprehensively document damage. Trees are living, dynamic organisms where there is an extreme sense of urgency – and need – to respond to and investigate reported violations. Code Compliance Officers are rarely able to deviate from their assigned inspection schedule to immediately respond to reports of illegal tree removals or pruning. Due to the urgency to halt violations before complete destruction of a tree, this work results in the regular interruption of tightly scheduled days with inspections, appointments, and tree maintenance work. This will continue to be the reality of the current program, where we are limited by these factors without more proactive enforcement.

Based on discussions with Code Compliance, the proposed city and indigenous tree ordinances would not require additional staffing within Community Development, as Public Works handles violation documentation and referral. Since the March 2023 Council meeting, Code Compliance's staffing has increased, and the referral process between CDD and PW has improved.

### **Protecting Additional Private Trees: Policy Options and Potential Impacts**

Council had also directed staff to review additional options to expand protection of private trees to include other non-indigenous trees. Below are three options which have previously been discussed.

Staff presented these approaches to the Sustainability Commission on October 5, 2023. The Commission was not supportive of staff recommendations below, stating that Public Works should implement a mature shade tree protection program, to protect not just particular species of trees, but trees that provide significant shade regardless of type, and that tree owners should not be able to opt out of protection. Staff ultimately does not recommend any of the additional programs, as reflected in the analysis below.

Cities such as Pasadena and La Canada Flintridge, which protect additional species of trees, do not have Certified Arborists reviewing tree removal requests, tree protection plans, and the associated arborist reports. Planners untrained in arboriculture tend to approve any submitted arborists report, relying on the author's expertise. These cities also maintain a list of approved arborists, where no pruning can occur unless it is performed by one of these few companies. This framework enables these cities to

process tree removal and pruning permits using non-arborist staff. In Glendale, any proposal to prune, remove, or develop near a tree is reviewed by a city arborist, and this process provides better tree care to the city and its residents, allows for the rejection of poor arborist reports, allows for greater price competition among tree companies, and saves residents money when staff is able to waive permit fees or other requirements based on residents taking measures to protect trees. Staff would not recommend changing this framework. Glendale is able to maintain a span of control on the quality of approved tree work and tree reports which other cities cannot replicate.

### **Require in-lieu payment for certain non-protected tree removal**

An option to increase protections on private trees would be the expansion of in-lieu payments, as raised at the March 2023 Council meeting and discussed at the October 5, 2023 Sustainability Commission meeting. This program would require that all owners of private trees pay a fee to the city for the removal of their tree. The fee would be used for the replanting of a new tree on public property. However, under such a proposed system, there would be no protections beyond the fee. Staff does not recommend this approach.

The in-lieu fee may deter owners from removing the tree; however, it may also result in excessive review and approval processes and potentially disincentive residents from planting trees altogether. Public Works staff are currently tasked with assisting in the prevention of accidental or deliberate tree death through the indigenous tree program. The review of hundreds or potentially thousands of new requests to remove trees, accidental or deliberate, will overwhelm current staffing. In addition, common reasons for tree deaths are still often the result of well-intentioned but ill-informed landscape or pruning practices rather than deliberate destruction. Issuing fines for the removal of all private trees would create a great burden on residents and may result in the decline of privately planted trees.

Tree removal in urban settings is already costly due to the difficulty of the work; adding thousands of dollars in city fees to this burden could negatively impact the city's goal of increasing our tree canopy. Even if these fees are set aside for public tree planting, existing planting programs are operating at near capacity. There is a need to promote private tree planting to achieve a mature, diverse and well spread-out canopy.

### **Protect additional species or mature shade trees**

Staff had raised the idea of protections that are equal to those of the indigenous tree ordinance, but for any non-indigenous species at 30" diameter or greater. The Sustainability Commission recommended implementing a form of this program. This system would protect the largest trees within the city by requiring owners to follow an ordinance modeled on the Indigenous Tree Ordinance, where owners would need to obtain permits, hire qualified arborists to maintain these trees, and preserve the trees during repairs or development. This will lead to a substantial increase in costs to private tree owners, and additional staff time across multiple departments in terms of administering such a program. A major issue with protecting trees based on their trunk size is that the trunk must be measured, which seems simple but in reality, sometimes requires professional guidance. Staff does not have data on the quantity of private trees

of this size, but the city tree population of this size makes up 10% of our canopy. For subsequent discussion, we assume that roughly 10% of private trees may be of this mature shade tree size.

Staffing required to feasibly administer such a program in a city of our size is largely unworkable, particularly with city arborists as the administrators. The increased workload for plan review would primarily impact Public Works. While some of this would be due to the technical issues as described previously, staff anticipates a dramatic increase in plan reviews. Zoning codes already require applicants to depict trees over 8" for some projects, but this is achieved only by applicants self-reporting. With a programmatic change of this nature, Community Development will need to ensure plans correctly depict all trees and refer to Public Works for verification. Under such a program, Public Works staff may need to at least peruse all relevant permit applications – which as noted earlier, numbered 3,100 last year – to ensure trees are depicted properly. If there are trees present which require protection, over five hours of staff time are needed, on average, to review, obtain corrections, visit the location, develop permit conditions, and so on. A conservative estimate for plan review for newly protected trees amounts to 1,550 hours per year, more than the time the Arborist Technician currently devotes to Indigenous Tree related plan review. Review of plans without protected trees may still take up to half an hour each to verify the lack of protected trees – another 1,395 hours annually for plan review alone.

An alternative would be to modify city ordinance where any plan submittal would require an arborist report describing all trees on site, or a disclosure for the lack thereof, which could be a costly burden for applicants, with the cost of reports typically running from \$500 to \$2000. Requiring, at minimum, an arborist statement on the canopy of a given lot is a standard requirement in many municipalities, and staff would support its introduction in Glendale regardless of the level of tree protection adopted by Glendale. This will nevertheless require Public Works staff time to review these reports and has not been included in the Title 16 or 30 revisions.

In addition, staff's ability to manage the complete program of site inspection, plan review, enforcing tree protection and construction monitoring, and violation investigations is simply not feasible. At minimum it would require four additional Certified Arborists, and a Section reorganization to effectively manage such a large workgroup involving new management level positions. Protecting any number of non-indigenous private trees is likely to lead to a commensurate increase in complaints to Community Development and Public Works, and violation cases are the most complex and time-consuming duties performed within Public Works - Forestry. While Code Compliance recently increased staffing, they still lack the flexible schedule or arboricultural qualifications required to respond to these sorts of concerns.

It is also important to consider the impact of such a policy on the public. Any tree owners (and those bordering any trees) may find themselves required to spend more on tree maintenance due to requirements with permitting and plan review, and the city could be drawn into private disputes over mature trees planted in poor locations, trees causing damage to neighboring properties, trees maintained poorly for decades, or exotic species

no longer suitable for the area.

Finally, these protections could disincentivize the preservation of mature trees. Staff was unable to locate relevant studies on this topic, but we have long observed that when given a choice, the majority of residents will opt to not replant indigenous trees on site, to avoid city regulation of private property. The best way to avoid this outcome would be to instead protect all trees, which is a noble goal but not feasible, given the staffing required for this theoretical mature tree program alone in a vast city.

Given the administrative burden and fiscal impacts of such a program on both the city and our residents, staff does not support such a sweeping protection of private trees.

### **Heritage and Specimen Shade Tree Program**

As discussed at the previous March 2023 Council meeting, Glendale is home to numerous large and old, private unprotected trees, which add to the character of our neighborhoods. Staff had discussed a program where notable private trees are nominated by the owner for tree protection, in line with the requirements of the Indigenous Tree Ordinance. The Sustainability Commission approved of this program but was concerned regarding the limitations of a self-nomination process, and highlighted their concern that mature shade trees would be left unprotected if the owner did not wish them to be.

However, after further analysis and consideration by staff, it was determined that the same drawbacks raised for other options apply here as well in terms of cost and staffing. Further, any new tree protections will add significant new costs to tree owners, and likely their neighbors, and would change the way in which neighboring properties could be developed in addition to the parcel on which the tree is growing. Finally, the nomination process for a given tree in this program may be misused as a method by which reasonable development is delayed or prevented by neighbors, even in cases where the tree may be preserved. The city determining that a certain tree could be protected would require access to private property, even for those trees where the actual owner did not nominate it. If the program were to require owner opt-in, neighboring properties may nevertheless be subject to costly impacts or limits on development all the same, if the tree's branches or roots extend across property lines.

### **STAKEHOLDERS/OUTREACH**

Any of the proposed programs will have impacts citywide, particularly to properties with protected trees. The proposed modifications to the existing ordinances only add clarity and enhanced penalties to existing prohibitions and duties for these tree owners. Still, a renewed outreach effort focusing on City tree ordinances would benefit the community and the city, as existing literature is good, but dated, and will need revision.

Upon adoption of the modified and new ordinances, staff will pursue hiring a public outreach consultant to undertake a multimedia campaign to inform the community regarding proper tree care, preservation, permitting, and to highlight key points of the revised tree ordinances. Public Works recently utilized SGA Marketing for services related to Integrated Waste Management program changes, with costs of \$134,000 annually.

This media should be available in multiple languages and be both in print and online.

Concurrently, as part of its standard practice, Public Works is currently revising its Community Forest Management Plan, which describes in detail city policies, practices, and standards for tree care, and this large document will be available to the public on the city's website and is provided to individuals and contractors for their reference when needed. The consultant would be asked to assist with synthesizing this document into simple informational literature for the general public.

City staff are also an important stakeholder in this process. Public Works will host general informational sessions for relevant departments regarding current and additional processes, and more specific training for sections within these departments which frequently interface with protected tree and Public Works Forestry personnel.

As with previous changes to tree related codes, Public Works would coordinate a meeting of local tree care professionals to review ordinance changes and city expectations.

Finally, education is the most effective way to ensure compliance, and in turn, tree preservation. While arboriculture is a science, Public Works has never expected the residents of Glendale to be tree experts. When responding to a potential violation, longstanding practice has been to educate at each step of the way in the form of a letter specific to that address and that violation. First time violations which do not result permanent disfigurement or death of a tree typically have no recommended citations associated with them. This framework is not proposed to be changed.

## **FISCAL IMPACT**

Revenue could be realized from the proposed fee changes. Based on reviews of recent years, staff believe that revenue from citations are unlikely to exceed \$50,000 annually. At present, annual citations average around \$5,000. The new proposed larger citation amounts are related to mostly infrequent violations.

If Council chooses to move forward with the ordinances, staff recommends appropriating funds now to cover the cost of the outreach consultant who will assist with public engagement on the revised ordinance. This appropriation is outlined below:

<b>Requesting Appropriation</b>			
<b>Amount</b>	<b>From (Account String)</b>	<b>To (Account String)</b>	<b>Funding Source</b>
<b>\$134,000</b>	<b>25300-1010</b>	<b>43110-1010-PWD-7507-P0000</b>	<b>General Fund</b>

## **ENVIRONMENTAL REVIEW (CEQA/NEPA)**

The project is exempt from CEQA review pursuant to Section 15307, as a Class 7 "Actions

By Regulatory Agencies For Protection Of Natural Resources” exemption of Title 14 of the California Code of Regulations (CEQA Guidelines) as the project consists of amendments to the city’s tree-related codes within Chapter 12 to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.

### **CAMPAIGN DISCLOSURE**

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This item is exempt from campaign disclosure requirements.

### **ALTERNATIVES TO STAFF RECOMMENDATION**

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Alternative 1: Elect to not approve any ordinances amending portions of the GMC and Citywide Fee Schedule. Existing tree protections will continue in the city.

Alternative 2: Consider any other alternative not proposed by staff.

### **ADMINISTRATIVE ACTION**

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**Submitted by:**

Daniel Hernandez, Interim Director of Public Works

**Prepared by:**

Loren Klick, Urban Forester

Daniel Hardgrove, Assistant Director of Public Works

**Approved by:**

Roubik R. Golanian, P.E., City Manager

### **EXHIBITS/ATTACHMENTS**

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N/A