

CITY OF LA CAÑADA FLINTRIDGE

MEMORANDUM

May 12, 2015 Meeting

To: Planning Commission
From: Harriet Harris – Assistant Planner
RE: Tree Removal Required Finding (11.40.060 B.5) – Discussion
Date: April 16, 2015

Background:

On July 1, 2013, the City Council approved Ordinance No. 412 pertaining to the Preservation and Protection of Designated Trees on Private Property which took effect on August 1, 2013. At that time, the City Council asked staff to provide an update regarding the effectiveness of the adopted Tree Ordinance in early 2015.

In February 2014, the Tree Preservation and Protection Guidelines were adopted. At that time, the City Council also adopted Resolution No. 14-06 establishing the number and size of replacement trees, tree fund replacement costs and restitution amounts for violations of the Tree Ordinance.

In March 2014, minor revisions to the Tree Ordinance were approved by the City Council.

In February 2015, staff updated the City Council regarding the effectiveness of the ordinance and asked for clarification on two items; replacement and fees for dead trees and trees removed under Criterion 5 in Section 11.40.060 B – Removal of Protected Trees. At that time, the City Council decided that they did not wish to change the process for the removal of dead trees or adding a fee to recover staff costs and referred the discussion regarding Finding B.5 to the Planning Commission for Discussion.

Criterion B-5 was added to the findings for removal because the City Council wanted to allow the Director some flexibility in allowing tree removals for reasonable cause such as development of the parcel. Initially, Criterion B-5 was the only finding where the property owner was given the option to either replace the removed tree or pay into the tree fund. The revision in March 2014 changed the language of the ordinance to allow payment into the tree fund for trees removed under any of the findings. Prior to March 2014, if an owner wanted to pay into the tree fund rather than replace a tree, Criterion B-5 had to be used in addition to the other criteria (see Tree Removals Summary Chart).

Discussion:

Initially, staff's concern was that the less stringent Criterion 5 could be abused through over-use.

Section 11.40.060 B.5 states:

5. Where a property owner requests removal of a protected tree for other reasonable cause and the removal will not impact the character of the neighborhood from public view or adjacent properties or where such removal can be reasonably mitigated.

Staff wanted to explore the possibility of adding a column to the Replacement Tree Chart and Tree Replacement Fund Chart for trees that are removed under Criterion 5 since there is more flexibility in allowing the removals unlike Criteria 1-4 which are more stringent. Staff also wanted input if the criterion should be modified so that the decision-making was more objective. In looking at the tree removals since the ordinance was passed, of the thirteen trees removed using Criterion 5, only three were to make way for new construction and four were allowed in conjunction with another criterion to allow payment into the tree fund rather than tree replacement. Six were considered a danger to property, two were diseased/infected with pests, one was given a very low rating and one Oak tree removal was allowed to preserve a group of other protected trees.

Since the City Council meeting, staff has reviewed the Criterion and determined that the latter half of the criterion is the key to approving or denying the tree removal request more consideration should be given to neighborhood setting and impacts. While Criterion 5 allows the Director of Community Development some flexibility in granting Tree Removal Permits, neighborhood character, view impacts and ability to mitigate the loss of the tree should be considered when reviewing and approving the tree removal request.

Conclusion:

In summary, while staff initially thought that additional mitigation should be required for tree removal requests approved under Criterion 5, upon further consideration staff feels that the latter half of the finding, although somewhat subjective, should be considered when reviewing the tree removal request.

Staff has included a comparison chart that indicates the number of tree removals that were approved pre-ordinance change and post-ordinance change by species. It is interesting to note that tree removal requests have not increased significantly since the ordinance change. This was not reported to the City Council at their February 2, 2015 meeting but was requested by the City Council for a future meeting. Staff does not, however, track the number of phone calls received inquiring about removal if a Deodar Cedar tree is outside the Historic Deodar District or beyond the 20' protection zone. Staff did not include the pre-ordinance change data for the Chinese Elm and California Pepper. The new ordinance no longer requires tree removal permits or mitigation for dead trees but does track them if we receive notification of a removal.

Attachments:

1. *Number of Trees Removed Chart*
2. *City Council Agenda Report dated February 2, 2015*
3. *City Council Minutes dated February 2, 2015*
4. *Tree Removals Summary Chart*
5. *Ordinance 412 - Original Tree Ordinance*
6. *Ordinance 420 - Tree Ordinance Revisions*
7. *Resolution 14-06 - Replacement and Restitution Charts*