



Agenda Item 9 A

Approvals:

City Manager [Signature]

Dept. Head [Signature]

Attorney [Signature]

Finance [Signature]

AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING

Meeting Date: June 17, 2014

Department: Beaches, Parks & Recreation
Prepared By: Sharon Heider, Beaches Parks & Recreation Director

Subject: *POLICY REGARDING REQUESTS TO REMOVE, RELOCATE, OR REPLACE PUBLIC TREES FOR PRIVATE VIEW PURPOSES.*

Fiscal Impact: None, the proposed policy change would require all costs to be borne by the applicant.

Summary: The City has recently received requests to remove city trees to provide, maintain, or restore private views. The current policy, City Owned Trees: Protection and Administration (No. 301-2-1), does not allow removal of trees for view purposes. Landscape plans in public places are approved via Site Plan or Park Master Plan approvals, and this current process could be used to amend landscapes and replace trees that have become too large for their planting space or have circumstances that have changed making the plantings no longer appropriate or useful. By redesigning landscapes, it may be possible to improve views while still providing appropriate screening, buffers, and aesthetic needs the landscape provides. Staff recommends allowing landscapes to be amended or redesigned via the existing approval processes, provided the applicant pays the full cost of the process, removals, and replacements.

Background: The City's Policy No. 301-2-1 "City owned Trees: Protection and Administration" (attached) provides for the protection and administration of the City's urban forest. The policy allows removal of City owned trees, if in the judgment of the Director of Beaches, Parks, and Recreation it meets certain criteria (see attachment). However, removal for the purpose of private views has never been allowed. More typical requests to amend landscaping in public spaces, such as removing or replacing a single City tree in front of a residence, are dealt with via the Request for Tree removal process per City Policy 301-2-1.

On April 2, 2013, the City Council discussed the issue of trees as it relates to impacts to ocean views. In response to Council inquiry, City Attorney Goldfarb opined the City should be careful about the way that the concept of view protection is addressed in policy as there is an inevitable desire of people to want to address the impact physical structures and trees have on views.

At the April 2, 2013 meeting, the City Council directed staff to research best practices utilized by other cities, but limited the discussion to trees in parks, golf courses, reservoir sites, and other public special activity areas. The Council was not interested in a policy that would apply to trees located on major city streets or trees located on private or homeowner's association property.

On February 4, 2014, the City Council established several goals as part of the General Plan relative to landscaping:

"...reflect a lush Mediterranean landscaped character, emphasizing Spanish Architecture and drought tolerant and California native plantings." (UD-5)

"Achieve and preserve a well-maintained, healthy stock of mature trees and expanded tree canopy that provide numerous aesthetic, environmental, economic, social and health benefits." (UD-6)

During discussions surrounding the General Plan, this issue was raised several times in the context of private view preservation. The City Council expressed an interest in developing a policy or process to guide requests for changes to public landscaped areas.

Discussion: Staff has received City Council direction to address only public trees in parks, golf course, residential streets, and utility site locations (i.e. reservoir site). Addressing only public trees for removal for view purposes could create inequity in that those living above parks, golf courses, or public lands may be allowed to better their views, while those who live above private areas would not be afforded the same ability to amend their neighbors' or their homeowners associations' (HOA) landscapes. Single trees may be easier to analyze in terms of overall impacts and/or unintended consequences, but the more complex issue of large or complete removal and replacement of park or golf course landscapes for view purposes will require greater analysis and community input.

As directed by the City Council at the April 2, 2014 meeting, staff researched best practices used by communities who endeavor to preserve private views. Three examples were found, and the processes varied. Each of these addressed protection of views on both public and private property. Staff did not find an example of protecting views only through public property. The City of Laguna Beach has a process outlined in its municipal code that consists of discussions, mediation, arbitration and litigation. The City of Solana Beach has a Committee that oversees the process of view assessment and processing. The City of Palos Verdes has a View Restoration/View Preservation permit process with a 29 page guideline packet for application which requires a non-refundable fee of \$5,160 for processing time and costs. These applications are reviewed by a Committee that provides recommendations to the Planning Commission.

Based on the research of best practices, it appears there is a high potential for creating divisiveness in the community between those with views and those who support the preservation of trees. Therefore, staff does not recommend creating a policy for view preservation, which may imply views are guaranteed. However, Landscapes can be changed and potentially redesigned to better meet current needs and conditions. The City currently has discretionary review processes in place to approve landscaping and other exterior improvements, including Site Plans and Park Master Plans. These review processes are intended to ensure proposed landscaping is done in accordance with the General Plan, applicable Specific Plans, Design Guidelines, involve

community input, gain City Council approval, and have already proven successful. Staff's recommendation is that these same processes be used to allow a resident(s) or HOA(s) to submit an application to amend an existing Site or Park Master Plan. In cases where the landscape was installed without an approved plan, the process could put in place a new approved plan.

Proposed Process:

Add a new section 6.4 to the existing City Owned Trees: Protection and Administration.

6.4 Property owners may request replacement, relocation, or removal of City Park or Street trees* by amending or creating a Site or Park Master Plan. The property owner shall be responsible for all costs associated with the processing, removals, relocations, and replacements.

**Note the current policy defines Park and Street trees to include those on the golf course and beaches, and medians and in rights of way.*

Criteria would need to be developed for what trees and what circumstances would be appropriate to amend public landscapes. The process would be the same as currently required for a Park Master Plan amendment or a Site Plan amendment. As an overview, the applicant would first submit an application and deposit account/application fee to cover staff time. Staff would then review the location and determine the level of noticing needed for review. As an example, the City Council heard from a resident above a water reservoir whose home has had their ocean view compromised by tall trees planted by the City to shield the view of a City reservoir. A site like the reservoir would likely have a notice of a 300' radius, in order to assess whether any residents may be benefitting by having the utility buffered from view by the trees. A park or publicly used facility would require greater scrutiny and input and include at least surrounding HOAs, businesses, and concerned residents with publicly noticed review. Utility site locations and residential street requests for landscape modifications would be reviewed by the Design Review Subcommittee and Planning Commission. Parks and street tree applications would be reviewed by the Beaches, Parks, and Recreation Commission and then City Council as Park Master Plan amendments. Golf Course amendments would be processed through the Golf Course Advisory Committee and then City Council.

Staff recommends presenting this issue to the Golf Course Advisory Committee, the Beaches, Parks and Recreation Commission and the Planning Commission for input and development of criteria for removal, relocation, and replacement before returning to the City Council for potential policy change.

Recommended

Action:

STAFF RECOMMENDS THAT the City Council direct staff to present this proposed change to the City Owned Trees; Protection and Administration policy to the Golf Committee, Beaches, Parks, and Recreation and Planning Commissions for recommendations and development of criteria and return to the City Council for action.

Attachments: Policy 301-2-1

Notification: Interested parties



Policy and Procedure

Subject: City Owned Trees: Protection and Administration	Index: Land Use
	Number: 301-2-1
Effective Date: July 21, 1999	Prepared By: Beaches, Parks & Recreation
Supersedes: 301-2-1 (Dated August 6, 1997)	Approved By:

1.0 PURPOSE:

It is the purpose of this policy to provide for the protection and administration of the City's urban forest and establish a process that allows for the management of City owned trees.

2.0 ORGANIZATIONS AFFECTED:

Beaches, Parks & Recreation; Public Works; Community Development Departments

3.0 REFERENCES:

City Ordinance No. 1115

4.0 POLICY:

It is the desire of the City of San Clemente to provide for aesthetically pleasing, safe, healthy City owned trees. The City maintains a variety of trees throughout the entire community, located in parks, on medians, the Municipal Golf Course and on the beach, as well as upon public rights-of-ways of streets.

This policy is designed to provide for the administration of these public trees.

5.0 DEFINITIONS:

5.1 Appropriate Maintenance: Tree maintenance that follows the guidelines within the City's Tree Maintenance Specifications

- 5.2 Street Tree: Trees that are planted along city owned rights-of-way on public streets that meet the following description: (1) The first line of tree planting located adjacent to a public street designated within the Scenic Corridors Master Landscape Plan; (2) Trees in median islands on public streets and, (3) Parkway trees that are the first line of planting along public rights-of-way on public streets.
- 5.3 Park Tree: All trees that are planted upon City owned land, including beaches, parks, golf courses. This definition extends to trees that exist on any developed or undeveloped property owned and maintained by the City.
- 5.4 Safety Hazard: Any condition as determined by the Director of Beaches, Parks and Recreation to be an immediate hazard to life or property.
- 5.5 Unauthorized Planting: Any tree planted either without City approval, in improper location or of an unauthorized variety for area.
- 5.6 Visual Hazard: Obstructing sight distance necessary for the safe operation of vehicles at street intersections, or obstructing in an otherwise incurable manner, any traffic or railroad crossing signal or other safety device as determined by the City Engineer.

6.0 PROCEDURE: PARK TREES AND MAINTAINED STREET TREES

- 6.1 The City of San Clemente will be responsible for the maintenance of all trees that are defined as Park Trees and Street Trees. The City shall maintain said trees in compliance with City Ordinance 1115. This includes all major pruning/trimming or other tree surgery and control/treatment of insects, pests, and diseases. Owners of property adjacent to a maintained street tree shall be responsible for watering the tree to promote healthy growth and to do such trimming as can be done from the ground to preserve the neat appearance and unobstructed use of the adjacent street and sidewalk/bikeway. The City will remove a park or maintained street tree if, in the judgment of the Director of Beaches, Parks and Recreation, it meets the following criteria:
 - 6.1.1 Tree is diseased beyond reclamation or has died.
 - 6.1.2 Tree presents a visual hazard that cannot be mitigated.
 - 6.1.3 Tree presents a safety hazard that cannot be mitigated.
 - 6.1.4 Tree roots damage sidewalks, curbs, gutters or driveways, and damage cannot be effectively repaired or replaced.
 - 6.1.5 Tree roots damage sewer or water lines or other infrastructure, and damage cannot be effectively repaired or replaced.
 - 6.1.6 Tree is an unauthorized planting.
- 6.2 Property owners may request removal or relocation of maintained street trees. Said requests shall be addressed to the Director of Beaches, Parks and Recreation. The property owner shall be responsible for all costs associated with the removal of the street tree and any damage to parkway improvements that occur as a result of the removal of the street tree. The Director of Beaches, Parks and Recreation may authorize the property owner to remove a maintained street tree if it meets the following criteria:

6.2.1 The tree is directly in the way of new sidewalks, curbs, gutters or driveway approaches, and where no mitigation is available to preserve the tree.

6.3 Property owners may be required to replace maintained street trees authorized to be removed by the Director of Beaches, Parks and Recreation at the owner's request. Property owners shall be responsible for all costs associated with the replacement street trees and any damage to parkway improvements that occur as a result of the replacement. Replacement trees shall be a minimum 15-gallon size. However, the Director of Beaches, Parks and Recreation shall have the authority to require larger sizes based upon the size of the street tree removed. The Director of Beaches, Parks and Recreation shall make determinations for replacement based upon the following criteria:

6.3.1 The parkway area has sufficient width, and utilities are in locations that would accommodate a new street tree.

6.3.2 The tree removed is located on a street that meets the definition of maintained street tree.

