



Legislation Details (With Text)

File #: ID18-0453 **Version:** 1 **Name:**
Type: Ordinance **Status:** Passed
File created: 3/27/2018 **In control:** City Council
On agenda: 4/5/2018 **Final action:** 4/5/2018
Title: Action pertaining to Fresno Municipal Code Chapter 13, Article 3, relating to street trees
1. ***BILL NO. B-11 - (Intro. 3/22/2018) (For adoption) - Amending Sections 13-305 and 13-306 and adding Sections 13-310 and 13-311 of the Fresno Municipal Code, relating to street trees (Subject to Mayor's veto)
Sponsors: Public Works Department
Indexes:
Code sections:
Attachments: 1. 18-0171 Ordinance.pdf, 2. 18-0171 MasterFee Schedule.pdf

Date	Ver.	Action By	Action	Result
4/5/2018	1	City Council	adopted	

REPORT TO THE CITY COUNCIL

March 22, 2018

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SUBJECT

Action pertaining to Fresno Municipal Code Chapter 13, Article 3, relating to street trees
1. ***BILL NO. B-11 - (Intro. 3/22/2018) (For adoption) - Amending Sections 13-305 and 13-306 and adding Sections 13-310 and 13-311 of the Fresno Municipal Code, relating to street trees (Subject to Mayor's veto)

RECOMMENDATIONS

Staff recommends City Council consider for introduction an ordinance amending sections 13-305 and 13-306 and adding sections 13-310 and 13-311 of the Fresno Municipal Code, relating to street trees and adoption the 541st Amendment to the Master Fee Schedule Resolution No. 80-420 adding a Street Tree Replanting Fee.

EXECUTIVE SUMMARY

The City of Fresno's Street Tree and Parkway Ordinance (Article 3) requires that the Public Works Department maintain a program for the planting and preservation of trees within the public street right-of-way. Street trees create improved walking environments, provide shade to residents, reduce the heat island effect, provide aesthetic benefits, help improve air quality and often enhance the character of neighborhoods and streetscapes. Currently the Fresno Municipal Code only allows for the removal of street trees which are dead, dying, in a dangerous condition, unsafe, a public nuisance, or likely to damage public property.

The recommended revisions to section 13-305 would allow more flexibility to the property owners when a tree in good health becomes unwanted or burdensome. The update to these sections would allow a street tree to be removed and replaced with an appropriate tree species at the property owner's expense or alternatively to pay an in-lieu fee into a Tree Trust Fund. Revenues received would be used to reinvest into the City's Urban Forest as outlined in the 541st Amendment to the Master Fee Schedule, Resolution No 80-420. Staff's recommendation is to set the fee at \$231.00 per tree; this fee includes all costs related to the purchase, installation and inspection of a tree from the approved tree planting list. An amendment to Section 13-306 is recommended to allow a Special Tree List to be created for those trees which would remain protected and preserved except in cases of trees which are dead, diseased, in a dangerous condition, a public nuisance or likely to damage public property. The Special Tree List would include those trees of special interest to the City, including, but not limited to, landmark trees or trees of outstanding size or beauty. Today's agenda item serves to introduce and allow opportunity for public comment regarding the changes to the Street Tree Ordinance.

BACKGROUND

The current street tree ordinance provides effective policy direction for street trees which may be removed due to the death or diseased nature of the trees, as well as dangerous conditions or damage to public infrastructure. However, the preservation goals of the current ordinance conflict with some property owners' desires to remove burdensome or unwanted trees. When existing street trees are in a safe and healthy condition, the current Fresno Municipal Code does not allow for the removal of the trees but rather requires their preservation. The City typically receives several requests per year for removal of healthy street trees. The reasons have included a dislike of a particular tree, leaves or debris dropped by the tree and tree roots impacting a private sewer house branch.

The proposed changes to the ordinance would seek to maintain a proper balance between tree preservation and flexibility for the adjacent property owner. Unwanted healthy trees could be removed and replaced with a new street tree of an appropriate tree species as approved by the Director, at the private property owner's expense under a "no fee" permit. The replacement of the tree would be secured by a refundable deposit upon successful replanting by the property owner as described in the 541st Amendment to the Master Fee Schedule, Resolution No 80-420. Alternatively, property owners who do not wish to replant a street tree would have the option of paying an in-lieu fee, for the City to reinvest in tree planting in other areas of the urban forest. The ordinance would also enable the Public Works Director to designate Special Street Trees which would have the same protections and preservation requirements as set forth under the existing Ordinance. The Council would also have the ability to designate Special Street Trees by Resolution. Property owners could appeal any designation of a Special Street Tree to the Council.

The attached Ordinance bill has been reviewed and approved as to form by the City Attorney's Office.

ENVIRONMENTAL FINDINGS

Staff has performed a preliminary environmental assessment of the proposed code amendment and has determined that it falls within Categorical Exemptions set forth in California Environmental Quality Act (CEQA) Guidelines Section 15301 which exempts projects when there is maintenance or minor alterations of existing public/private structures, facilities, or topographical features involving negligible or no expansion of use; Section 15304 which exempts projects when there is a minor alteration of land for new gardening or landscaping; and Section 15308 which exempts projects when actions are taken by regulatory agencies for protection of the environment. Under the proposed ordinance, existing street trees may be removed and either replaced with another appropriate tree or fees may be paid allowing the City to reinvest in the urban forest. Furthermore, staff has determined that none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project.

LOCAL PREFERENCE

Local preference was not considered because this agenda item does not include a bid or award of a construction or services contract.

FISCAL IMPACT

The proposed Ordinance would not impact the Street Tree Program within the Public Works Department, nor is there any impact to the General Fund from this item. Following final adoption of the Ordinance by the Council, a Tree Trust Fund would be created by the City to retain any in-lieu payments to mitigate for tree removals, which would then be reinvested into tree planting for the urban forest.

Attachments:
Ordinance
Master Fee Schedule