



# City of Sunnyvale

## Agenda Item

15-0036

Agenda Date: 1/30/2015

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### 2015 COUNCIL STUDY ISSUE

#### **NUMBER**

CDD 15-15

**TITLE** Review City Tree Preservation Policies and Regulations for Removal of Mature Trees on Development Sites

#### **BACKGROUND**

**Lead Department:** Community Development

Support Department(s): Department of Public Works

#### **Sponsor(s):**

Councilmembers: Whittum, Meyering

#### **History:**

1 year ago: N/A

2 years ago: N/A

#### **SCOPE OF THE STUDY**

##### **What are the key elements of the study?**

The tree preservation requirements of the Zoning Code have been in place since 1991, and were updated in 2006. Tree removal is allowed only after specific findings are made. When a tree is approved for removal through issuance of a tree removal permit, a replacement tree(s) or in-lieu fee is typically required for each tree removed as a condition of approval. The Code specifies that the Director of Community Development may determine appropriate mitigation measures to offset the effects of the removal. Although replacement trees are preferred if space permits, applicants can be offered the option of paying an in-lieu fee (currently \$262 per tree) instead of replanting. The fee is based on the cost to purchase a 15-gallon tree and the cost of labor for the City to plant the tree.

For single-family homes, which constitute the majority of tree removal permits, a minimum 15-gallon replacement tree or the above in-lieu fee is the common mitigation measure. For development projects, the above in-lieu fee is rarely applied. When trees are allowed to be removed, the emphasis is on replacement trees. The size and quantity of replacement trees vary and depend on the significance of the tree(s) proposed for removal. Factors such as tree species, size and health are considered in setting the replacement tree requirement. Development applications with tree removal are currently required to include a certified arborist report with a list of all protected trees, their health, and reason for removal, if applicable. Most arborist reports include a valuation of the trees considered for removal. As a condition of approval, development projects typically require a minimum 36-inch box replacement tree for every significant tree approved for removal. In some circumstances a greater than 1:1 replacement ratio is imposed.

This study would focus on the practices, policies and regulations for removal of mature trees at

development sites and the required replacement trees and/or in-lieu fees. The study would also review prevailing and common practices in surrounding cities on tree preservation, replacement and in-lieu fees. The study would include outreach meetings and public hearings before the Planning Commission and City Council with likely completion by the end of 2015.

This study would review the number of private trees proposed for removal each year for development projects, the replacement policies, and methods of using in-lieu fees for trees not replaced. The study would not address street trees, park trees or other City owned trees. Zoning code amendments could be considered to address tree preservation and replacement regulations for private development projects.

The study would focus on how trees being removed are valued. Options include using the guide provided by the Council of Tree and Landscape Appraisers in appraising the monetary value of trees and correlating replacement trees and in-lieu fees with the relative value of the trees to be removed. If the Council chooses to amend the City's Fee Schedule to increase the tree replacement in-lieu fee, this proposed increase could be enacted at the conclusion of the study or included in the annual update of the schedule in June 2016.

The City currently has a tree fund for depositing tree replacement in-lieu fees. This fund is used to plant new street trees and new trees in City parks. This study would include a review of the tree fund, and consider other uses for the money collected.

#### **What precipitated this study?**

Concern was raised by a member of the public about tree removal on redevelopment sites and the replacement trees or in-lieu fees that are required. Subsequent to that, two members of Council sponsored this study issue.

#### **Planned Completion Year: 2015**

#### **FISCAL IMPACT**

##### **Cost to Conduct Study**

Level of staff effort required (opportunity cost): Moderate

Amount of funding above current budget required: \$0

Funding Source: N/A

Explanation of Cost:

No budget allocation has been identified as staff anticipates this study can be completed without the need for consultant services or technical studies.

##### **Cost to Implement Study Results**

Unknown. Study would include assessment of potential costs

Explanation of Cost: Possible increase in administrative costs to implement new replacement tree requirements for development projects and to collect and allocate in-lieu fees.

**EXPECTED PARTICIPATION IN THE PROCESS**

Council-approved work plan: No

Council Study Session: No

Reviewed by Boards/Commissions: Planning Commission

**STAFF RECOMMENDATION****Position:** Drop**Explanation:**

The primary concern that generated this study issue is the method of valuing trees and the resulting tree replacement requirement or in-lieu fees. Changing the in-lieu fee does not require a study issue. The most expedient method for adjusting this fee is by amending the City's Fee Schedule. As part of the adoption of the FY 2015-2016 Fee Schedule in June 2015, staff can propose an increase in the in-lieu fee. However, if increasing the in-lieu fee is incorporated into a study issue, adjusting the fee would be delayed until June 2016 or until the study is completed and heard by the City Council.

Increasing tree replacement requirements also do not require a code amendment or a study issue. The authority for tree replacement is already defined in the tree preservation regulations within the Zoning Code (Chapter 19.94). These regulations provide discretion to the approval authority to determine the size and quantity of replacement trees and other mitigation measures. Staff is currently exploring the methodology for tree evaluations to strengthen the City's tree replacement requirement, which does not require initiating a study issue. Tree replacement can be addressed by the Director of Community Development, Planning Commission and City Council as part of their review and approval of development applications, and standard conditions of approval can be refined to strengthen tree preservation and replacement requirements. Discretion is advisable as development sites vary significantly in terms of the species and value of existing trees and the feasibility of preservation. Where trees cannot be preserved, tree replacement is already the preferred option with in-lieu fees typically the back-up option.

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