



# City of Sunnyvale

## Agenda Item

16-0796

Agenda Date: 2/17/2017

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### 2017 COUNCIL STUDY ISSUE

#### **NUMBER**

DPW 16-10

**TITLE** Consider Sunnyvale Municipal Code Amendments to Clarify, Strengthen and Enforce Tree Preservation and Tree Planting Requirements within Right of Way and Public and Private Property

#### **BACKGROUND**

**Lead Department:** Public Works

Support Department(s): Community Development, Office of the City Attorney

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

Councilmembers: Meyering, Whittum

#### **History:**

1 year ago: Deferred

2 years ago: N/A

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

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

The intent of the study is to identify Sunnyvale Municipal Code (SMC) changes to clarify, strengthen and enforce tree preservation and planting requirements within public and private property. The study issue is intended to implement and support actions from the Sunnyvale Urban Forest Management Plan (UFMP), which was adopted by the City Council on September 16, 2014. The urban forest is comprised of three main groups of trees:

1. Trees located on City-owned property, including parks;
2. Trees located adjacent to private property in the public right-of-way (ROW); and
3. Trees located on private property (outside of the ROW).

The study would involve review of existing ordinances and policies related to trees, and may include revisions to strengthen the following Chapters of the Sunnyvale Municipal Code:

13.16 *City Trees*

19.37 *Landscaping, Irrigation and Useable Open Space*

19.94 *Tree Preservation*

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

The Sunnyvale Urban Forest Advocates (SUFA) submitted a request for a Study Issue to further strengthen and support the need to maintain trees in Sunnyvale. As SUFA stated in their submittal to Council, they “would like to have the health, social, economic and energy of trees better understood

and more greatly appreciated” and the Study Issue would “be initiated to review, update, revise and expand (so as to strengthen) the ordinances pertaining to trees.”

**Planned Completion Year:** 2018

### **FISCAL IMPACT**

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

Level of staff effort required (opportunity cost): Major

Amount of funding above current budget required: \$100,000

Funding Source: Will seek budget supplement.

Explanation of Cost: Major modifications to the municipal code usually require a significant effort to identify sections that need to be modified, draft appropriate language, coordinate with appropriate City Departments and the City Attorney’s Office, and community outreach to ensure that affected or interested parties participate in the process. Staff does not have the capacity to absorb this work within existing resources.

Staff would need to manage the consultant contract and work closely with the consultant in identifying proposed changes, developing new language, and conducting community outreach.

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

Unknown. Study would include assessment of potential costs.

Explanation of Cost: Depending on the outcome of the study, additional staff resources may be needed to administer SMC amendments and to enforce and monitor new requirements.

### **EXPECTED PARTICIPATION IN THE PROCESS**

Council-approved work plan: No

Council Study Session: No

Reviewed by Boards/Commissions: Planning Commission, Sustainability Commission

### **STAFF RECOMMENDATION**

**Position:** Defer

**Explanation:** The UFMP's major goals as stated on page 5, of the plan include:

- Increase tree canopy cover to maximize ecosystem benefits provided by the urban forest.
- Choose and locate new trees in all vacant planting spaces to maximize tree-related benefits and minimize maintenance costs.
- Develop an urban forest canopy that is stable over the long term.
- Maintain street trees appropriately to maximize benefits and minimize hazard.
- Facilitate collaboration among City departments related to issues and projects involving trees.
- Foster community support for maintaining and improving Sunnyvale's urban forest.
- Encourage proper tree management on private property.

As part of the Report to Council for approval of the UFMP, staff stated that they would develop an operational implementation and monitoring plan to ensure that the goals are achieved. This included consideration of revisions to existing ordinances and policies that address trees in Sunnyvale, including SMC chapters 13.16-*City Trees*, 19.94-*Tree Preservation*, and 19.38.70d-*Landscaping, Irrigation and Useable Open Space*, to ensure they are current and reflective of City policies, practices and the rest of the municipal code. The tree replacement requirements, enabled in the Tree Preservation chapter of the zoning code, were updated in 2015 to require significantly larger replacement trees as a condition of approval for most tree removal permits. Staff is in process of developing an implementation priority plan, and it is expected that modification of the SMC will be included as part of the plan.

In addition to the UFMP, the Climate Action Plan also recognizes the important role trees play in mitigating climate change. Reduction Measure OS-3 focuses on increasing the number of shade trees planted in the community and protecting the existing tree stock and includes the following actions that can be supported by this Study Issue:

- OS-3.1 Continue to implement the City's Tree Preservation requirements.
- OS-3.2 Develop and implement canopy coverage requirements for City-owned parking lots, with exceptions for solar installations.
- OS-3.3 Promote tree planting on private property through incentive and support programs.
- OS-3.4 Expand existing park, open space, and boulevard tree inventory through the replacement of trees with a greater number of trees when trees are removed due to disease, park development, or other reasons.
- OS-3.5 Clarify codes and policies to maximize the preservation of the largest longest-living trees, and ensure the expansion of the urban forest over time as appropriate for the site.

This is an opportunity to make sure there is alignment between the UFMP and the CAP while making sure that there is an appropriate operational and monitoring plan to ensure that the goals are achieved. However, this process will be a significant work effort that will include staff from multiple departments and consultant services, and there are already a number of other priorities and projects that will use similar resources (such as CAP implementation). However, both CDD and DPW are in the process of hiring additional staff funded by the development enterprise fund and approved as part of the operating budget. Deferring will allow for some existing priorities to be completed, allow new staff to integrate into the City and "catch up" on existing needs, and provide enough future capacity to complete proactive policy work as proposed in the Study Issue.

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