



**Placentia  
Streetscape and Transportation  
Advisory Commission Meeting Agenda  
September 21, 2020  
6:00 p.m.  
Teleconference call**

**SPECIAL PROCEDURES NOTICE DURING  
COVID-19 EMERGENCY**

On March 4, 2020, Governor Newsom proclaimed a State of Emergency as a result of the threat of the COVID-19 virus.

On March 17, 2020, Governor Newsom issued Executive Order N-29-20, which temporarily suspends requirements of the Brown Act allowing public meetings via teleconferencing and making public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the Council or Commission.

Given the health risks associated with COVID-19, please be advised that the City Council Chambers are closed to the public and all of the Commission Members are asked to attend this meeting telephonically. Those locations are not listed on the agenda and are not accessible to the public.

**How to Observe the Meeting**

To maximize public safety while maintaining transparency and public access, the Commission meeting will be available to listen live on AT&T U-verse (Channel 99), Spectrum (Channel 3), and online at [www.placentia.org/pctv](http://www.placentia.org/pctv).

**How to Submit Public Comment**

Members of the public may provide public comment by sending comments to the Streetscape and Transportation Advisory Commission for consideration at [gmerino@placentia.org](mailto:gmerino@placentia.org). Please limit to 200 words or less. Comments received before or during a Commission meeting, until the close of the **Oral Communications** portion of the agenda, will be read into the public record, subject to the regular time limitations per speaker. Longer submittals will be included in the public record. If you are unable to provide your comments in writing, please contact the City Clerk's office for assistance at (714) 993-8231.

**Americans with Disabilities Act Accommodation**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at [cityclerk@placentia.org](mailto:cityclerk@placentia.org) or by calling (714) 993-8231. Notification 48 hours prior to the meeting will generally enable City Staff to make reasonable arrangements to ensure accessibility while maintaining public safety. (28 CFR 35.102.35.104 ADA Title II)

Until further notice the City will implement the guidelines of the California Department of Public Health in regard to social distancing. The City of Placentia thanks you in advance for taking all precautions to prevent the spread of the COVID-19 virus. The City will return to normal Commission meeting procedures as soon as deemed feasible.



# Placentia Streetscape and Transportation Advisory Commission Agenda

Regular Meeting  
September 21, 2020  
6:00 p.m.

Teleconference Call, City Hall

**Nick Polichetti**  
Chairman

**Matthew Roche**  
Vice Chairman

**Meredith Castillo**  
Commissioner

**Dr. Arinder Chadha**  
Commissioner

**Vacant**  
Commissioner

## Procedures for Addressing the Commission

Any person who wishes to speak regarding an item on the agenda or on a subject within the Streetscape and Transportation Advisory Commission's jurisdiction during the "Oral Communications" portion of the agenda or on a Public Hearing item should send comments for consideration to [gmerino@placentia.org](mailto:gmerino@placentia.org) BEFORE that portion of the agenda is called. Testimony for Public Hearings will only be taken at the time of the hearing. Any person who wishes to speak on a Public Hearing item should send comments for consideration to [gmerino@placentia.org](mailto:gmerino@placentia.org) BEFORE the item is called.

The Commission encourages free expression of all points of view. To allow all persons the opportunity to speak, please keep your remarks brief. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of an entire group. To encourage all views, the Commission discourages clapping, booing or shouts of approval or disagreement from the audience.

## Special Accommodations

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (714) 993-8231. Notification 48 hours prior to the meeting will generally enable City staff to make reasonable arrangements to ensure accessibility. (28 CFR 35.102.35.104 ADA Title II)

Copies of all agenda materials are available for public review on the internet at [www.placentia.org](http://www.placentia.org) under the Streetscape & Transportation Advisory Commission page. Persons who have questions concerning any agenda item may call the Public Works Department at (714) 993-8148 to make inquiry concerning the nature of the item described on the agenda.

In compliance California Government Code Section 54957.5, any writings or documents provided to a majority of the Streetscape and Transportation Advisory Commission regarding any item on this agenda that are not exempt from disclosure under the Public Records Act will be made available for public inspection at the City Clerk's Office at City Hall, 401 East Chapman Avenue, Placentia, during normal business hours.

**City of Placentia**  
401 E Chapman Avenue  
Placentia, CA 92870

**Phone: (714) 993-8148**  
**Fax: (714) 528-4640**  
**Website: [www.placentia.org](http://www.placentia.org)**

**REGULAR MEETING  
6:00 p.m. – TELECONFERENCE ONLY**

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**CALL TO ORDER:**

**ROLL CALL:** Chariman Polichetti  
Vice Chairman Rocke  
Commissioner Chadha  
Commissioner Castillo

**PLEDGE OF ALLEGIANCE:**

**ORAL COMMUNICATIONS: (PLEASE SEE PAGE ONE FOR SPECIAL INSTRUCTIONS ON SUBMITTING PUBLIC COMMENT DURING THE COVID-19 EMERGENCY)**

At this time the public may address the Streetscape and Transportation Advisory Commission concerning any agenda item, which is not a public hearing item, or on matters within the jurisdiction of the Streetscape and Transportation Advisory Commission. There is a five (5) minute time limit for each individual addressing the Streetscape and Transportation Advisory Commission.

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**CONSENT CALENDAR:**

**1. Streetscape and Transportation Advisory Minutes – May 18, 2020**

**Recommended Actions:** It is recommended that the Commission approve the minutes.

**PUBLIC HEARING:** None

**REGULAR AGENDA:** None

**NEW BUSINESS:**

**1. Overview of the Urban Forest Protection Ordinance**

**Recommended Actions:** It is recommended that the Commission take the following actions:

1. Receive and file the staff report and presentation; and
2. Ask any questions or provide comments to Staff.

**OLD BUSINESS:** None

**DIRECTOR'S REPORT:**

1. Capital Improvement Projects Update

**INFORMATION/COMMUNICATIONS :** None

## **STREETSCAPE AND TRANSPORTATION ADVISORY COMMISSION REQUESTS**

Commission members may make requests or ask questions of Staff. If a Commission member would like to have formal action taken on a requested matter, it will be placed on a future Commission Agenda.

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## **ADJOURNMENT**

The Streetscape & Transportation Advisory Commission CLOSE to the next regular meeting on Monday, November 17, 2020 at 6:00 p.m. in the City Front Community Meeting Room located at 401 East Chapman Avenue, Placentia CA, 92870.

## **CERTIFICATION OF POSTING**

I, Luis Estevez, Acting Deputy City Administrator, hereby certify that the Agenda for the September 21, 2020 Regular Meeting of the Streetscape and Transportation Advisory Commission of the City of Placentia was posted on September 17, 2020.



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Luis Estevez  
Acting Deputy City Administrator

**PLACENTIA STREETScape AND TRANSPORTAITON ADVISORY COMMISSION  
MINUTES OF THE REGULAR MEETING  
MAY 18, 2020**

**CALL TO ORDER:** Acting Deputy City Administrator called the meeting to order at 6:00 p.m.

**PRIOR TO ROLL CALL:** Prior to roll call Transportation Manager Paul Martin read into the record a notice regarding teleconferencing public meetings under the Brown Act during the COVID-19 health risks. He notes although the Council Chambers are currently closed to the public, public comment can be made by email to [gmerino@placentia.org](mailto:gmerino@placentia.org).

**ROLL CALL:**

Present: Commissioner Castillo, Polichetti, Rocke  
Absent: Commissioner Chadha

**STAFF PRESENT:**

Luis Estevez, Acting Deputy City Administrator  
Paul Martin, Transportation Manager  
Gilbert Merino, Office Assistant

**PLEDGE ALLEGIANCE:**

Commissioner Castillo conducted the Pledge of Allegiance.

**ORAL COMMUNICATIONS:**

Chairman Polichetti invited public comments on items which are not public hearings.

There was no public comments received.

**CONSENT CALENDAR:**

**1. Streetscape and Transportation Advisory Minutes – January 21, 2020**

**Recommended Actions:** It is recommended that the Commission approve the minutes.

Chairman Polichetti asked the Commission if they had any comments regarding the approval of the Minutes from the January 21, 2020 Streetscape and Transportation Commission Meeting. No comments were given.

**MOTION BY Commissioner Castillo to accept Staff's recommendation. SECOND by Commisioner Roth and CARRIED by 3-0-1-0 vote.**

Ayes: Castillo, Polichetti, Rocke

Noes: None  
Absent: Chadha  
Abstain: None

**PUBLIC HEARING:** None

**REGULAR AGENDA:** None

**NEW BUSINESS:**

**1. Mid-Block Crosswalks Inventory:**

**Recommended Actions:** It is recommended that the Commission take the following actions:

1. Receive the staff report and consider public input; and

Transportation Manager Paul Martin discussed the results of the Mid-Block Crosswalk Inventory analysis including the impact of the OC Active report from the Orange County Transportation Authority.

Chairman Polichetti asked if there were any grant funding opportunities to modernize the Mid-Block Crosswalk Inventory. Transportation Manager Martin responded to the Commissioner's question and highlighted several available opportunities including the City's active pursuit of grants from the following grant programs: Highway Safety Improvement Program, Active Transportation Program, and Bicycle-Pedestrian Improvement Program. Chairman Polichetti had no further questions or comments.

Commissioner Castillo inquired about whether the Bastanchury and Valencia intersection were on Staff's immediate list for improvements. Transportation Manager Martin noted that the City was awarded grant funding under Caltran's Highway Safety Improvement Program and the intersection of Bastanchury and Valencia is one of the five intersections scheduled for improvements under this program funding.

Commissioner Polichetti inquired on whether any public comments was received. Office Assistant Gilbert Merino noted that no public input being received. No further questions were discussed by the Commissioners.

**MOTION BY Commissioner Castillo to accept Staff's recommendation. SECOND by Commissioner Rocke and CARRIED by 3-0-1-0 vote.**

Ayes: Castillo, Polichetti, Rocke  
Noes: None  
Absent: Chadha  
Abstain: None

**OLD BUSINESS:** None

**DIRECTORS' REPORT:**

1. Capital Improvements Projects Update

Acting Deputy City Administrator Estevez provided the Commission an update on the City's on-going slurry seal and arterial rehabilitation projects including the status, project area, and next phase in the projects. Acting Deputy City Administrator Estevez welcomed comments from the Commission.

Commissioner Castillo inquired if COVID-19 will be a factor in hindering the City timeline in any of the City's street maintenance and rehabilitation projects. Acting Deputy City Administrator Estevez stated there is no potential effect of COVID-19 affecting the City's timeline for these projects. Commissioner Castillo had no further questions.

Vice-Chair Rocke asked if funding was secured for these projects. Acting Deputy City Administrator Estevez responded to the Commissioner's question and explained that the funding for the current projects is secure including the upcoming Arterial Roadway Rehabilitation Project. He also noted that there is a potential for cost-savings due to current low oil prices. Vice-Chair Rocke had no further questions.

Chairman Polichetti inquired if stay-at-home orders allowed for the City to speed up the progress of completing roadway rehabilitation projects. Acting Deputy City Administrator Estevez discussed how the speed of project completion is a factor of the overarching process of design, soliciting bids, and awarding contracts. Chairman Polichetti asked if a sidewalk renovation program still existed. Acting Deputy City Administrator Estevez stated that Staff is including sidewalk and curb and gutter repairs in the scope of work for roadway rehabilitation projects.

Commissioner Castillo asked if residents were responsible for repairing sidewalk damage caused by tree roots in the parkway. Acting Deputy City Administrator Estevez responded to the Commissioner's question and stated that homeowners were not financially responsible to repair sidewalks.

No further questions were discussed.

**INFORMATION/COMMUNICATIONS:**

1. Police Department Traffic Summary:

No updated was provided.

**STREETSCAPE AND TRANSPORTATION ADVISORY COMMISSION REQUESTS**

Commissioner Castillo inquired if the sidewalk on Shady lane was scheduled to be repaired. Acting Deputy City Administrator Estevez replied to the Commissioner's question and noted that Shady Lane is scheduled to be repaired in the immediate future.

No further requests were made.

**ADJOURNMENT:**

Chairman Polichetti closed the Streetscape and Transportation Advisory Commission Regular Meeting at 9:15 p.m. to the next regular meeting on July 20, 2020 at 6:00 p.m in the Front Community Meeting Room at 401 East Chapman Avenue, Placentia, CA

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Luis Estevez  
Acting Deputy City Administrator  
Secretary to the Streetscape and Transportation Advisory Commission



# Streetscape and Transportation Advisory Commission

## AGENDA STAFF REPORT

TO: STREETScape AND TRANSPORTATION ADVISORY COMMISSION  
FROM: LUIS ESTEVEZ, ACTING DEPUTY CITY ADMINISTRATOR  
DATE: SEPTEMBER 21, 2020  
SUBJECT: **OVERVIEW OF THE URBAN FOREST PROTECTION ORDINANCE**

### **SUMMARY:**

In 2018, the City Tree Advisory Ad-Hoc Committee was established by the City Council to help manage and protect the City's urban forest through the adoption of an Urban Forest Management Program, and an updated comprehensive municipal tree protection ordinance. In 2019, the City Council adopted the City's Urban Forest Management Program. This policy document includes various provisions pertaining to tree preservation and protection, serving as the framework for an updated municipal tree ordinance. On June 2, 2020, the City Council adopted the Urban Forest Protection Ordinance ("Ordinance"). The ordinance includes provisions and regulations that protect, preserve, and expand the City's Urban Forest and also outlines the role in responsibilities of the Streetscape and Transportation Advisory Commission ("Commission") in managing the City's urban forest.

### **RECOMMENDATION:**

It is recommended that the Streetscape and Transportation Advisory Commission take the following actions:

1. Receive and file the Staff report and presentation; and
2. Ask any questions or provide comments to Staff.

### **DISCUSSION:**

#### **Background**

The City's former tree ordinance was originally adopted in 1954 through Ordinance No. 132 and later incorporated into the Placentia Municipal Code as Chapter 14.12 entitled "Trees and Shrubs." The focus of this ordinance was on permitting and regulatory oversight of street trees and shrubs by the Public Works Department and Parks and Recreation Commission. Under the former ordinance, the responsibility for maintenance, planting and removal of parkway trees was placed on the adjacent property owner. In 2017, the City Council elected to re-assume responsibility for the maintenance of residential parkway trees. As part of that decision, the City Council directed Staff to implement a four-year tree grid pruning cycle, develop an Urban Forest

Management Program and ultimately a comprehensive update to the City's existing tree ordinance.

In 2019, the City Council adopted the City's Urban Forest Management Program ("Program"). The Program identifies long-term preservation and enhancement objectives and key management considerations including pruning standards, forest expansion, infrastructure maintenance, environmental resources, land use, aesthetics and community objectives. One of the goals outlined in the Program was to update the City's tree ordinance with a modernized ordinance. Over the past year, the City Council Tree Advisory Ad-Hoc Committee ("Committee") met four (4) times to review different policy options related to preserving and expanding the Urban Forest which formed the basis of the adopted tree protection ordinance. On April 8, 2020, the Committee reviewed the final draft of the ordinance, provided final comments, and directed Staff to present the ordinance to the entire City Council for its review and consideration. On May 5, 2020, the City Council conducted a public hearing and first reading of the ordinance and adopted the Ordinance on July 2, 2020.

### **Summary of the Ordinance**

One of the goals outlined in the Urban Forest Management Program was to update the City's tree ordinance with a modernized ordinance that includes provisions that protect, preserve, and expand the City's urban forest. The adopted Ordinance regulates the planting, removal and maintenance of City trees. City trees are defined as any tree which is located in a place or area under ownership or control of the City including but without limitation to streets, parkways, open space, and City-owned property. The Ordinance also contains a defined tree removal process that establishes criteria for the orderly removal of City trees when appropriate. The adopted Ordinance repealed the former tree ordinance in its entirety and replaced it with a new ordinance that protects the indiscriminate removal of healthy, mature trees within in the City; prohibits the destruction, "severe pruning," and "topping" of City trees; maintains trees and mitigates hazards; and provides for the enforcement and administration of tree protection.

Specifically, the adopted Ordinance (1) established a criteria for removal of City Trees; (2) established a process through which a property owner may apply for a tree removal; (3) designated the Streetscape Advisory and Transportation Commission as the Tree Advisory Board to review appeals; (4) prohibits any maintenance on City trees by any person other than City employees or contractors; (5) established a requirement for an existing tree survey and arborist report for development projects to ensure impacts to existing City trees are minimized; (6) requires mitigation for loss of trees as part of development projects; (7) established requirements of a Tree Protection Plan for construction work (8) established provisions for City trees when conducting sidewalk and street repair; (9) established penalties and fines to provide enforcement, and (10) established the Tree Replacement Mitigation Fund which is used to further tree replacement through tree planting and preservation programs.

Below is a list of the key sections and provisions of the Ordinance for reference:

- Section 14.12.070 - Removal of City Trees
- Section 14.12.080 - Property Owner Requests for Removals
- Section 12.12.120 - Requirements for Private Development Projects
- Section 14.12.130 - Protection of City Trees during Construction

- Section 14.12.140 - Sidewalk and Street Repair
- Section 14.12.150 - Prohibited Activities and Conditions
- Section 14.12.180 - Violations and Penalties
- Section 12.12.190 - Establishment of a Tree Replacement and Planting Fund

### **Process for Property Owner Requests for Removals**

One of the main components of the updated ordinance is a tree removal request process for Placentia residents to request removal of City trees in front or adjacent to their property. Under the ordinance, a property owner can submit a request to the Public Works Department to remove a City Tree. All tree removal request applications will be evaluated by the Director of Public Works or his/her designee based on the criteria for removal outlined in Section 14.12.070 titled "Removal of City Trees" of the Ordinance. If a tree removal request is approved, the property owner will be required to pay for the subsequent removal and the replanting of two (2), 24-inch box replacement City trees. This provision is intended to sustain the growth of the City's Urban Forest. The City will determine a viable planting site and it may or may not be adjacent to the removed tree or on the same property but within the same neighborhood to maintain the overall character of the neighborhood. As part of this process, the property may submit an appeal of the Director's decision to the Streetscape and Transportation Advisory Commission (Commission).

The Commission is responsible for reviewing and determining appeals from residents on staff decisions regarding street tree removals. A property owner must submit a written request for reconsideration within five (5) business days of the denial. After the appeal has been submitted in a timely manner to the Public Works Department, the appeal will be heard at the next available Commission meeting. The Commission may grant an appeal if it finds that the staff decision would result in a burden on the property owner that substantially outweighs the benefit to the public. The decision of the Commission is final. If the appeal is granted by the Commission, all removal and replacement costs will be borne by the applicant.

### **Enforcement of the Ordinance**

The adopted ordinance established penalties and fines to provide enforcement and deterred individuals from illegally removing or pruning a City Tree. Under Section 14.12.180 titled "Violations and Penalties" of the Ordinance, anyone who causes a City tree to be severely pruned, topped, damaged or removed, or that violates any of the terms of the ordinance are subject to the following penalties:

1. Any person who violates any provision of this chapter shall be subject to the penalties and enforcement remedies set forth in Chapter 1.08 titled "General Penalty" of the Placentia Municipal Code.
2. In addition to the penalty set forth above, any person who removes, damages, or destroys a City tree in violation of the provisions of this section shall pay a fee equal up to amount of up to five thousand dollars (\$5,000) per tree unlawfully injured or removed, or the full replacement value of said tree, whichever amount is higher. Such amount shall be payable to the City and be deposited into the Tree Replacement and Planting Fund.

### **Tree Replacement and Planting Fund**

Under the Section 12.112.190 of the Ordinance, a Tree Planting and Replacement Fund was for the purpose of replacing City trees that are illegally removed or damaged, to facilitate tree planting, to ensure mitigation or tree replacement when tree preservation or tree density standards are not met on a particular site, and to advance the City's goals for the urban forest and achieve equitable distribution of tree-related benefits across the City. Funds deposited into this fund may be used as follows:

1. To replace, establish, and maintain City trees illegally removed or damaged.
2. To plant, establish and maintain City Trees where, in the judgment of the Director, they will enhance the value of the Urban Forest.

Contributions to the Tree Replacement and Planting Fund may occur through a number of means, including:

1. Payment made in lieu of tree replacement as part of a tree removal approved as stated in this Chapter.
2. Payment made in lieu of preservation or planting where site or street characteristics or construction requirements make it infeasible to meet the requirements of this Chapter
3. Payment of restoration fees, civil penalties, or civil remedies resulting from enforcement actions for City Trees.
4. Voluntary contributions.

### **Implementation of Ordinance**

The ordinance became effective July 2, 2020 and Staff has been updating its applications and the City's website to begin implementing new programs and policies as part of the City's Urban Forest Management Program such as the Expand the Forest Program. Through this program, residents will be able to purchase a new tree to be planted in a City park to commemorate a loved one or a special occasion. Once planted, the City will then assume maintenance responsibilities to care for the tree. This program has proven popular in other communities and provides the public with an opportunity for civic involvement and allows the City to continue to expand its urban forest. Staff is finalizing the outreach materials to open the Expand the Forest Program to the public and anticipates launching the program in August. When the program is launched, this information will be made available via our City website at [www.placentia.org/urbanforest](http://www.placentia.org/urbanforest) and advertised through social media pages, City Administrator Weekly and quarterly newsletter.

In addition, Staff will commence the application process to be officially recognized as a Tree City USA. The application period for the 2020 cycle will be open in September 2020. The Tree City USA program is sponsored by the Arbor Day Foundation in cooperation with the U.S. Forest Service, an agency of the U.S. Department of Agriculture and the National Association of State Foresters. The program provides direction, technical assistance, public attention, and national recognition for forestry programs in thousands of Towns and Cities. To qualify as a Tree City USA community, a City must meet four standards established by the Arbor Day Foundation and the National Association of State Foresters: 1) Designation of a Tree Board, 2) Adoption of a Tree Care Ordinance, 3) A Community Forestry Program with an annual Budget of at Least \$2 Per Capita and 4) Annual Arbor Day Observance and Proclamation. With the designation as a Tree City USA community, the City would become eligible for grants to promote local planting programs.

Prepared by:



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Elsa Y. Robinson  
Management Analyst

Reviewed and approved:



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Luis Estevez  
Acting Deputy City Administrator

Attachments:

1. City Council Ordinance No. O-2020-04 – Urban Forest Protection Ordinance
2. Urban Forest Protection Ordinance Presentation

## ORDINANCE NO. O-2020-04

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLACENTIA, CALIFORNIA REPEALING CHAPTER 14.12 ENTITLED "TREES AND SHRUBS" AND ADDING A NEW CHAPTER 14.12 ENTITLED "URBAN FOREST PROTECTION ORDINANCE" TO THE PLACENTIA MUNICIPAL CODE PERTAINING TO THE MANAGEMENT, PROTECTION AND PRESERVATION OF CITY TREES

#### City Attorney's Summary

Ordinance No. O-2020-04 adds a new Chapter 14.12 to the Placentia Municipal Code and, thereby, codifies the Urban Forest Management Plan in an enforceable Citywide ordinance. The City of Placentia recognizes that the environmental, economic, social and public health benefits provided by the urban forest along its streets and in its parks, are critical to maintaining an attractive city. Moreover, the City recognizes that this valuable resource must be prudently managed and expanded. The intent of the Urban Forest Management Program is to address the long-term management and maintenance of the City's trees through an effective management plan and policies as well as provide the community an active stake in the City's Urban Forest. The goals of the Urban Forest Management Program are to: 1) Maximize the environmental, economic and social benefits derived from the urban forest; 2) Resolve conflicts between City trees and other vital infrastructure while protecting both; 3) Increase public awareness of the many social, economic and environmental benefits of urban forestry practices; 4) Provide increased opportunities and preference for access for financial support for tree projects and contributing to a safer and healthier urban forest. The Public Works Director will develop, implement, and supervise tree planting, pruning, removal, and pest management; enforce City tree ordinances; and, coordinate urban forestry related activities with other divisions, departments, and outside agencies or groups. The Ordinance creates a Tree Advisory Commission. The Tree Advisory Commission's mission will be to recommend unbiased, citizen-based direction and alternatives regarding community tree management to City staff as well as hear appeals or consider request from private parties to remove City trees.

#### A. Recitals

- (i) The City of Placentia, California (City), has a strong interest in encouraging the protection of its urban forest;
- (ii) The City has adopted an Urban Forest Management Program in 2019 to help properly plan, manage and maintain its urban forest;

(iii) The City Council finds that additional protections are required to protect its urban forest and its public trees;

The City Council finds that it is necessary to amend its Municipal Code to provide for this additional protection;

**B. Ordinance**

NOW, THEREFORE, the City Council of the City of Placentia does hereby find, determine and ordain as follows:

SECTION 1. The City Council finds that all the facts, findings, and conclusions set forth above in this Ordinance are correct.

SECTION 2: Chapter 14.12 of Placentia Municipal Code, currently entitled "Trees & Shrubs is hereby repealed in its entirety and new Chapter 14.12 is hereby added to the Placentia Municipal Code as contained in Exhibit "A" (attached).

SECTION 3. Severability. If any provision(s) of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end, the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, even though any one or more sections, subsections, clauses, phrases, parts or portions thereof was declared invalid or unconstitutional.

SECTION 4. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

**INTRODUCED** at a regular meeting of the City Council of the City of Placentia held on May 19, 2020.

**PASSED, APPROVED AND ADOPTED this 2nd day of June 2020.**

  
\_\_\_\_\_  
Ward L. Smith, Mayor

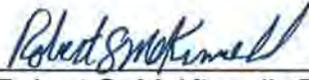
ATTEST:

  
\_\_\_\_\_  
Robert S. McKinnell, City Clerk

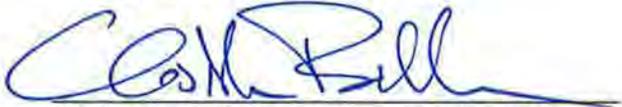


I, Robert S. McKinnell, City Clerk of the City of Placentia, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Placentia, held on the 19<sup>th</sup> day of May 2020 and adopted at a regular meeting of the City Council of the City of Placentia, held on the 2<sup>nd</sup> day of June 2020 by the following vote:

AYES:	Councilmembers:	Green, Shader, Wanke, Yamaguchi, Smith
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None
ABSTAIN:	Councilmembers:	None

  
\_\_\_\_\_  
Robert S. McKinnell, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Christian L. Bettenhausen, City Attorney

**Exhibit "A"**

## CHAPTER 14.12 – URBAN FOREST PROTECTION ORDINANCE

### Sections:

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#### **14.12.010 - Purpose.**

A City's Urban Forest is an integral part of its character as well as its infrastructure. Properly planned, managed, and maintained, the urban forest provides significant ecological, health, and economic benefits. This chapter establishes policies, regulations, and standards necessary to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, management, maintenance, preservation, and, where necessary, removal of trees within the City. The provisions of this chapter are enacted:

#### **14.12.020 - Definitions.**

"ANSI A300 Pruning Standards." Industry-developed, national consensus standards for the practice of tree care such as reasons to prune a tree may include, but are not limited to, reducing risk, managing tree health and structure, improve aesthetics, or achieving other specific objectives. Intended for use by federal, state, municipal, private entities including arborists, property owner's property managers, and utilities.

"Certified arborist" means a person who has demonstrated extensive knowledge regarding trees and their culture and holds a current arborist certificate by the International Society of Arboriculture and/or is a Registered Consulting Arborist by the American Society of Consulting Arborists.

"City tree" or "Public tree" or "Street tree" means any tree which is located in a place or area under ownership or control of the City including but without limitation streets, parkways, open space, public card and including City owned property under the operational control of another entity by virtue of a lease, license, operating or other agreement.

"Development" means any subdivision, or other action requiring a building permit or any discretionary permit or approval by the City.

"Director" means the Director of the Department of Public Works, or his or her designee.

"Destroy"." With regard to a tree, any act or omission, be it willful, careless, reckless, and/or unintentional, that results in (or is deemed to have resulted in) any physical state or condition in which a tree is dead or is so severely damaged that its death is imminent.

"Hazard or hazardous condition." Any condition in a tree that poses a significant and imminent threat of serious injury or harm to the public or catastrophic damage to real property.

"Injure" or "injury" shall mean any act which harms or damages a tree, including but not limited to impact, cutting, carving, transplanting, or knocking over, and includes but is not limited to the following: injurious attachment of any rope, wire, nail, advertising poster, or other contrivance to any street tree; intentionally or negligently allowing any gaseous liquid or solid substance that is harmful to a tree to come into contact with a tree; setting fire or intentionally or negligently permitting any fire to burn when such fire or the heat

therefrom will injure any part of any tree; pruning which in and of itself will kill or cause a tree to decline; or severing of all or part of a tree.

"ISA." The International Society of Arboriculture ("ISA") which is a professional association of arborists and tree workers that is recognized internally as one of the leading agencies in the research and establishment of high standards for all aspects of tree care.

"Maintain or maintenance." Maintenance includes both routine and major activities. "Routine maintenance shall include the act of routinely pruning, trimming, spraying, fertilizing, adequate watering, weed control, treating for disease or injury or any other similar act which promotes growth, health, beauty, and life of trees. "Major maintenance" shall include structural pruning as necessary to maintain public safety and to sustain the health, safety, and natural growth habit of the tree; pest- and disease-management procedures as needed and in a manner consistent with public health and ecological diversity; replacement of dead or damaged trees; and sidewalk repairs related to the tree's growth or root system.

"Parkway" means that portion of a public street which is not improved for actual street, curb, gutter or sidewalk use and which is available for planting and maintaining street trees.

"Property owner" means the legal owner of any real property situated in the City, and any lessee or authorized occupant of the legal owner.

"Pruning." Pruning, trimming, or thinning means to reduce the size of a tree using industry accepted standards, as established by the International Society of Arboriculture and/or the American National Standards Institute (ANSI) A300 Standards-Pruning, to control the height and spread of the tree, preserve its health and natural appearance, produce fuller branching and shaping, or make adjustments which will increase its longevity in an urban environment.

"Public benefit" means a public purpose, service or use that produces good or helpful results or effects or that promotes well-being for a community of residents; as a community and not merely as particular individuals.

"Public utility" means any company doing business as a public utility under the jurisdiction of the Public Utilities Commission of the state and any duly constituted public agency authorized to provide and providing utility service.

"Removal/remove." Removal or remove means the uprooting, cutting or severing of the main trunk, or major branches of a tree or any act which causes, or maybe reasonably expected to cause a tree to die, including but not limited to the following; inflicting damage upon the root system of a tree by machinery, storage of materials, or soil compaction; substantially changing the grade above the root system or trunk of the tree and excessively or severely pruning or root pruning.

"Tree Advisory Board" means the Streetscape and Transportation Advisory Commission

or the designated Tree Advisory Board as defined within this chapter.

"Root prune." The process of cutting roots behind the line of a planned excavation to prevent tearing and splintering of remaining roots.

"Topping," also known as "heading back," "stubbing," and or "pollarding" means a severe type of trimming which results in the indiscriminate cutting back of large diameter branches to stubs. Such severe practices disfigure the tree and is generally hazardous to the overall health and stability of a tree.

"Urban forest" or "urban forestry" means the ecology of native and nonindigenous plantings creating a forest in the human living environment, and emphasizing the practice of wise, professional, planned management of all tree resources within an urban area for multiple use and benefit of the entire community.

#### **14.12.030 - Authority and Responsibility**

The Director of Public Works shall have the authority and jurisdiction to regulate the management, maintenance, planting, care, and removal of City trees within the public right-of-way or on public property to ensure safety, protect the environment, or to preserve or enhance the aesthetics of such public sites. The responsibilities of the Director shall include but not be limited to the following:

- A. Prepare and maintain an Urban Forest Management Program.
- B. Develop and recommend to the City Council changes or additions to the Master Street Tree Plan.
- C. Develop tree maintenance guidelines and standards as they relate to street trees in public areas.
- D. Inspect the planting, maintenance and removal of all trees in public areas.
- E. Make determination over the appropriateness of tree removals in public areas.
- F. Review all landscaping plans as they affect trees in public areas.
- G. Coordinate with other City departments the planning and installation of all publicly required trees.
- H. Develop and maintain an ongoing program of public outreach and education in order to promote public understanding of the City's Urban Forest and public adherence to the standards and procedures established under the ordinance codified in this chapter.

#### **14.12.040 - Tree Advisory Board**

The Streetscape and Transportation Advisory Commission serves as the City's Tree Advisory Board. The Tree Advisory Board shall:

- A. Review and reconsider Tree Removal Requests pursuant to Section 14.12.080 of this Chapter.

- B. Make recommendations on designated tree species for specific streets and neighborhoods and shall be incorporated by reference into a future Master Street Plan.

#### **14.12.050 - Master Street Tree Planting Plan**

- A. The Public Works Department shall prepare or have prepared and submit to the City council for its adoption a Master Street Tree Planting Plan for the public streets of the City and recommend revisions thereto as conditions warrant. This plan shall include at a minimum:
  - 1. The type, variety, location and spacing of trees and shrubs to be planted.
  - 2. A map of the City which graphically portrays the master street tree plan.
- B. The Director shall be responsible for the administration of the Master Street Tree Planting Plan adopted by the City Council and shall control the planting, removal and maintenance of trees and shrubs in or upon the public streets of the City in accordance with the provisions of such plan and this chapter.

#### **14.12.060 - Duties and Responsibilities of Property Owners**

It shall be the duty and responsibility of all property owners to maintain the parkway adjacent to the owner's property, regardless of whether the property owner's property is developed. This maintenance shall include routine maintenance, adequate watering, and keeping such strips free from weeds or any obstructions contrary to public safety.

- 1. Property owners shall be responsible for watering mature City trees whenever landscaping of the property is changed in such a manner as to deprive the tree of its normal source of moisture. Such watering shall be continued during dry weather until the City tree becomes acclimated to the new environment but need not exceed three years. All watering requirements shall be waived to the extent they are inconsistent with governmental restrictions on water use.
  - 2. Property owners shall be responsible for watering young City trees planted in parkways adjacent to their property. Such watering shall be continued during dry weather until the City tree becomes acclimated but need not exceed three years. All watering requirements shall be waived to the extent they are inconsistent with governmental restrictions on water use.
  - 3. If a property owner wishes to modify the landscaping in the residential parkway in front of his or her property or adjacent to his property, the proposed landscaping should adhere to the City's Parkway Design Guidelines and require issuance of a City encroachment permit.
- B. It shall be the duty and responsibility of every property owner and occupant in possession of any real property within the City of Placentia, to keep all trees on

that private property trimmed in such a manner that there is a clearance of at least fourteen (14) feet above any street or alley, and a clearance of at least eight (8) feet over any sidewalk. It shall also be the duty and responsibility of every property owner and occupant in possession of any real property within the City of Placentia to keep all trees on that property trimmed in such a manner that they do not obstruct the view of any traffic sign or device for vehicle traffic in the direction controlled by that traffic sign or device. Property owners may be held liable for any dangerous condition of public property caused by the property owners' failure to perform these duties with respect to trees situated on private property.

#### **14.12.070 - Removal of City Trees**

The Director shall have the authority to remove a City tree based upon the following conditions:

- A. **Hazardous Trees:** The Public Works Department shall identify hazardous trees based on the severity of the following signs of decline:
  - 1. Large dead branches in the tree.
  - 2. Cavities or rotten wood along the trunk or in major branches.
  - 3. Mushrooms present at the base of the tree.
  - 4. Cracks or splits in the trunk or where branches are attached.
  - 5. Strong lean at the trunk.
  - 6. Many major branches arise from one point on the trunk.
  - 7. Damaged, broken or injured roots.
  - 8. Tree has been topped or otherwise heavily pruned.
  
- B. **Dead Trees:** Trees that are dead or have been determined by an ISA Certified Arborist to be in a state of severe decline with no available remedies to save the tree, although perhaps not an immediate hazard, shall be removed.
  
- C. **Emergency Removals:** Healthy trees may be removed if the Director or his designee decides an emergency condition exists, and tree removal is determined to be the only option available.
  
- D. **Public Safety:** Healthy trees may be removed if the Director or his designee decides that a public safety concern exists, and the tree removal is determined to be the only option available.
  
- E. **Other Removals:** Other examples where a condition shall warrant removal include:
  - a. **Diseased/Insect Infested Trees** - The tree is diseased, has lost its productive capacity, and is not likely to recover despite the application of available remedies. Trees that acquire an infectious disease or are infested with an insect that is declared to be a serious pest threat to other nearby

trees shall be removed, if removal is determined to be the best pest control solution by a Certified Arborist

- b. Building damage - If a tree is causing structural damage to a building, and the condition cannot be corrected without removing the tree, or severely damaging its root structure causing it to fail or potentially topple over.
- c. Surface Roots - In situations where tree roots have developed above the surface, an ISA Certified Arborist shall evaluate the roots and determine if root pruning can occur without jeopardizing the health and stability of the tree. Should the arborist decide that roots cannot be pruned without jeopardizing the tree, and those same roots pose a safety concern, the tree may be removed.
- d. Hardscape Damage - If hardscape repairs cannot be completed without severe root pruning which would jeopardize the health and stability of the tree, the tree may be removed. The general policy that shall be observed when repairing or replacing hardscape adjacent to a City tree is that the health and integrity of the tree take precedent over the installation of concrete or asphalt. Every effort shall be made to protect the tree from root or trunk damage.
- e. Several alternatives are available for accommodating the installation of new hardscape without severely infringing upon a tree's root system. Any hardscape installation that may involve the removal of an extensive portion of a tree's root system or may require the removal of one or more roots that are of a diameter greater than two (2) inches, shall first be evaluated by the Certified Arborist. If it is determined by the Certified Arborist that the removal of the offending roots might jeopardize the health or integrity of the tree, then one of the following alternatives should be considered:
  - f. Off-set. An offset is the tapering or reduction of a sidewalk's size down to a width no less than thirty-six (36) inches.
  - g. Reconfiguration. Sidewalks do not need to be constructed in a straight line. If the public easement can accommodate it, a sidewalk may be reconfigured to curve around a tree in a suitable manner. In some cases, the property owner may wish to extend the easement over their property to accommodate the installation of sidewalk without removing a tree. Any root removal that occurs while completing hardscape installation shall conform with the Root Pruning specifications provided by City staff.
  - h. In all cases, all sidewalk modification must conform to all current ADA or CBC standards

F. Reasons that are not valid for Tree Removal:

- a. Leaf litter in gutters, on sidewalks or private property.
- b. Messy/excessive fruit.
- c. Root intrusion into sewer laterals as a result of deteriorating infrastructure.
- d. Hardscape damage unless a feasible, economic solution exists to save the tree.

#### **14.12.080 - Property Owner Request for Tree Removal**

Property owners may submit a written request to the Public Works Department for removal of a City tree that is located within the public-right-of way in front of or adjacent to their property. Such written requests shall be submitted in writing on a Tree Removal Request Form, available on the City's official website. ANY APPROVAL BY THE CITY OF A TREE REMOVAL REQUEST DOES NOT GRANT ANY RIGHTS IN FAVOR OF THE REQUESTING PROPERTY OWNER; NOR DOES AN APPROVAL, IN AND OF ITSELF, FORM THE BASIS OF LIABILITY. Rather, an approval of a Tree Removal Request represents an acknowledgement that the City will endeavor to remove the tree(s) in due course.

- A. *Removal Criteria.* Only trees that are found to be dead, diseased, irreparably injured, hazardous, or in a condition that presents legitimate public safety concerns or conditions, as described in this Chapter, may be the subject of a Tree Removal Request.

The Director or his or her designee has the authority to approve or deny, in whole or in part, a Tree Removal Request seeking removal of a tree or trees is found to meet the removal criteria, set forth in this Section 14.12.080. The Director or his or her designee shall deny all Tree Removal Requests seeking removal of trees found not to meet the aforementioned criteria. The decision of the Director or his/her designee shall become final if a Request for Reconsideration is not timely filed.

- B. *Request for Reconsideration by Tree Advisory Board:* A property owner aggrieved by the denial of a Tree Removal Request, in whole or in part, may seek reconsideration of its Tree Removal Request by the Streetscape and Transportation Advisory Commission (in its capacity as the Tree Advisory Board) by submitting a written request for reconsideration within five (5) business days of the denial that sets forth the burden to the property owner caused by the denial.,
- C. The Streetscape and Transportation Advisory Commission, upon reconsideration of a Tree Removal Request, shall consider all findings and assertions of fact made by the Director or his/her designee as true, accurate, and conclusive. The Commission may grant the Tree Removal Request, in whole or in part; notwithstanding the conclusive facts, it finds that the burden to the property owner if the Request is denied substantially outweighs (1) the benefit that a denial provides to the public; *and* (2) the burden to the public if it is granted. The decision of the Commission is final.

- D. In so making its finding, the Commission may evaluate the following factors:
- i. Species of the tree.
  - ii. Size of the tree.
  - iii. Approximate age of the tree.
  - iv. Physical characteristics of the tree.
  - v. Environmental productivity of the tree.
  - vi. Safety of the property owner and general public will be considered.
  - vii. Asset value of the tree.
  - viii. Utility conflicts, both above and below ground, may be considered when evaluating a removal request.
  - ix. Species and age diversification may be considered to determine if the street would benefit from having a more diverse street tree population to reduce threats of deforestation.
- E. If the Commission grants the Tree Removal Request, subsequent removal of the tree(s) shall be at the property owner's cost and expense. Property owner shall also be responsible for the cost of procuring and planting two (2) replacement trees; and funds remitted to the City shall be deposited into the City's Tree Replacement and Planting Fund, as described in Section 14.12.090 of this Chapter.
1. A property owner timely seeking reconsideration by the Commission of a Tree Removal Request previously denied by the Director or his/her designee shall be provided a breakdown of the estimated costs and expenses that will become due from the property owner if the Commission grants the Request. Estimated costs will be determined based upon the City's current contract rates for removal and planting.
  2. After receipt of the cost estimates, and prior to the Commission reconsidering the Tree Removal Request, a property owner may submit to the Commission, on a form provided by the City, a written petition for relief from the aforementioned costs/expenses upon a showing of undue financial hardship.
  3. The Director shall determine available planting site(s) for replacement trees required by this Section. Director shall endeavor to find viable planting sites that are in the same neighborhood from which the tree(s) approved for removal were located; but such site need not be in the location/planting site where the removed tree(s) were planted.

#### **14.12.090 - Public Notification of Removal Requests**

- A. In an effort to encourage public participation, residents/merchants immediately surrounding the affected property shall be notified by mail of any property owner appeals/requests for a tree removal. A minimum of three properties adjacent to either side of the affected property shall be notified, as well as the closest three properties across the street. Staff will take into consideration unique geographic

factors when sending notification letters and may exceed the three-property minimum as deemed necessary. In addition, City staff will post a notice on the affected tree no less than 10 days prior to review by the Streetscape and Transportation Advisory Commission. The notice will include information on the proposed removal/property owner appeal and meeting dates, times, and locations.

Agendas for the Streetscape and Transportation Advisory Commission are posted a minimum of 72 hours prior to the meeting date for public review. Interested residents/merchants are invited to make public comment at the meetings or submit written comments for consideration. The Public Works Department may or may not be able to notify the public of emergency and hazardous tree removals due to the degree of urgency during these events.

#### **14.12.100 - Programmed Tree Removal and Replacement Program**

In an effort to minimize deforestation, a programmed removal and replacement program may be proposed by the Director or his/her designee. When considering a Tree Removal and Replacement Program, the severity of the following shall be evaluated:

1. Neighborhood impacts
  2. Grow space
  3. Species
  4. Age of trees
  5. Condition of trees
  6. Cost to repair hardscape damage
- Severity and frequency of reoccurring hardscape damage.

This programmed removal may, wherever possible, be scheduled on a multiple year schedule, removing alternative/intermittent trees so as to avoid neighborhood deforestation and coupled with later street rehabilitation or maintenance projects. Any plan proposed for phased removal of trees in a defined area must be specifically crafted to meet the needs of the particular area.

#### **12.26.110 - Work on City Trees.**

No permits will be issued to any person or entity for pruning or removal of City trees, and all pruning and removal of City trees shall be undertaken by employees or contractors of the City. Any person desiring to initiate special maintenance of a City tree by the City, may make a written request to the Director and pay the costs of service at rates established by the City's contract for tree maintenance services. Any such request will be considered based on the provisions of this chapter, and other ongoing City tree work and available resources.

#### **14.12.120 - Tree Survey Plan – Application Requirements for Private Development Projects**

Any applicant seeking discretionary land use entitlement application and/or building and engineering permits (including but not limited to grading, demolition or building permits) shall submit a Tree Survey Plan and Arborist Report separate from, but consistent with the required site plan, to assess tree impacts associated with proposed demolition or development, and establish tree protection measures for demolition or development when activity would occur within the dripline of a City tree.

##### **A. Requirements for Tree Survey Plan:**

1. Tree Survey Plan shall be consistent with a site survey (if said survey is required by the associated Building, Planning or Engineering Permit or application) prepared by a licensed Surveyor or registered Civil Engineer with the existing trees plotted with accurate trunk locations and the dripline areas.
2. The Existing Tree Plan shall be a separate sheet that depicts:
  - a. Property lines and easements;
  - b. The locations of existing tree(s) or groups of trees, including driplines with each tree numbered, and identified by trunk diameter at breast height (DBH), with an "X" through each tree proposed for removal, including on-site trees and trees adjacent to the project site, with driplines overhanging the project site;
  - c. Identifies all City Tree(s) located upon the property and identifies those City Trees that are proposed to be removed or that may be affected by the proposed development;
  - d. A table listing each tree by number, DBH, genus, species, common name and health;
  - e. For Demolition permits, show the building footprint for the structure to be removed;
  - f. The footprint of any existing or new structures, including additions;
  - g. The location of existing and proposed site utilities, including water, sewer, drainage, gas, underground electrical, voice/data, septic field, well head, or other.

##### **B. Requirements for Arborist Report:**

1. The applicant shall submit a report from a Certified Arborist describing the condition of existing trees, the anticipated impacts of grading, trenching and construction on City trees and recommending migration and specific protective measures to be implemented prior to commencement of grading or construction to minimize potential adverse applicants. The report, based on the findings of the tree survey plan and other necessary information, shall be used to determine the health of existing trees, the effects of the proposed development upon the City trees and recommendations for any special precautions necessary for the preservation of the City trees.
2. The report shall also include the following:

- a. Assessment of the tree condition for all City trees, and any measures necessary to protect trees on site during demolition or construction, including any remedial measures necessary to sustain impacted trees
  - b. Identifies which City tree(s) are proposed for removal.
  - c. Reasons for proposing removal of a City tree(s).
  - d. An appraisal of all trees to be preserved and proposed for removal utilizing the most recent edition of the Guide for Plant Appraisal (published by the International Society of Arboriculture).
  - e. The number of replacement trees calculated using the City's tree replacement matrix as noted in subsection F of Section 14.12.120.
  - f. The number of required on-site replacement trees would inhibit healthy growth (e.g., overcrowding of new trees; interfere with roots and canopy of existing protected trees and street trees).
  - g. General health of tree to be trimmed, cut down or removed.
- C. Upon receipt of the Tree Survey Plan and Arborist Report, the Director or his/her designee shall visit and inspect the subject property and the proposed tree(s) for removal and shall ascertain the following:
1. Confirm that the City tree or trees in question are in fact are City trees.
  2. The general health, vigor, and condition of the tree(s).
  3. The presence of existence of any signs of disease, decay, or infestations that may be present.
  4. Any damage or the potential to cause damage to public infrastructure, utilities, and property caused by the tree.
  5. Any hazardous conditions or imminently hazardous conditions that may be present. If so, a tree risk assessment will be performed by the Director. The cost incurred by the City for the tree risk assessment, requiring a certified arborist's report or tree appraisal shall be paid by the applicant.
- D. Third-Party Peer Review: When deemed necessary by the Director, a certified third-party peer arborist review may be required (at the cost of the applicant) to:
1. Review the applicant's Arborist Report.
  2. Physically inspect and evaluate the tree (s) proposes for removal.
  3. Provide a written analysis to include the peer review arborist's findings and recommendations.
  4. The peer review arborist's comments may almost include recommendations regarding tree replacement.
- E. The Director or his/her designed may approval tree removal associated with a permit or discretionary land use application if any one or more of the following findings can be made:
1. The City tree(s) unreasonably restricts the permitted use of the property.
  2. A proposed development cannot be located on the site without tree removal.
  3. The property owner has made every reasonable effort to incorporate existing trees in the development project and to minimize the number of trees removed.

4. The City tree(s) is significantly damaging existing structures and cannot be mitigated through proper arboricultural practices or reasonable modifications to the property.
5. The City tree(s) interferes with utility services and cannot be mitigated through proper arboricultural practices.
6. The City tree(s) creates an on-going safety problem for the existing development and cannot be mitigated through proper arboricultural practices.
7. The City tree(s) is obstructing safe sightlines.
8. The City tree(s) is growing too close in proximity to another more valuable tree(s) to permit normal growth and development of the affected tree(s).
9. The condition of the City tree(s) is such as to create a hazardous condition.
10. The City tree(s) pose a threat to the public health and safety.

F. Replacement Tree Required: Any City tree approved for removal under this section shall be replaced using the following tree replacement matrix:

1. Tree Replacement Matrix:

Trunk of Removed Tree Diameter at Breast Height	Replacement Trees	
	Number	Size
8-12 inches	4	15-gallon, or;
	2	24-inch box
13-18 inches	8	15-gallon, or'
	4	24-inch box, or'
	2	36-inch box
19-36 inches	8	24-inch box, or;
	4	36-inch box
37+ inches	12	24-inch box, or;
	8	36-inch box

2. The species of the replacement trees shall be determined by the Director.
3. Such monies shall be deposited in the Tree planting and replacement fund.
4. Payment into the City's Tree Planting and Replacement Fund, if on-site replacement is not suitable due to site constraints such as, but not limited, to the location of existing structures and vegetation. Payment in-lieu of each required replacement tree shall be equal to the estimated cost required to buy, transport, and plant a 15-gallon, 24"- or 36"-boxed tree of a species and size.
  - i. Costs will be determined based upon the City's current contract rates for tree removal and planting services.

G. Performance Security. The Director may, at his/her discretion, require an applicant to post a cash deposit or other performance security acceptable to the City guaranteeing the applicant's compliance with conditions of approval and city provisions regarding tree protection and preservation.

1. The performance security must be posted with the City prior to issuance of any permit or approval and shall be governed by the following provisions:

2. The Director shall establish the amount of the performance security which shall be equal to the estimated value of the City Trees to be preserved and removed.
3. The performance security shall remain in effect for the time period determined by the Director.

H. Conditions. The Director or other applicable City decision-making body may impose reasonable conditions of approval, consisted with the purpose of this chapter, to ensure safe removal, replacement, relocation, demolition; and maintenance of replacement trees; and to ensure that any nearby trees not approved for removal are protected. Failure of the property owner or the property owner's agent or tenant to comply with any condition of approval or other provisions of this Chapter is a violation of the Placentia Municipal Code.

#### **14.12.130 - Protection of City Trees during Construction.**

All applicants for demolition, grading, building permits on property containing one or more City trees shall prepare a tree protection plan and obtain a tree permit from the Director pursuant to this policy.

- A. Tree Protection Plan is required prior to issuance of permit
  1. The plan shall ensure that the tree, including its root system, is adequately protected from potential harm during demolition, grading and construction that could cause damage to the City tree. Such harm may include excavation and trenching, construction and chemical materials storage, stormwater runoff and erosion, and soil compaction. The plan shall be prepared and signed by a certified arborist and approved by the Director. The Director may refer the plan to a City-selected arborist for review and recommendation. The plan needs to prepared according to ISA ANSI 300 standards for tree construction and construction management. The cost of this review shall be borne by the developer/applicant requesting said permit.
  2. The Director may require that a certified arborist be present on the project site during grading or other construction activity that may impact the health of the tree(s) to be preserved.
- B. Damage to any tree during construction shall be immediately reported to the Director so that proper treatment may be administered. The Director may refer to a city-selected arborist to determine the appropriate method of repair for any damage. The cost of any treatment or repair shall be borne by the developer/applicant responsible for the development of the project. Failure to notify the Director may result in the issuance of a stop work order.
- C. The Director may waive the requirement for a tree protection plan if he or she determines that the grading or construction activity is minor in nature and that the proposed activity will not significantly modify the ground area within or immediately surrounding the dripline of the tree(s).

#### **14.12.140 - Sidewalk and Street Repair.**

The City agrees to perform major maintenance to city trees, sidewalks, and streets. The repair of sidewalks, curbs, gutters or streets may create a need to prune tree roots to the extent that the tree is damaged or becomes unstable. When this occurs, the Director of Public Works shall consider the following in lieu of action that may damage, destabilize or cause the removal of a tree:

1. To not make such improvements.
2. To displace the sidewalk laterally away from the tree trunk, either locally for each tree, or uniformly along length of the street.
3. To displace the curb and gutter laterally into the paved roadway of the street, either locally, or uniformly along a length of the street, which in some cases may necessitate the prohibiting of street parking of vehicles at all times, provided such displacement does not create traffic hazard, or conditions adverse to proper street sweeping or drainage.
4. To defer repairs with temporary asphalt patch to eliminate hazard.
5. To widen the parkway.
6. To relocate the sidewalk or curb.
7. To eliminate the sidewalk on one side of the street.
8. To raise the sidewalk.

#### **14.12.150 - Prohibited Activities and Conditions.**

It is prohibited and unlawful for any person to cause, or allow the following activities or conditions to occur:

- A. Damage, injure, carve, disturb, transplant, prune, root prune or remove any City tree, or undertake any other action that may directly or indirectly affect the health or welfare of a City tree.
- B. Attach, cause to be attached or keep attached to any City tree, or to the guard or stake of a City tree, any rope, wire nails, tacks, staples, advertising posters, decorations, ornaments, flags, toys, swings, lights or any other contrivance whatsoever without first obtaining a permit or explicit approval from the City.
- C. Cause or allow any poison or other substance harmful to tree life to lie, leak, pour, flow or drip upon or into the soil within the drip line of any City tree or set fire or permit any fire to burn when such fire or heat thereof will injure any portion of a City tree ; or to operate any device, equipment, object or tool such as a mechanical weeding device, in such a manner as to cause damage to a City tree in any way.
- D. No person shall injure any public tree located within a City owned easement or public right-of-way on his or her private property by neglecting to provide the necessary amount of water, as determined by the terms of this chapter, required for said tree's continued good health and viability.

- E. No person shall impact the drip line area of a City tree in a way that may reasonably be expected to damage the root system, compact the soil over the roots, or impede free passage of water, air or fertilizer to the roots of any City tree.
- F. During the construction, repair, alteration, moving or removal of any building, structure of any other type of construction in the City, no person in control of such work shall leave any City tree, shrub or plant in the vicinity of such activity without sufficient guards or protectors to prevent injury to the tree, shrub or plant in connection with such construction, repair, alteration, moving or removal. The costs of any such protection shall be borne by the person responsible for the improvement.
- G. It is unlawful as a normal practice for any person, firm or City department to top any street tree, park tree or other tree on public property. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from the ordinance codified in this chapter at the determination of the Director.

#### **14.12.160 - Utilities.**

Any person doing business as a public utility or on behalf of a public utility subject to the jurisdiction of the public utilities commission of the state and any constituted public agency authorized to provide and providing utility service that maintains any overhead wires or underground pipes, or conduits shall obtain written permission from the Director before performing any maintenance work on the wires, pipes, or conduits which would cause injury to City trees. The public utility shall in no way injure, deface, prune, or scar any City tree until their plans and procedures have been approved by the Director.

Any person doing business as a public utility or on behalf of a public utility subject to the jurisdiction of the public utilities commission of the State and any constituted public agency authorized to provide and providing utility service, shall be given a permit by the Director, valid for one year from the date of issuance, permitting such person to trim, prune, brace or perform other acts, except removal, with respect to trees growing on parkways or on public areas of the City as may be necessary to comply with the State and safety regulations of said commission and as may be necessary to maintain the safe operation of its business.

#### **14.12.170 – Sewer Lateral Line Tree Root Intrusion.**

The property owner is responsible for maintaining, cleaning and servicing the sewer lateral from the house or building to the connection at the public sewer line in the street. This includes the portion of the lateral on private property and the portion in the right-of-way or public easement.

- A. Root intrusion into a private sewer lateral is typically a symptom of a pre-existing defect in the wall of the sewer lateral. Tree roots seek out water and nutrient

sources. If a sewer lateral is cracked and leaking, tree roots will force their way into sewer laterals via those damaged sections. If the roots entered at a damaged and leaking joint or connection of a sewer lateral, the property owner is responsible to repair or correct the situation.

- B. If it is determined that the root ball from a City tree has broken or crushed the sewer lateral, a property owner may file a claim with the City. The property owner follows the City's claim filing procedure to ensure that the request provides the best available information in its review consideration.
- C. The City does not pay for the replacement of undamaged pipe sections, or system upgrades including clean-outs or backflow valves. If the property owner believes a City owned tree has caused the problem, the owner should contact the City with evidence of such cause.
- D. Root intrusion into sewer laterals shall not be grounds for removal of a tree in the public right-of-way. The property owner is responsible for regular cleaning or root treating or replacing the lateral
- E. The City does not remove trees for sewer issues. Removing a tree or shrubbery will not solve the issue, as existing roots from surrounding vegetation can still enter a broken sewer lateral.
- F. If it is determined that a root ball from a previously planted City tree has broken or crushed the sewer lateral, the City will repair the broken/crushed section of the pipe.
- G. Root Intrusion from Lateral into Main Line: The Public Works Department is responsible to notify property owners in writing when they find roots from a sewer lateral protruding into the sewer main line. The property owner is responsible for removal of the intruding roots.

#### **14.12.180 - Violations and Penalties.**

- A. Any person who violates any provision of this Chapter shall be subject to the penalties and enforcement remedies set forth in Chapter 1.08 titled "General Penalty" of this Code and all remedies available to the City by law.
- B. In addition to the penalty set forth above, any person that removes, damages, injures, or destroys a City tree in violation of the provisions of this Chapter shall pay a fine equal to the full amount of the replacement value of the tree, or \$5,000, whichever is greater . Such amount shall be payable to the City of Placentia and deposited into the Tree Replacement and Planting Fund.
  - a. Replacement value for the purposes of this section shall be determined by the current value of such tree as reflected in the City's existing tree inventory database, which is updated on an annual basis.

#### **14.12.190 - Tree Replacement and Planting Fund.**

- A. Purpose. The purpose of the Tree Replacement and Planting Fund is to replace City Trees illegally removed or damaged, to facilitate tree planting, to ensure mitigation or tree replacement when tree preservation or tree density standards are not met on a particular site, and to advance the City's goals for the urban forest and intend to achieve equitable distribution of tree-related benefits across the City.
- B. Expenditures. Money in the Tree Replacement and Planting Fund may be used as follows:
  - 1. To replace, establish, and maintain City trees illegally removed or damaged;
  - 2. To plant, establish and maintain City trees where, in the judgment of the Director, they will enhance the values of the Urban Forest.
- C. Contributions. Contributions to the Tree Replacement and Planting Fund may occur through a number of means, including:
  - 1. Payment made in lieu of tree replacement as part of a tree removal approved as stated in this Chapter.
  - 2. Payment made in lieu of preservation or planting where site or street characteristics or construction requirements make it infeasible to meet the requirements of this Chapter.
  - 3. Payment of restoration fees, civil penalties, or civil remedies resulting from enforcement actions for City Trees.
  - 4. Voluntary contributions.
- D. Administration of Tree Replacement and Planting Fund. The Tree Replacement and Planting Fund. is administered by the Director, maintained in a dedicated separate account, and is independent of the general fund. Any balance in the Tree Replacement and Planting Fund will be carried forward into subsequent fiscal years.

#### **14.12.200 - Public Nuisances.**

Trees in the City are public nuisances under the following conditions:

- A. Any tree on private property that has any contagious infection, disease or affliction, or any insects, which if left uncontrolled would harm a City tree.
- B. Any tree on private property that is growing, dying, dead or standing in such a manner, or that has had its ground support weakened by rain, wind or other cause, or that from any other cause is in such condition, that such tree or any part thereof

is dangerous or detrimental to the public health, safety or welfare, or to any public property or street in the City, or to any person.

**14.12.210 - Abatement of Nuisance**

Trees determined to be a public nuisance shall be dealt with pursuant to Chapter 8.06 of this municipal code.

**14.12.220 – Enforcement**

The Director of Public Works or his/her designee is charged with the responsibility for the enforcement of the ordinance codified in this chapter and may serve notice to any person in violation thereof or institute legal proceedings as may be required, and the City Attorney is hereby authorized to institute appropriate proceedings to that end.

**14.12.230 – Severability**

If any one portion or section of this ordinance shall be determined to be invalid, the remaining portions or sections shall remain in full force and effect.

**14.12.240 - Regulations of Trees on Private Property**

Reserved.

**14.12.250 - Heritage Trees**

Reserved.



# Urban Forest Protection Ordinance

Streetscape and Transportation Advisory  
Commission Meeting  
September 21, 2020



# Background

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April 2017: City Council took back responsibility of City Trees and directed Staff to develop a Urban Forest Management Program

January 2018: City Council Study Session on Urban Forest Management Program

May 2019: Adoption of Urban Forest Management Program

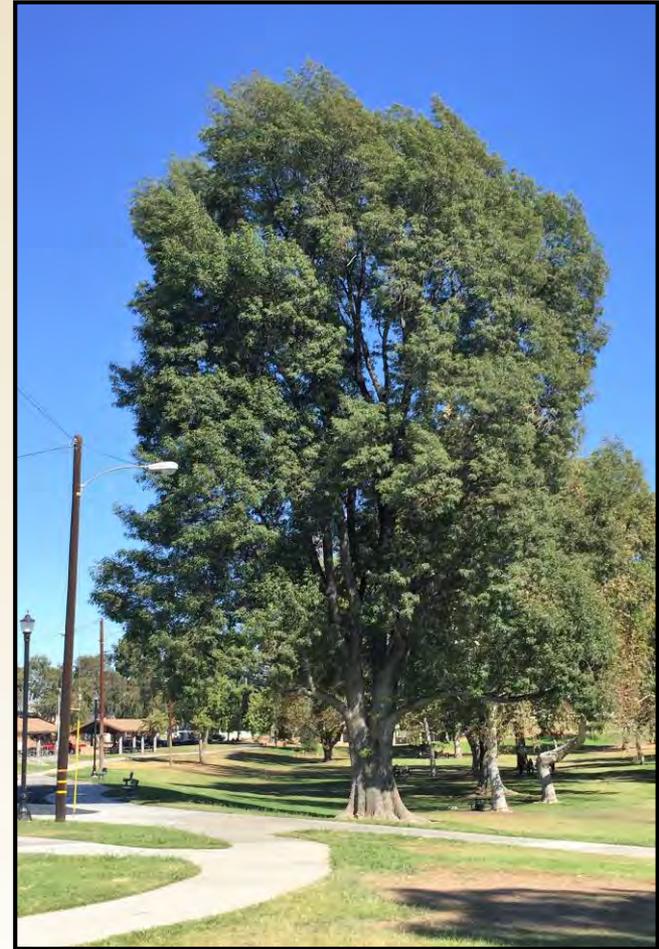
June 2020: Adoption of Urban Forest Protection Ordinance

July 2020: Ordinance became effective July 2, 2020



# Applicability of Ordinance

- Applies to only to City Trees within in any public park, City easement, or any, other City-owned property
- Does not apply to trees on private property including those maintained by HOAs (future policy discussion)
- Does not designate Heritage Trees (future policy discussion)



# Overview of Ordinance

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- Parameters for Tree Protection & Preservation
  - Criteria for removal of City Trees
  - Prohibition of unauthorized removal and activities of City Trees
  - Tree protection measures during development projects and construction
  - Provisions for City trees when conducting sidewalk and street repairs
  - Procedures for addressing sewer lateral root intrusion issues
- Procedures for Tree Removals
  - Tree removal requests by property owners
  - Appeal process to Streetscape and Transportation Advisory Commission
  - Mitigation measures for loss of City Trees as part of private development projects
- Enforcement
  - Penalties and fines to provide enforcement



# Tree Removal Requests

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## Section 14.12.080 - Property Owner Request for Removals

- Residents can submit a tree removal request to Public Works via phone, in-person or by email.
- Director of Public Works (Director) or his/her designee will review and approve or deny requests
- Residents can appeal decisions to the Streetscape and Transportation Advisory Commission (Commission) within 5 days of a denial
- If a removal request is approved by Director or on appeal to the Commission, the property owner will be required to pay for the removal and two (2), 24" box replacement City trees
  - May or may not be adjacent to the removed tree
  - Within the same neighborhood



# Appeal Process

1. A request to remove a City tree has been denied by the Director.
2. A property owner can submit a written appeal any time after their request to have a City tree removed has been denied by the City. The City Tree Removal Appeal Form is available online at [www.placentia.org/urbanforest](http://www.placentia.org/urbanforest) or in-person at the Public Works Department inside City Hall.
3. A property owner must submit a written request for reconsideration within five (5) business days of the denial.
4. After the appeal has been submitted in a timely manner, the appeal will be heard at the next available Commission meeting.
5. The Commission may grant the Tree Removal Request, in whole or in part; notwithstanding the conclusive facts, it finds that the burden to the property owner if the Request is denied substantially outweighs (1) the benefit that a denial provides to the public; and (2) the burden to the public if it is granted. The decision of the Commission is final.
6. If the appeal is granted by the Commission, all removal and replacement costs will be borne by the applicant.



# Summary of Tree Removal Criteria

Trees will be removed based on the following conditions as described in the Ordinance :

1. Hazardous Trees
2. Dead Trees
3. Emergency Removals
4. Public Safety
5. Diseases/Insect Infested Trees
6. Building Damage
7. Surface Roots
8. Hardscape Damage

Trees will be not removed due to the following:

- Leaves getting into gutters on to sidewalks or private property or a nuisance to remove
- Messy fruit
- Roots getting into the sewer lines as a result of deteriorating infrastructure
- Hardscape damage unless a feasible, economic solution exists to save the tree



# Unauthorized Tree Removal and Deterrents

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- **Section 14.12.180 - Violations and Penalties.**
  - Subject to penalties and enforcement remedies set forth in Chapter 1.08 titled “General Penalty” of this Code
  - A fine equal to replacement value of the tree or \$5,000, whichever is greater
  - Fines will be deposited into the Tree Replacement and Planting Fund

**PENALTY!**



# Tree Replacement and Planting Fund

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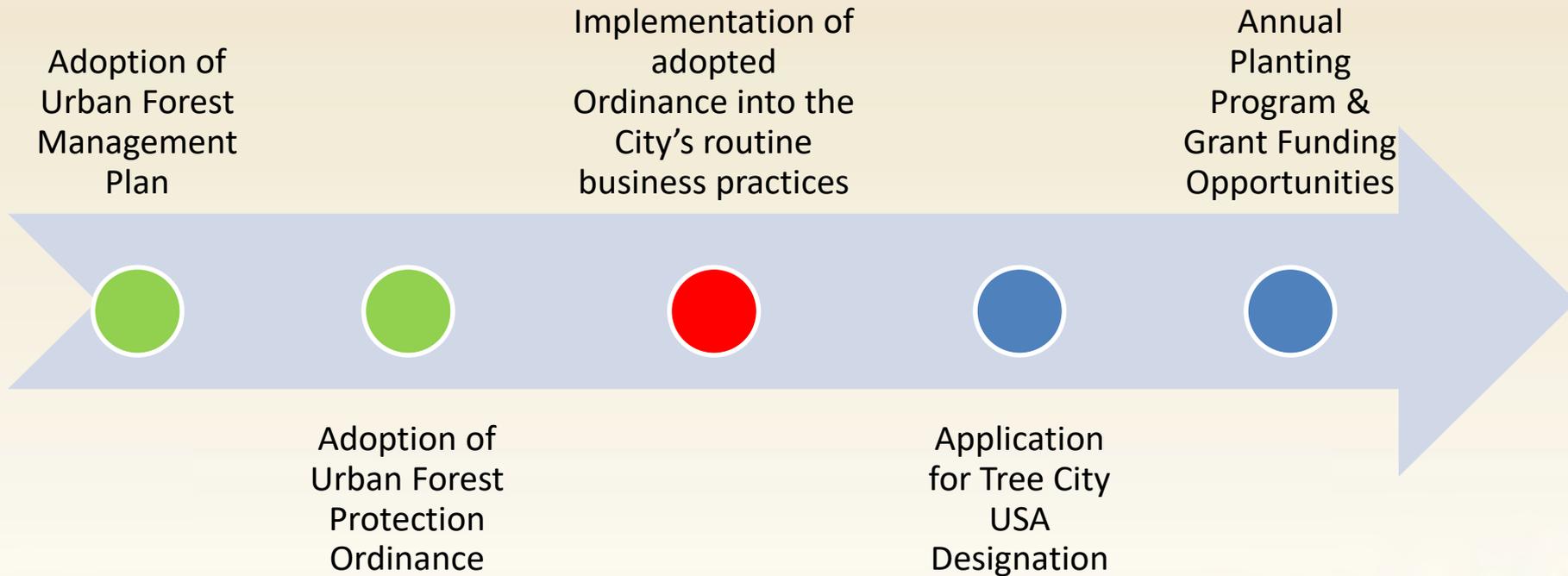
## Section 12.12.190 - Establishment of a Tree Replacement and Planting Fund

- Source of Funds
  - Payment of tree replacement as part of approved tree removal requests
  - In-lieu payment of replanting trees where site or street characteristics or construction requirements make it infeasible
  - Payment of fees and fines resulting from enforcement actions for City Trees
- Use of Funds
  - Funds will be use to replace illegally removed or damaged City Trees; and to replace trees as a result of approved tree removal requests
  - Replacement trees will be planted in a viable planting site. It may or may not be adjacent to the removed tree or on the same property but within the same neighborhood to the maintain the overall character of such neighborhood



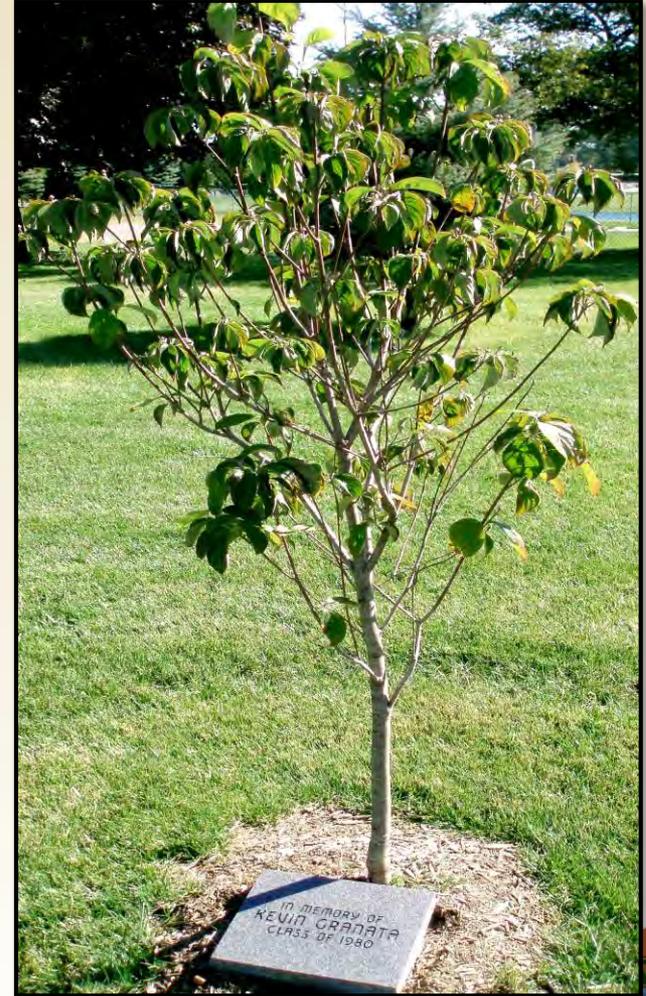
# Implementation of Ordinance

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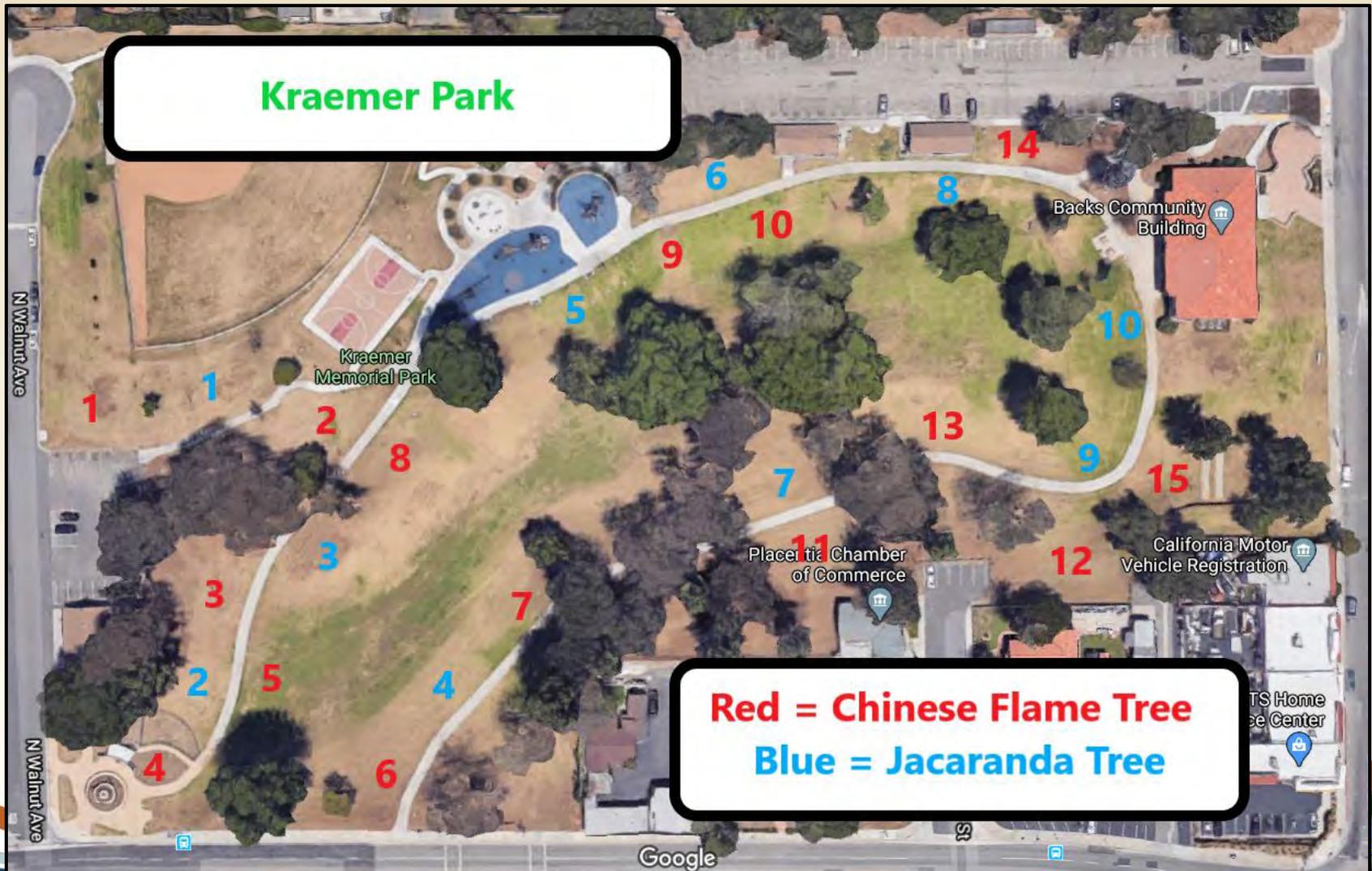


# Expand the Forest Program

- Opportunity for residents to purchase a tree to dedicate in honor of loved one or special event
- Participation by application
- Memorial Trees to be planted in City Parks
- Location and tree species are pre-determined by City
- Cost is current contract price paid by the City for 24" box trees



# Location Examples



# Available Resources

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[www.placentia.org/urbanforest](http://www.placentia.org/urbanforest)

[urbanforest@placentia.org](mailto:urbanforest@placentia.org)



# Questions & Comments

