

LEGISLATIVE DIGEST

[Planning and Public Works Codes - Required Street Trees]

Ordinance amending Planning Code, Section 138.1, and Public Works Code, Section 806, to shift the authority to require street trees in the case of certain types of development projects from the Planning Department to Public Works; amending Public Works Code, Section 812, regarding Public Works staff with enforcement authority; affirming the Planning Department's determination under the California Environmental Quality Act; and making other findings, including findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

Planning Code Section 138.1 imposes certain Better Streets Plan requirements on development projects, including requirements on street trees and an in-lieu fee payment for such street trees if the Zoning Administrator makes specific findings. Public Works Code Article 16, Sections 800 et seq. is known as the Urban Forestry Ordinance and governs the planting, maintenance, and removal of street trees.

Amendments to Current Law

This legislation would remove the authority regarding street tree planting requirements and in-lieu street tree fee payments from the Planning Department and Zoning Administrator and give this authority to the Department of Public Works and the Urban Forester under the Public Works Code and make minor adjustments to the street tree requirements. The ordinance also would update the Department of Public Works staff positions that have enforcement authority under the Urban Forestry Ordinance. The legislation would affirm the Planning Department's determination under the California Environmental Quality Act and make various findings including findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.