

LEGISLATIVE DIGEST
(Substituted 5/19/2015)

[Planning, Public Works Codes - Street Trees and Adoption of Associated Fees]

Ordinance amending the Planning and Public Works Codes to shift the authority to require street trees in the case of certain types of development projects from the Planning Department to Public Works; to require a permit to perform major maintenance on street trees within a specified distance of general advertising signs, adopt a fee for such permit, and impose penalties for violations; to require a tree protection plan in advance of construction and adopt a fee for review and approval of the plan; to give specified Public Works staff enforcement authority; and 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 transfer this authority to the Department of Public Works and the Urban Forester under the Public Works Code. It also make minor adjustments to the street tree requirements. The legislation would delete the in lieu street tree fee from the Planning Code. The ordinance would create a new permit requirement and an associated fee to maintain street trees within a specified distance of general advertising signs as defined in the Planning Code. Penalties would accompany violations of this new requirement. The legislation also would require the preparation of a tree protection plan for certain construction projects and a fee for Public Works to review such a plan. The ordinance 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.

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