

ORDINANCE NO. 2011-11-1441

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIGNAL HILL, CALIFORNIA, AMENDING SIGNAL HILL MUNICIPAL CODE TITLE 12 BY ADDING CHAPTER 12.05 ALLOWING FOR THE ESTABLISHMENT OF STANDARDS FOR STREET TREE PLANTING, REMOVAL, REPLACEMENT, AND MAINTENANCE UNDER ORDINANCE NO. 2011-11-1441 HEREIN

WHEREAS, City street trees, also referred to as the City of Signal Hill's ("City") urban forest, are an important part of the attraction and character of the City streets and neighborhoods and provide many benefits to our community; and

WHEREAS, currently the City maintains approximately 3,600 street trees for the benefit of the community. In fact, there are over 70 different species, and collectively, the street trees have an estimated value of \$ 9.7 million; and

WHEREAS, the City wishes to establish standards for the planting, removal, replacement, and maintenance of all City street trees in accordance with tree species recommendations contained in the Street Tree Master Plan maintained at the Department of Public Works/Engineering; and

WHEREAS, the City wishes to create a sense of community, pride, and recognition to individual neighborhoods; and

WHEREAS, the City wishes to minimize maintenance costs and develop a cost-effective street tree planting program; and

WHEREAS, this ordinance is not intended to be applied to trees located in City parks or on private property (such as private streets or property owned and maintained by homeowners associations).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SIGNAL HILL, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 12.05 of the Signal Hill Municipal Code is hereby added which shall read in its entirety as follows:

Sections:

- 12.05.010 Purpose.
- 12.05.020 Definitions.
- 12.05.030 Street Tree Maintenance.
- 12.05.040 New Street Tree Planting.
- 12.05.050 Existing Street Tree Removal/Replacement.
- 12.05.060 Deposit Fees.
- 12.05.070 Appeals.
- 12.05.080 Appeal Fee.

12.05.010 Purpose. The purpose of this Chapter is to establish standards for the planting, removal, replacement, and maintenance of all City street trees in accordance with tree species recommendations contained in the Street Tree Master Plan and to create a sense of community, pride, and recognition to individual neighborhoods. The City wishes to minimize maintenance costs and develop a cost-effective street tree planting program.

12.05.020 Definitions.

A. Adjacent property. “Adjacent property” means any portion of public right-of-way that directly abuts private property and falls under the maintenance responsibility of the requesting property owner.

B. Poorly structured tree. A “poorly structured tree” means a tree that is growing in such a way as to cause hazard within the public right-of-way.

C. Street tree. A “street tree” is defined as a City-owned tree that is located in the public rights-of-way which include parkways (between street curb and sidewalk), trees located in sidewalk tree wells, and behind sidewalks but within the public street right-of-way.

D. Street Tree Master Plan. The “Street Tree Master Plan” is referenced and incorporated herein. It is maintained at the Department of Public Works/Engineering. The Street Tree Master Plan serves to establish a cohesive tree planting program with an appropriate diversity of tree species, designed to provide an expression of neighborhood identity through distinctive plantings while minimizing sidewalk damage and excessive maintenance. The Street Tree Master Plan is updated approximately every five years and consists of the following elements:

1. A City-wide street tree inventory evaluation listing tree condition, type of species (10 most common), trunk diameter size, and tree height, as well as identification of vacant tree sites, stumps and dead/diseased trees.

2. A Street Tree Planting Schedule listing the existing street tree

species type along with recommended replacement tree species that are believed to be most appropriate given the unique characteristics of any one particular site.

3. A Street Tree Species Palette which provides general parameters of each of the recommended street tree species referenced in the City Street Tree Planting Schedule.

12.05.030 Street Tree Maintenance. The City strives to maintain City street trees in a healthy and nonhazardous condition through good arboricultural standards and practices. This Section defines both City responsibilities and property owner/resident responsibilities for the maintenance and overall health of the community's street tree inventory.

A. City Responsibilities. City responsibilities include performing periodic trimming work for all the street trees. The street tree trimming schedule is divided up into four maintenance areas as defined in the City's Street Tree Master Plan. Street trees located in each of these maintenance areas are generally trimmed on a two-year cycle as the City budget allows. Specific individual street trees may be trimmed on a more regular basis to ensure sidewalks and streets are clear of any safety hazards or as otherwise required.

B. Property Owner/Resident Responsibilities. Property owner and resident responsibilities include ensuring street trees located adjacent to the property receive the proper amount of water to ensure the health of the tree. Responsibilities also include reporting any damaged or suspected diseased street trees to the Public Works Department. Under no circumstances shall a property owner/resident be permitted to trim or remove a street tree.

C. Unscheduled Street Tree Trimming - Owner Requests. A property owner may request that street trees adjacent to their property be trimmed more frequently than the City's trimming schedule would provide.

1. The cost to perform this additional trimming work, if ultimately approved, would be that of the property owner. The property owner shall complete a Street Tree Request Application justifying the need for expedited street tree trimming.

2. The Public Works Department staff will assess the overall condition of the existing street tree, the extent of trimming needs, and estimating the cost of such additional tree trimming. The property owner's approval of the cost shall be obtained before the Director of Public Works' determination is made.

3. If approved, the assessment shall include a written recommendation on the extent of trimming that may be performed along with a written estimated cost for the trimming work.

4. Assessments will be completed on a first-come, first-served basis and, depending on resources, within 30 days.

5. The Director of Public Works shall make the final determination on the unscheduled street tree trimming.

6. If mutually agreed to by the applicant and Public Works Director, the street tree trimming shall be performed within 30 days.

7. Prior to the commencement of the work, the applicant must deposit funds with the City to cover the cost of the street tree trimming work, including all incidental costs in compliance with Section 12.05.060 of this Chapter.

12.05.040 New Street Tree Planting.

A. Placement of Street Trees. The Director of Public Works shall make the determination on the placement and selection of new street trees. This determination will be based on criteria defined in this Section; however, other criteria that may be unique to a given location will also be considered.

B. Street tree species selection. Absent unique circumstances, the Director of Public Works will make a determination on the selection of new street trees from the proposed street tree species list in the City's most current Street Tree Master Plan. The proposed street tree species must be listed in the City's most current Street Tree Master Plan Update. The Street Tree Planting Schedule contained in the Street Tree Master Plan lists approved street species based on street name and address blocks. In most cases there are at least two or three species that can be selected at a given location. The minimum size for a street tree planting/replacement shall be a 15-gallon container.

C. New street tree placement. Features that may be unique to an individual street parkway will be taken into consideration by the Director of Public Works when placing a new street tree. These include width of parkway, width of sidewalk, existence of sidewalk, utility poles, street lights, bus stops, traffic signs, ADA accessibility, utility boxes, and fire hydrants. Therefore, the following planting guidelines must be followed by the Director of Public Works to optimize street tree planting opportunities.

1. Street trees shall have an approximate range between 30-foot minimum spacing to a 50-foot maximum spacing.

2. Street trees shall be placed 20 feet from a street light, power pole or bus stops where possible.

3. Street trees shall be placed a minimum of 15 feet from the start of a street curb return.

4. Street trees shall be placed a minimum of 10 feet from a fire hydrant, utility meter, or driveway approach where possible.

5. Street trees shall be centered in the parkway between the sidewalk and curb.

6. Street tree well sizes must be a minimum of 30 inches and provide

enough sidewalk clearance to meet ADA access requirements.

D. New street tree planting - property owner request. The following process shall be utilized by an applicant when requesting a new street tree to be planted:

1. The property owner shall complete a Street Tree Request Application.

2. The property owner shall include the following information in the Application: (i) a sketch of the property owner's adjacent parkway showing all pertinent information as detailed in Subsection C of this Section, and (ii) choice of tree species out of the proposed street tree species list in the City's most current Street Tree Master Plan.

3. Applications will be reviewed and approved or denied by the Public Works Director on a case by case basis based on the Public Works Department staff's assessment of the applicant's request, extent of the need for the new street tree, and estimating the cost for same.

a. If the Application is approved for a property where street tree(s) currently exist adjacent to the applicant's property, all costs to have a new tree planted under this Section, shall be that of the property owner. If mutually agreed to by the applicant and the Public Works Director, the new street tree planting shall be performed within 30 days provided.

b. If the Application is approved and it is determined that the property owner is responsible for the cost of the work, the City will prepare a written cost estimate and will forward to the applicant with written approval of the application. Prior to the commencement of the work, the applicant must deposit funds with the City to cover the cost of the street tree planting work including all incidental costs in compliance with Section 12.05.060 of this Chapter.

c. If the application is approved for a property where street tree(s) currently do not exist adjacent to the applicant's property, the City is responsible for the cost of the planting of the street trees per Section 12.05.060 of this Chapter and as City budget allows on a first-come, first-served basis.

4. Any person dissatisfied with the decision of the Public Works Director may appeal such decision to the City Council in compliance with Section 12.05.070 of this Chapter.

12.05.050 Existing Street Tree Removal/Replacement.

A. The Director of Public Works shall make the determination on the replacement of existing street trees as defined in this Section.

B. City Responsibility - Street Tree Replacement. The Department of Public Works will assess the overall condition of each street tree as part of the street tree trimming cycle. Should one of the following conditions be observed as part of this assessment, the City will remove and replace the street tree at no cost to the adjacent property owner:

1. Dead, diseased, or severely declining tree
2. Poorly structured tree (potentially hazardous)
3. Seedling or volunteer growth (palms, pepper, etc.)
4. American's with Disability Act access, utility, or sign obstruction
5. A tree severely damaging adjacent hardscape or underground/overhead utilities

Property owners are also responsible to report to the City any observed decline of the health of a street tree and/or other observations consistent with the criteria listed above regarding street trees adjacent to their properties. Upon receiving these reports the City will take the necessary actions including possible replacement of the street tree at no cost to the property owner.

C. Street Tree Replacement - Property Owner Request. A property owner may request replacement of a street tree adjacent to the property for reasons other than defined in Subsection B above. The entire cost to perform this replacement work, including incidental cost, if ultimately approved, shall be the responsibility of the property owner. The following process shall be followed when making this request:

1. The property owner shall complete a Street Tree Request Application describing the reason(s) for the proposed street tree replacement and choice of tree species out of the proposed street tree species list in the City's most current Street Tree Master Plan.

2. The Public Works Department Staff will assess the overall condition of the existing street tree proposed for replacement, extent of the need for the replacement, and estimating the cost for same. If approved, the assessment shall include a written recommendation based on the tree planting guidelines per this Chapter with a written estimated cost for the replacement work. Assessments will be completed on a first-come, first-served basis and, depending on resources, within 30 days.

3. If mutually agreed to by the applicant and the Public Works Director, the street tree replacement planting shall be performed within 30 days.

4. Prior to the commencement of the work, the applicant must deposit funds with the City to cover the cost of the street tree trimming work including all incidental costs in compliance with Section 12.05.060 of this Chapter.

D. Street Tree Removal (No Street Tree Replacement) - Property Owner Request. The City discourages the removal of a street tree unless a corresponding replacement tree is planted in approximately the same location consistent with the planting guidelines detailed in Section 12.05.040, Subsection C of this Chapter. However, the City also recognizes there may be unique circumstances that warrant removal of a street tree without a corresponding planting of a replacement street tree. An example of such a circumstance may include street trees planted at a greater density that is specified in planting guidelines. The following process shall be utilized when making this request:

1. The property owner shall complete a Street Tree Request Application describing the reason for the proposed street tree removal. A Street Tree Request Application may be obtained at the Department of Public Works/Engineering or on-line at the City's website. The property owner shall include the following information in the Application: (1) a sketch of the property owner's adjacent parkway showing location of all existing street trees adjacent to a property along with pertinent information as detailed in Section 12.05.040, Subsection C of this Chapter.

2. The Public Works Department Staff will then assess the need for the street tree removal, estimating the cost of such Street Tree Removal. If approved, the assessment shall include a written recommendation based on the tree planting guidelines per this Chapter with a written estimated cost for the removal work. Assessments will be completed on a first-come, first-served basis and, depending on resources, within 30 days.

3. If mutually agreed to by the applicant and the Public Works Director, the street tree removal shall be performed within 30 days. Prior to the commencement of the work, in compliance with Section 12.05.060 of this Chapter, the applicant must deposit funds with the City to cover the cost of the street tree removal work including all incidental costs, including but not limited to, the cost of replanting of the parkway area with appropriate ground cover.

E. Any person dissatisfied with the decision of the Public Works Director under this Section may appeal such decision to the City Council in compliance with Section 12.05.070 of this Chapter.

12.05.060 Deposit of Fees. If any application is approved under Sections 12.05.030, 12.05.040, and/or 12.05.050 of this Chapter where the applicant is determined to be responsible for cost of the work, the City will not commence any work unless the applicant deposits the complete requested deposit amount with the Department of Public Works within thirty (30) days of the date of the City's request for the deposit. Failure to timely deposit the funds may be construed as a waiver of the applicant's rights and requests.

1. The Department shall maintain a schedule of typical costs for tree

removal or replacement.

2. If during the course of the work, the City determines that the initial deposit is not sufficient, the City may demand, in writing, for the applicant to supplement the deposit accordingly. The City will not continue any work unless the applicant supplements the deposit as demanded by the City within ten (10) days. Failure to timely supplement the deposit may be construed as a waiver of the applicant's rights and requests, and the City may then finalize the project at its sole discretion as it deems appropriate.

3. At the completion of the project any unused deposited funds by the City shall be immediately refunded to the applicant by the City.

12.05.070 Appeals.

A. Any person wishing to appeal the decision(s) of the Public Works Director pursuant to Sections 12.05.040 and 12.05.050 may appeal such decision to the City Council. The appeal must be filed in writing with the City Clerk, within fourteen (14) days of the mailing or posting of the decision, and must specify the basis of appeal and the relief sought. The appeal will be scheduled for hearing within two (2) regularly scheduled meetings of the City Council and notice of the Appeal shall be provided by the City to all property owners and occupants of property within 300 feet of the Property. Appeals fees shall accompany any filing in compliance with Section 12.05.080 herein.

B. Appeals shall be heard by the City Council. The Council may sustain, modify or overrule the decision of the Director. The determination of the City Council shall be final.

12.05.080 Appeal Fee. A. The City Council shall, from time to time, by resolution, adopt or modify an appeal fee to be paid by the property owner to the City to defray the reasonable expense of costs incidental to the administration and processing of appeals filed pursuant to Section 12.05.070.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Signal Hill, California, on this 6th day of December 2011.

LARRY FORESTER
MAYOR

ATTEST:

KATHLEEN L. PACHECO
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF SIGNAL HILL)

I, KATHLEEN L. PACHECO, City Clerk of the City of Signal Hill, California, hereby certify that Ordinance No. 2011-11-1441 was introduced at a regular meeting of the City Council of the City of Signal Hill held on the 15th day of November 2011, and thereafter was adopted by the City Council at a regular meeting held on the 6th day of December 2011, and that the same was adopted by the following roll call vote:

AYES: MAYOR LARRY FORESTER, VICE MAYOR TINA L. HANSEN, COUNCIL MEMBERS MICHAEL J. NOLL, ELLEN WARD, EDWARD H.J. WILSON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

KATHLEEN L. PACHECO
CITY CLERK