

## **A Community Letter on Revising Sacramento's Tree Ordinances**

January 4, 2015

Chair and Members, Law and Legislation Committee  
City of Sacramento, City Hall  
915 I Street  
Sacramento, CA 95814

Dear Chair and Members of the Law and Legislation Committee:

We have reviewed the staff-proposed changes in the City's Tree Ordinances. We support a strong urban forestry resource as part of City government, and want to see the City's goals for the urban forest fully implemented. The Tree Ordinance update is a focal point for upgrading Sacramento's effort to promote and protect the community's tree canopy.

We appreciate the wisdom of updating and streamlining ordinances. We have participated in the ordinance review process and carefully considered staff's issues and objectives, which overlap but are not identical to community issues and objectives. The staff proposal should be augmented by council input that strengthens the City's protection and stewardship for our urban forest and particularly the continuation of our tree canopy as directed by the 2035 General Plan Environmental Resources (ER 3.1.1–3.1.9 attached).

(Note that in Recommendations below, we underline ordinance language we ask be added.)

### **Areas of Concern and Recommended Changes**

#### **1. "Findings and Purpose" Statement Is In Error and Inconsistent with the Ordinance Presented.**

**STAFF PROPOSAL:** The statement of Findings and Purpose is not consistent with the 2035 General Plan and the ordinance itself, and is misleading. We have several issues with the following sentence, apart of the statement of Findings and Purpose.

"The purpose of this chapter is to provide for the conservation of existing tree resources and to optimize tree canopy coverage throughout the city while recognizing individual rights to develop and make reasonable use of private property consistent with the general plan and all City street trees and Public Trees are protected." (**Section 12.56.010**)

**RECOMMENDATION:** We propose instead the following sentence:

*"The purpose of this chapter is to provide for the conservation of existing tree resources and to optimize tree canopy coverage throughout the City and to provide consistent standards for protection and, when necessary, removal and replacement of both private and city-owned trees."*

## **2. Other than Street Trees as Defined, City-owned Trees, *including those in City Parks and Other City-owned Property*, Are Exempt from Key Ordinance Requirements. City-owned Trees Should Be Protected by the Ordinance and Treated Equally under the Law. (Chapter 12.56.020 Definitions)**

**STAFF PROPOSAL:** The staff proposed ordinance exempts from regulation park trees and other city-owned trees not classified as "City street trees." This is inconsistent with 2035 General Plan Environmental Resources (ER) 3.1.3, which states:

"The City shall require the retention of City trees and Heritage Trees by promoting stewardship of such trees and ensuring that the design of development projects provides for the retention of these trees wherever possible. Where tree removal cannot be avoided, the City shall require tree replacement or appropriate remediation. (RDR/MPSP)"

What justifies this arbitrary distinction between trees on private property and trees on city-owned properties? What justifies inconsistency of the ordinance with General Plan policy?

**STAFF PROPOSAL:** identifies city street trees as worthy of protection but not other city-owned trees through the proposed narrow definition:

"City street tree" means any tree the trunk of which, when measured 4.5 feet above the ground, is partially or completely located within a public right-of-way, including any street, road, sidewalk, park strip, mow strip or alley."

**RECOMMENDATION:** We believe, consistent with current General Plan policies (ER 3.1.2 and ER 3.1.3), that the City has the same obligation to protect any tree owned by the City as it does to protect street trees. We recommend this definition be amended to include City trees and reference the new definition throughout the document.

*"City tree" means any tree the canopy of which is partially or completely located within a public right-of-way, including any street, road, sidewalk, pedestrian walkway, park strip, mow strip or alley, or in a city-owned park, municipal facility or other property owned by the City of Sacramento, and any easements held by the City for those purposes but presently not developed for those purposes. City tree" also includes any tree required as a condition of development or included in a parking lot approval. "*

We have found that limiting the definition of City street tree to those with trunks wholly or partly within a City "right of way" has resulted in loss of significant sidewalk canopy cover from private trees whose canopies provide shade for public sidewalks and streets. Therefore we recommend the definition refer to canopy. Referring to trunks also means that defining city trees requires a map of rights of way. This is outdated, over-complicated, and does not help us reach our goals for tree canopy in the City as stated in the General Plan. It leads to arbitrary removal by private landowners of trees **that are part of the public benefit that enhances the quality of life and property values of a neighborhood.**

### 3. References to Dutch Elm Disease Have Been Removed and Infectious Tree Disease as a Threat Cannot Be Totally Addressed on Private Property.

According to staff, Dutch elm disease has not been a problem. We disagree and know of several instances in which private elm trees infected City street trees and resulted in the removal of City elm Trees.

**STAFF PROPOSAL:** The staff proposal deletes the elm disease section of the code and adds the following to Section 8.04.100 defining nuisances:

Section 8.04.100 P. Any condition of trees on private property that constitutes a threat to the health, safety or welfare of the residents, neighbors or public.

**RECOMMENDATION:** We recommend this section be amended as follows:

*Section 8.04.100 P. Any condition of trees on private property that constitutes a threat to the health, safety or welfare of the residents, neighbors, or public, including infectious tree diseases that may spread to neighboring properties if not eradicated. Property owners who have trees diagnosed with an infectious disease shall follow Urban Forestry instructions to minimize the threat of the disease infecting trees on other properties.*

### 4. *Tree Removal* Factors (Criteria) Are Not Required for City Projects But Are Mandatory for Private Property Owners.

#### 4a) Public Projects (Section 12.56.040)

**STAFF PROPOSAL:** Regarding public projects, the staff proposal addresses only the removal of city street trees (in public rights of way, including street road, sidewalk, mow strip, or alley). In addition, city staff are only required to submit a written request to remove a city street tree, but not other protected trees on the parcel. There are no criteria listed for the City staff to follow, unlike criteria listed for private property owners. If the Director agrees with the City project manager's written report, the director makes a recommendation to the City Council to approve the request for tree removal. This establishes a "double standard" for private property owners and City, and is arbitrary and inconsistent with the General Plan.

While a notice is posted in proximity to the trees, it is required to list only the Council hearing time, date and location 10 days prior to Council hearing, not that any person can appeal the decision.

**RECOMMENDATION:** *The removal of trees for city projects shall meet the statutory criteria established in the ordinance as a condition of director approval of removal of private protected trees.*

#### 4b) Private Protected Trees (Section 12.56.050)

**STAFF PROPOSAL:** Regarding Development and Re-development (Section 12.56.050 B 1a) the staff proposal *mandates* the Director to issue a removal permit for private protected trees, including existing heritage trees, if the director makes certain findings which include physical location, uses permitted by right or discretionary permits. The director is required to issue tree permits in cases in which the

property use could not be implemented unless a tree or trees are removed. This language leaves no leeway for working with the property owner to try to save the tree.

RECOMMENDATION: We recommend the language be changed to:

*In the case of destruction or relocation of a private tree for a proposed use permitted by right or that the use could not be made of the property unless the private protected tree is destroyed or relocated, the director will take into account any modifications or revisions to the proposed use that would effectuate its basic project objectives and also preserve the protected tree.*

#### 4c) Removal for "Threatening" Protected Trees on Private Property (Section 12.56.050 B 1c)

**STAFF PROPOSAL:** The proposed language mandates the Director to approve tree removal if the roots are "causing, *or threatening to cause, damage* to any main structure on the property and there are no reasonable alternative means to mitigate the damage or threatened damage." This subjective language would require the removal of private protected trees even if the protected tree was not damaging a main structure—merely "threatening" the building.

RECOMMENDATION: *remove the phrase "threatening to cause," from Section 12.56.050 B 1c.*

### 5. Tree Permit Factors Are Biased in Favor of Tree Removals (Section 12.56.050 C)

**STAFF PROPOSAL:** As proposed, the director shall consider a list of "relevant factors" but this list is biased in favor of tree removals. In addition, the proposed ordinance gives the Director of Public Works far too much discretion to remove protected trees. There is no weighting of factors or consideration of the benefits of the tree canopy. Requiring that the decision include consideration of "the above and below ground space available for root and crown growth" and "approximate age of the tree compared to the average life span for the species" would allow the removal of many trees that are otherwise healthy and provide shade and canopy. These are not valid criteria to remove an otherwise structurally sound tree.

**RECOMMENDATION:** The ordinance should include more objective factors, with documentation, to approve tree removals. In addition, tree removals should require more justification for removal than regulated work. We propose the language be amended so that the director shall include factors that help retain existing protected trees and to deny a permit for protected tree removal where:

*"At least 60 percent of the canopy is live, no more than 40 percent of the limbs are infested with mistletoe, is free of structural root/root collar defects that would jeopardize the stability of the tree or has structural defects that can be addressed by ANSI A300 Standards for Tree Support Systems, and whose root structure has physically been determined by a licensed structural engineer not to be causing any damage to any main structure."*

RECOMMENDATION: Delete the following factors in Sections 12.56.050 C 1 c, f, and h that favor arbitrary removal of protected trees:

*"the above and below ground space available for root and crown growth*

*"the approximate age of the tree compared with average life span for the species"*

*"the need for the proposed work in order to develop the property."*

RECOMMENDATION: Add language to Section 12.56.050 C

*An applicant shall provide documentation, such as qualified arborist-written report, certifying that a disease is verified, or an engineering report certifying that a tree is damaging a structure.*

## **6. Replacement and Mitigation for Tree Removals Is Made Optional, Inconsistent with 2035 General Plan. Tree Removals Should Not Be a Discretionary Decision of the Director.**

**STAFF PROPOSAL:** The proposed ordinance makes tree replacement and mitigation for tree removal optional, leaving such decisions to the discretion of the Director of Public Works (12.56.050 C 3). The current ordinance requires replacement or remediation when a tree is removed. The staff proposal is in conflict with the General Plan's Environmental Resources Goal 3.1.3, which states "Where tree removal cannot be avoided, the City shall require tree replacement or appropriate remediation."

**RECOMMENDATION:** We recommend that the ordinance clearly require tree replacement and mitigation. The new language should include the following:

*All tree removal shall require tree replacement.*

*The City shall define and require a hierarchy of mitigation measures based on the appraised value of the tree when tree removal cannot be avoided.*

*The City shall implement standards related to replacement of trees based on diameter of removed tree and comparable shade levels, including replacement in the area where the tree has been removed, where feasible, and preferred use of native species.*

*Permits will not be granted for removal of Mitigation trees (trees that have been provided as mitigation for removal of other trees as part of a discretionary permit for another project ) without City Council approval.*

## **7. Notice of Protected Tree Removals Not User Friendly.**

**STAFF PROPOSAL:** Notice of protected tree removal is limited to a posting for 10 days, except for cases where trees are slated to be removed as part of a public or private development project.

**RECOMMENDATION:** Add language that:

*Any protected tree removal shall be posted **within the 500 feet of the tree for a minimum of 21 days, online, and directly to neighborhood associations that have requested notice.** Notices of tree removal should state staff intention, how citizens may appeal tree removal decisions, and the phone number and website where more information may be obtained.*

## **8. Appeals by the Public on Removal of City-Owned Trees Are Severely Limited**

**STAFF PROPOSAL:** The proposal would not allow appeals of protected tree removals on city-owned lands, e.g., parks. Tree removals of city street trees and protected trees on private property would only be appealable to a hearing officer, who is not required to be a licensed arborist. For removal of city street trees, a person may only send a protest letter to the Director, and then have a "meeting" with the

Director, whose decision is final. (The only exceptions are when trees are removed as part of a public or private development project.) When you consider that removal of city street trees do not require any criteria, this significantly reduces the citizen oversight of city street trees that are highly visible and contribute to the streetscape of our neighborhoods. In the past, director's decisions were appealable to the Parks and Recreation Commission, an independent, Council-appointed entity. Removal of publicly owned trees should be subject to public review and appeal beyond the Public Works Director.

**RECOMMENDATION:** Appeal to the Parks and Recreation Commission is reasonable because it has authority over city park trees and has expertise in this area.

*Retain the current appeal process or provide an alternative mechanism for review of these decisions and an independent public appeal process.*

## **9. Language Is Needed for Protection of Nesting Birds and Particularly State and Federally Protected Species and Migrating Raptors.**

The proposed ordinance does not reference the city's obligation to protect nesting birds and comply fully with state and federal laws and regulations when issuing permits or conducting city work to prune or remove protected trees.

**STAFF PROPOSAL:** No protective language for nesting state and federally protected birds.

**RECOMMENDATION:** We recommend language be added to the ordinance as follows:

**12.56.060 B. 7.** *All permits issued shall include the requirement that work conducted under the permit shall comply fully with all state and federal laws and regulations protecting nesting raptors and shall inform the permittee about these requirements. All work performed by the city on trees shall also conform fully to these requirements.*

## **10. Incorporating Trees into Development Projects Made Optional. Enhancing the City's Tree Canopy Requires Additional New Trees.**

The current ordinance requires the Director to provide for the planting of private street trees in new development and existing properties being redeveloped.

**STAFF PROPOSAL:** Staff would totally eliminate existing Section 12.56.030 which requires the Director to require planting of private street trees. Merely referencing Title 16 makes the planting of street trees permissive (may) and the Director's decision optional. This is in conflict with the current (2035) General Plan Environmental Resources 3.1.2, which requires the planting of trees.

**RECOMMENDATION:** In order to grow our tree canopy, and comply with the 2035 General Plan ER 3.1.2, existing Section 12.56.030 should be retained. We recommend adding the following:

*Setbacks and planter strips shall be adequate above and below ground to provide for maturation of large canopy street trees.*

*The City shall require new developments on lots with existing tree canopy to preserve a 40 percent of the aggregate diameter inches of all structurally sound mature trees on the*

*property. Tree corridors and tree groupings required in prior project approvals shall be respected in redesign of a property.*

## **11. Eliminates Existing Ordinance Language Protecting City Street Trees From Damage and Requiring the City to Maintain Them.**

Current ordinance gives the City the authority to enforce the protection of City Street Trees and requires the City to maintain City street trees. Existing Section 12.56.060 states that no person shall injure or destroy any city street tree by any means, including but not limited to a long list of actions. Current Section 12.56.020 "Definitions" states that "'City street tree' means and includes any tree growing on a public street right-of-way. City street trees are maintained by the city."

**STAFF PROPOSAL:** By deleting Section 12.56.060 and instead incorporating tree protection measures about grading and trenching around trees, placing harmful substances around the tree, placing material within the tree protection zone into the new regulated work definition, a person can apply for a permit to harm a City Street tree. Under the new ordinance (but not the old one) a person could apply for a permit to cement or fill the ground area in park strips that could cut off air, light, or water. This would no longer be a violation of the ordinance, since it is considered part of regulated work.

### **RECOMMENDATION:**

*Retain the section 12.56.060 (c) 1 - 6 to protect Trees which states that "no person shall injure or destroy any city street tree by any means, including construction, pouring damaging materials and other damaging actions.*

**STAFF PROPOSAL:** eliminates the reference in statute that says the City will maintain City street trees.

**RECOMMENDATION:** add language requiring the City to maintain all City-owned, including "street" trees.

The Landscape and Lighting Assessment was adopted to finance tree services for the City.

## **12. Enforcement of Tree Ordinance Is Imperative and Needs to Be Very Clear.**

**STAFF PROPOSAL:** It is not clear how the tree ordinance will be enforced, who will be responsible, how enforcement will be monitored and reported, and what purposes will be served by penalties collected. Additional language is needed to ensure accountability, and to require reporting that will enable analysis of what is working and not working. In addition, any fees collected should be designated to benefit urban forestry; for example, to add more trees to areas of the city that are lacking tree canopy.

### **RECOMMENDATION**

*Urban Forestry shall be responsible for ensuring all reported potential violations are investigated and resolved, and that appropriate enforcement actions administered.*

*All penalties collected to enforce this ordinance shall be budgeted for Urban Forestry Department activities, tree maintenance and planting, and for costs of enforcing these provisions.*

*An annual report on all enforcement activities shall be made to the Council for public hearing. The report shall include, but may not be limited to, settlements in lieu of enforcement, penalties collected, incidence by type of infraction and enforcement agency.*

### **13. CEQA review of proposed ordinance is required, unless revised.**

Tree removal changes the environment, so we would expect a CEQA review of the ordinance changes.

**STAFF PROPOSAL:** City staff asserts that the proposed ordinance meets the class 8 California Environmental Quality Act (“CEQA”) exemption under CEQA Guideline §15308, which states that a project is exempt from CEQA if the project assures the maintenance, restoration, enhancement, or protection of the environment.

**RECOMMENDATION:** §15308 also says “Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.”

At least two provisions of the proposed new ordinance would trigger the need for an EIR because they relax existing standards, thereby allowing environmental degradation, as follows:

(a) Existing Section 12.56.070(C) and (D) of the City Code authorizes the Director to condition any permit for removal of a City street tree on any conditions as the director determines to be appropriate, including the condition that the permittee replace the removed tree, at permittee’s expense. Existing Section 12.56.090 sets minimum standards for replacement trees. Proposed Section 12.56.050 states that the Director may require tree replacement or a fee in lieu thereof, or both as a condition of a permit to remove a tree, but then states “The tree replacement requirement and in lieu fee shall be established by resolution of the City Council.” This latter provision would relax the existing standard and would allow environmental degradation by effectively suspending the Director’s discretion to require tree replacement or in lieu fees until and unless the Council chooses to establish tree replacement and in lieu fee requirements at an indeterminate later date. Thus, CEQA Guideline §15308 (last sentence) would require an EIR. However, the City Council can easily remedy ambiguity and forestall CEQA’s EIR requirement by incorporating into the revised Ordinance the existing (Section 12.56.090) tree replacement standards, or more protective standards as recommended below, which the Council may subsequently revise at Council’s discretion.

In sum, the current code (Section 12.56.090) requires **replacement trees** where a permit is given to remove a street tree. The new draft ordinance makes **replacement trees** decisions optional by the director and/or future council action. This is called deferred mitigation and is not allowed under CEQA. Note also that the 2035 General Plan requires tree replacement (ER 3.1.3).

(b) Existing City codes §12.56.120 and §12.64.060 allow that any person who is aggrieved by the director’s decision to remove a City street tree or heritage tree (except where the removal is part of a discretionary development entitlement or public project) may appeal that decision to the City Parks and



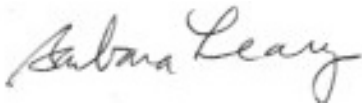
Recreation Commission. Proposed §12.56.030.C.3 states that a person objecting to the Director's decision to remove a City street tree may file a written objection and meet with the Director, and that the Director's decision after the meeting shall be final, with no right to appeal to the Parks and Recreation Commission or any other City body. The proposed elimination of the current citizen's right to appeal to the Parks and Recreation Commission would relax the existing standard and would allow environmental degradation. Thus CEQA Guideline §15308 (last sentence) would require an EIR. The City Council, however, can easily forestall CEQA's EIR requirement by incorporating into the revised Ordinance a provision that would allow an aggrieved party to appeal the Director's decision to the Parks and Recreation for those instances for which there is no appeal to the Planning and Design Commission or City Council.

**In summary, as proposed by staff, the draft ordinance before you would require CEQA review.**

We have attached a summary of our requested changes in the ordinance and a copy of the General Plan's Urban Forestry Policies.

Thank you for this opportunity to comment on the proposed changes in our tree ordinances.

Sincerely,



Barbara Leary, Secretary, Sacramento Sierra Club Group



Brandon D. Rose, President, Environmental Council of Sacramento



Laurie Litman, President, 350 Sacramento



Matthew Baker, Director, Habitat 2020



Judith Lamare and James Pacht, co-founders, Friends of the Swainson's Hawk



Luree Stetson, President, Upper Land Park Neighbors

*Ellen Cochrane*

Ellen Cochrane, President, East Sacramento Preservation

*Jane Macaulay*

Jane Macaulay, President, Woodlake Neighbors Creating Transparency



*Jody Adcock*  
President

Jody Adcock, President, Hagginwood Community Association

*Sean Ward*

Sean Ward, President, Friends of Sutter Landing Park

*Dale T. Steele*

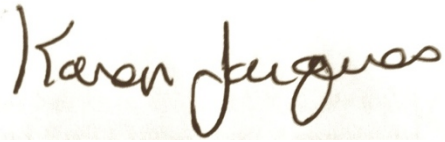
Dale T. Steele, President, Friends of the River Banks

*Betsy Weiland*

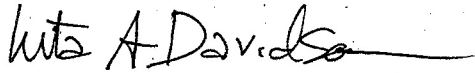
Betsy Weiland, President, The Green Incubator

*Richard Lyons, President  
Neighbors for A Better Sacramento*

Richard and Melissa Lyman, Neighbors for a Better Sacramento,



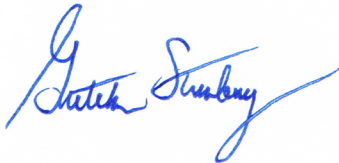
Karen Jacques, Stakeholder, Midtown



Nita A. Davidson, Stakeholder, Boulevard Park



Barbara Thalacker, Stakeholder, District 4




Gretchen Steinberg, South Land Park



Melinda Dorin Bradbury, River Oaks



Jan Summers, Ph.D., Forestry Biology, Campus Commons



Joanne Crosta  
Land Park



Pauline Hutton, Greenhaven and Friends of Capitol Towers and Villas

Att. List of requested changes  
General Plan Policies, Urban Forestry 3.1.1–3.1.9

## Sacramento Tree Ordinance Update, January 4, 2016

### Summary of Community Requests for Changes in Proposed Ordinance

#### 1. Section 12.56.01

“The purpose of this chapter is to provide for the conservation of existing tree resources and to optimize tree canopy coverage throughout the City and to provide consistent standards for protection and, when necessary, removal and replacement of both private and city-owned trees.”

#### 2. 12.56.020 Definitions

“City tree” means any tree the canopy of which is partially or completely located within a public right-of-way, including any street, road, sidewalk, pedestrian walkway, park strip, mow strip or alley, or in a city-owned park, municipal facility or other property owned by the City of Sacramento, and any easements held by the City for those purposes but presently not developed for those purposes. City tree” also includes any tree required as a condition of development or included in a parking lot approval. ”

#### 3. Section 8.04.100 P.

Any condition of trees on private property that constitutes a threat to the health, safety or welfare of the residents, neighbors, or public, including infectious tree diseases that may spread to neighboring properties if not eradicated. Property owners who have trees diagnosed with an infectious disease shall follow Urban Forestry instructions to minimize the threat of the disease infecting trees on other properties.

#### 4a. Section 12.56.040

*The removal of trees for city projects shall meet the statutory criteria established in the ordinance as a condition of director approval of removal of private protected trees.*

#### 4b. Section 12.56.050

*In the case of destruction or relocation of a private tree for a proposed use permitted by right or that the use could not be made of the property unless the private protected tree is destroyed or relocated, the director will take into account any modifications or revisions to the proposed use that would effectuate its basic project objectives and also preserve the protected tree.*

#### 4c. Section 12.56.050 B 1c

remove the phrase “threatening to cause,” from Section 12.56.050 B 1c.

#### 5a. Section 12.56.050 C

We propose the language be amended so that the director shall include factors that help retain existing protected trees and to deny a permit for protected tree removal where:

“At least 60 percent of the canopy is live, no more than 40 percent of the limbs are infested with mistletoe, is free of structural root/root collar defects that would jeopardize the stability of the tree or has structural defects that can be addressed by ANSI A300 Standards for Tree Support Systems, and whose root structure has physically been determined by a licensed structural engineer not to be causing any damage to any main structure.”

5b. Sections 12.56.050 C 1 c, f, and h

Delete the following factors in Sections 12.56.050 C 1 c, f, that favor arbitrary removal of protected trees:

"the above and below ground space available for root and crown growth

“the approximate age of the tree compared with average life span for the species”

"the need for the proposed work in order to develop the property."

6. Section 12.56.050 C 3

We recommend that the ordinance clearly require tree replacement and mitigation. The new language should include the following:

All tree removal shall require tree replacement.

The City shall define and require a hierarchy of mitigation measures based on the appraised value of the tree when tree removal cannot be avoided.

The City shall implement standards related to replacement of trees based on diameter of removed tree and comparable shade levels, including replacement in the area where the tree has been removed, where feasible, and preferred use of native species.

Permits will not be granted for removal of Mitigation trees (trees that have been provided as mitigation for removal of other trees as part of a discretionary permit for another project ) without City Council approval

7. Notice

Any protected tree removal shall be posted **within the 500 feet of the tree for a minimum of 21 days, online, and directly to neighborhood associations that have requested notice.** Notices of tree removal should state staff intention, how citizens may appeal tree removal decisions, and the phone number and website where more information may be obtained.

8. Appeals

Retain the current appeal process or provide an alternative mechanism for review of these decisions and an independent public appeal process.

9. Section 12.56.060 B. 7

**12.56.060 B. 7.** All permits issued shall include the requirement that work conducted under the permit shall comply fully with all state and federal laws and regulations protecting nesting raptors and shall inform the permittee about these requirements. All work performed by the city on trees shall also conform fully to these requirements.

#### 10. Section 12.56.030

In order to grow our tree canopy, and comply with the 2035 General Plan ER 3.1.2, existing Section 12.56.030 should be retained. We recommend adding the following:

Setbacks and planter strips shall be adequate above and below ground to provide for maturation of large canopy street trees.

The City shall require new developments on lots with existing tree canopy to preserve a 40 percent of the aggregate diameter inches of all structurally sound mature trees on the property. Tree corridors and tree groupings required in prior project approvals shall be respected in redesign of a property.

#### 11. Sections 12.56.060 and 12.56.020

*Retain the section 12.56.060 (c) 1 - 6 to protect Trees which states that "no person shall injure or destroy any city street tree by any means, including construction, pouring damaging materials and other damaging actions..*

Add language requiring the City to maintain all City-owned, including "street" trees.

#### 12. Enforcement

Urban Forestry shall be responsible for ensuring all reported potential violations are investigated and resolved, and that appropriate enforcement actions administered.

All penalties collected to enforce this ordinance shall be budgeted for Urban Forestry Department activities, tree maintenance and planting, and for costs of enforcing these provisions.

An annual report on all enforcement activities shall be made to the Council for public hearing. The report shall include, but may not be limited to, settlements in lieu of enforcement, penalties collected, incidence by type of infraction and enforcement agency.

## GOAL ER 3.1

Urban Forest Manage the city's urban forest as an environmental, economic, and aesthetic resource to improve Sacramento residents' quality of life.

### Policies

ER 3.1.1 Urban Forest Management Plan The City shall maintain and implement an Urban Forest Management Plan. (MPSP)

#### ER 3.1.2 Manage and Enhance the City's Tree Canopy

The City shall continue to plant new trees, ensure new developments have sufficient right-of-way width for tree plantings, manage and care for all publicly owned trees, and work to retain healthy trees. The City shall monitor, evaluate and report, by community plan area and city wide, on the entire tree canopy in order to maintain and enhance trees throughout the City and to identify opportunities for new plantings. (RDR/MPSP/SO)

#### ER 3.1.3 Trees of Significance

The City shall require the retention of City trees and Heritage Trees by promoting stewardship of such trees and ensuring that the design of development projects provides for the retention of these trees wherever possible. Where tree removal cannot be avoided, the City shall require tree replacement or appropriate remediation. (RDR/MPSP)

#### ER 3.1.4 Visibility of Commercial Corridors

The City shall balance the tree canopy of the urban forest with the need for visibility along commercial corridors, including the selection of tree species with elevated canopies. (RDR)

#### ER 3.1.5 Solar Access

The City shall promote plantings and tree placement recognizing solar access for alternative energy systems may be limited. (RDR/PI)

#### ER 3.1.6 Urban Heat Island Effects.

The City shall continue to promote planting shade trees with substantial canopies, and require, where feasible, site design that uses trees to shade rooftops, parking facilities, streets, and other facilities to minimize heat island effects. (RDR/PI)

#### ER 3.1.7 Shade Tree Planting Program

The City shall continue to provide shade trees along street frontages within the city. (MSPS)

#### ER 3.1.8 Public Education

The City shall promote the importance and benefits of trees and of the urban forest through awareness, partnerships, and efforts that educate residents on the best methods of planting and maintaining trees. (IGC/JP/PI)

ER 3.1.9 Funding

The City shall provide adequate funding to manage and maintain the city's urban forest on City property, including tree planting, training, maintenance, removal, and replacement. (SO/FB)