

ORDINANCE NO. 4680

ORDINANCE OF THE COUNCIL OF THE CITY OF PALO ALTO
AMENDING CHAPTER 8.10 OF THE PALO ALTO MUNICIPAL
CODE TO DEFINE CERTAIN REDWOOD TREES AS PROTECTED
TREES TO BE PRESERVED AND PROTECTED, PERMITTING
THE REMOVAL OF PROTECTED TREES THAT DAMAGE OTHER
PROTECTED TREES, AND MODIFYING CERTAIN DEFINITIONS

The City Council of the City of Palo Alto does ordain as follows:

SECTION 1. Findings. The Council finds and declares that:

A. Since 1997, the City of Palo Alto has protected and preserved native oak trees pursuant to the Tree Protection Ordinance, Palo Alto Municipal Code Chapter 8.10.

B. The City's Department of Planning & Community Environment has actively studied amendment of the Tree Protection Ordinance to include a broader variety of tree species.

C. Redwood trees have a special role in Palo Alto's history due to the original "El Palo Alto" Redwood serving as a regional landmark. The City Seal includes a Redwood tree as its central focus. Redwood trees are among the tallest in the City. Moreover, Redwood trees are planted widely in Palo Alto so that virtually every neighborhood has been and can be impacted by the removal of large Redwoods.

D. The City's present system of measuring distances from trees should be modified to permit measurement from the edge of a tree instead of the center.

E. The City's present definition of building footprint areas within which a protected tree may be removed should be clarified by making explicit that it only refers to the footprints of existing buildings. The City's ordinance should also be amended to permit removal of protected trees when the basal flare is within the building footprint.

F. The City's ordinance should be amended to permit removal of a protected tree when it is detrimental to the continued growth and health of another protected tree.

SECTION 2. Section 8.10.020 of Chapter 8.10 of the Palo Alto Municipal Code is hereby amended to read as follows:

8.10.020 Definitions.

For the purposes of this chapter, the following definitions shall apply:

(a) "Basal flare" means that portion of a tree where there is a rapid increase in diameter at the confluence of the trunk and rootcrown.

(b) "Building area" means that area of a parcel:

(1) Upon which, under applicable zoning regulations, a structure may be built without a variance, design enhancement exception, or home improvement exception; or

(2) Necessary for construction of primary access to structures located on or to be constructed on the parcel, where there exists no feasible means of access which would avoid protected trees. On single-family residential parcels, the portion of the parcel deemed to be the building area under this paragraph (b)(2) shall not exceed ten feet in width.

(c) "Building footprint" means the two-dimensional configuration of an existing building's perimeter boundaries as measured on a horizontal plane at ground level.

(d) "Hazardous" means an imminent hazard or threat to the safety of persons or property.

(e) "Development" means any work upon any property in the City which requires a subdivision, planned community zone, variance, use permit, building permit, demolition permit, or other City approval or which involves excavation, landscaping or construction within the dripline area of a protected tree.

(f) "Director" means the director of planning and community environment or his or her designee.

(g) "Discretionary development approval" means planned community zone, subdivision, use permit, variance, home improvement exception, design enhancement exception, or architectural review board approval.

(h) "Dripline area" means the area within X distance from the perimeter of the trunk of the tree at four and one-half feet (fifty-four inches) above natural grade where X equals a

distance ten times the diameter of the trunk as measured four and one-half feet (fifty-four inches) above natural grade.

(i) "Excessive pruning" means removal of more than one-fourth of the functioning leaf and stem area of a tree in any twelve-month period, or removal of foliage so as to cause the unbalancing of a tree.

(j) "Protected tree" means:

(1) Any tree of the species *Quercus agrifolia* (Coast Live Oak) or *Quercus lobata* (Valley Oak) which is eleven and one-half inches in diameter (thirty-six inches in circumference) or more when measured four and one-half feet (fifty-four inches) above natural grade; and

(2) Any Redwood tree (species *Sequoia sempervirens*) that is eighteen inches in diameter (fifty-seven inches in circumference) or more when measured four and one-half feet (fifty-four inches) above natural grade.

(3) A heritage tree designated by the City Council in accordance with the provisions of this chapter.

(k) "Remove" means any of the following:

(1) Complete removal, such as cutting to the ground or extraction, of a tree.

(2) Taking any action foreseeably leading to the death of a tree or permanent damage to its health; including but not limited to excessive pruning, cutting, girdling, poisoning, overwatering, unauthorized relocation or transportation of a tree, or trenching, excavating, altering the grade, or paving within the dripline area of a tree.

(l) "Tree" means any woody plant which has a trunk four inches or more in diameter at four and one-half feet above natural grade level.

(m) "Tree report" means a report prepared by an arborist certified by the International Society of Arboriculture or another nationally recognized tree research, care, and preservation organization.

(n) "Tree Technical Manual" means the regulations issued by the city manager to implement this chapter.

SECTION 3. Section 8.10.050 of Chapter 8.10 of the Palo Alto Municipal Code is amended to read as follows:

8.10.050 Prohibited acts.

It shall be a violation of this chapter for anyone to remove or cause to be removed a protected tree, except as allowed in this section:

(a) In the absence of development, protected trees shall not be removed unless determined by the director of planning and community environment, on the basis of a tree report prepared by a certified arborist for the applicant and other relevant information, that the tree should be removed because it is dead, is hazardous, is a detriment to or crowding an adjacent protected tree, or constitutes a nuisance under Section 8.04.050(2) of this code.

(b) In the case of development on a single family residential lot, other than in connection with a subdivision:

(1) Protected trees shall not be removed unless the trunk or basal flare of the protected tree is touching or within the building footprint, or the director of planning and community environment has determined, on the basis of a tree report prepared by a certified arborist for the applicant and other relevant information, that the tree should be removed because it is dead, is hazardous, is a detriment to or crowding an adjacent protected tree, or constitutes a nuisance under Section 8.04.050(2) of this code.

(2) If no building footprint exists, protected trees shall not be removed unless the trunk of the tree is located in the building area, or the director of planning and community environment has determined, on the basis of a tree report prepared by a certified arborist for the applicant and other relevant information, that the tree should be removed because it is dead, is hazardous, is a detriment to or crowding an adjacent protected tree, or constitutes a nuisance under Section 8.04.050(2) of this code.

(3) If removal is allowed because the tree trunk is located in the building footprint, or the trunk or basal flare is in the building area, or because the director of planning and community environment has determined that the tree is so close to the building area that construction would result in the death of the tree, the tree removed shall be replaced in accordance with the standards in the Tree Technical Manual.

(c) In connection with a proposed subdivision of land into two or more parcels, no protected tree shall be removed unless removal is unavoidable due to restricted access to the property or deemed necessary to repair a geologic hazard (landslide, repairs, etc.) The tree removed shall be replaced in accordance with the standards in the Tree Technical Manual. Tree preservation and protection measures for any lot that is created by a proposed subdivision of land shall comply with the regulations of this chapter.

(d) In all circumstances other than those described in paragraphs (a), (b) and (c) of this section, protected trees shall not be removed unless one of the following applies:

(1) The director of planning and community environment has determined, on the basis of a tree report prepared by a certified arborist for the applicant and other relevant information that the tree should be removed because it is dead, dangerous or constitutes a nuisance under Section 8.04.050(2). In such cases, the dripline area of the removed tree, or an equivalent area on the site, shall be preserved from development of any structure unless removal would have been permitted under paragraph (2), and tree replacement in accordance with the standards in the Tree Technical Manual shall be required.

(2) Removal is permitted as part of project approval under Chapter 16.48 of this code, because retention of the tree would result in reduction of the otherwise-permissible building area by more than twenty-five percent. In such a case, the approval shall be conditioned upon replacement in accordance with the standards in the Tree Technical Manual.

SECTION 4. The City Council finds that this project is exempt from the provisions of the Environmental Quality Act ("CEQA") because it can be seen with certainty that there is no possibility that this project will have a significant effect on the environment.

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SECTION 5. This ordinance shall be effective on the commencement of the thirty-first day after the day of its adoption.

INTRODUCED: January 22, 2001

PASSED: February 5, 2001

AYES: BURCH, FAZZINO, KLEINBERG, LYTLE, MOSSAR, OJAKIAN

NOES:

ABSTENTIONS:

ABSENT: BEECHAM, EAKINS

ATTEST:

Donna J. Rogers
City Clerk

APPROVED AS TO FORM:

Wynne S. Fuchs
Senior Asst. City Attorney

APPROVED:

Sandy Eakin
Mayor

J. Benest
City Manager

Ed Haul
Director of Planning and
Community Environment

THIS DOCUMENT IS CERTIFIED TO BE AN
ORDINANCE DULY PASSED BY THE COUNCIL
OF THE CITY OF PALO ALTO AND
HEREAFTER POSTED IN THE COUNCIL
CHAMBERS ON 2/7/2001 (WITHIN 15
DAYS OF ITS PASSAGE)

"I certify (or declare) under penalty
of perjury that the foregoing is true
and correct."

3/13/01 Palo Alto
Date & Place

Janet Bellup
Signature