

DATE ISSUED: May 19, 2005 REPORT NO. 05-123

ATTENTION: Rules, Finance, and Intergovernmental Relations Committee  
Agenda of May 25, 2005

SUBJECT: Status Report on the Public Tree and Community Forest Ordinance

#### SUMMARY

Issue – Should the Rules Committee accept the proposed Council Policy on Tree Protection?

Manager’s Recommendation – Approve the draft Council Policy once identification and approval of appropriate staffing resources has been made as part of the budget process.

Other Recommendations – The Community Forest Advisory Board recommended at their May 11, 2005 Board meeting that a Council Policy on Tree Protection be adopted for the City of San Diego and enforced by staff including a Code Compliance Officer, half funded by Community Development Block Grants (CDBG).

Fiscal Impact – Not identified at this time. Additional staffing requirements necessary to perform the duties mentioned in the proposed Council Policy will be subject to approval as part of the budget process.

#### BACKGROUND

In 1995 the City of San Diego recognized the value of developing additional regulations for the community forest when it adopted Resolution No. R-286098 creating the Tree Advisory Board. The main duties of the Tree Advisory Board include advocating and formulating proactive urban forestry policies, ordinances and guidelines to promote the planting of more new trees and to protect existing trees. In 1999 the City Council adopted Municipal Code Sections 26.0501 through 26.0503 additionally charging the Board with

providing advice and recommendations directly to the Mayor, City Council and the City Manager on all policy issues relating to urban forestry.

In 2002, the Tree Advisory Board, now referred to as the Community Forest Advisory Board (CFAB), began working with City staff to draft an ordinance that would protect community trees, specifically ones that have historical value, by allowing for the designation of these trees as heritage and landmark trees. The draft ordinance also attempted to set guidelines for replacement of existing public trees and a procedure for saving existing trees. Also in 2002, Mayor Murphy announced the Community Forest Initiative objective of planting 5,000 trees on public property each year for 20 years, for a total of 100,000 trees for San Diego.

In February 2005, CFAB presented to the Rules, Finance, and Intergovernmental Relations Committee (Rules Committee) a draft Public Tree and Community Forest Ordinance, with input from various City departments. Following directions received from the Rules Committee, CFAB collected additional input and cost and benefit estimates from the various City departments affected by the proposed regulations.

## DISCUSSION

### Public Tree and Community Forest Ordinance

The goal of the draft Public Tree and Community Forest Ordinance is to have a thriving and sustainable tree canopy which extends over all areas of the City, especially where people live, shop and play. Specific objectives include, among others, a total tree canopy of 25% (to meet the goal recommended by American Forest, a national non-profit organization that promotes the benefits and proliferation of urban forests); to have an age and species diversified tree canopy; and no net loss in tree canopy due to development or redevelopment activities.

Having a good Tree Protection Ordinance has been a primary goal of CFAB since its inception. The economic, social and environmental benefits of an abundant tree canopy combine for an attractive alternative solution to many environmental issues facing big cities today. However, it became evident during the ensuing cost analysis effort that implementing an ordinance at this time will create unfunded mandates. Several departments have had their maintenance budgets reduced so significantly that, for them to adhere to the proposed ordinance requirements; they would need to have portions of their maintenance budgets restored.

### Finding an Alternative – Tree Protection Council Policy

At the May 11, 2005 meeting, CFAB agreed to explore an alternative that would still create a tree protection policy, but phase in the implementation to minimize expenditures during the early years. In its role as providing advice and recommendations to the Mayor and City Council, CFAB voted to propose a Tree Protection Council Policy. This Council Policy describes the value and importance of trees in our communities. It

recognizes that community forests play an important role in enhancing air quality, providing energy conservation, reducing storm water runoff, limiting erosion and increasing the quality of life for its residents and visitors. These benefits result in financial savings, and are increased when the size and extent of the tree canopy is increased. By incorporating it into a Council Policy, the City Council expresses the commitment the City has to preserving and protecting its urban canopy.

The draft Council Policy institutes a way of designating community trees for protection. Citizens will be able to nominate landmark, historical and other significant trees valued by the community.

CFAB also recommends that this Council Policy be implemented using existing codes and regulations, such as the Land Development Code, Landscape Manual and Administrative Regulations, modifying them slightly to include requirements pertaining to trees. CFAB feels that there are measures that have little additional cost to implement, like public tree removal and replacement, and these changes should be implemented right away. Others that have more significant cost estimates (for example, a public tree inventory system) can be scheduled for implementation several years later when there is a greater opportunity to fund anticipated implementation expenses. Departments affected by these requirements will be asked to come up with an implementation plan. A diagram that shows how the requirements of the previously proposed ordinance can be reflected in various existing codes and standards is attached.

ALTERNATIVE

Do not approve the draft Tree Protection Council Policy.

Respectfully submitted,

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Frank Belock, Jr.  
Water Department Director

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Approved: Richard Mendes  
Deputy City Manager

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Attachments: [1. Draft Tree Protection Council Policy](#)  
[2. Tree Ordinance Diagram](#)