

Legislation Details (With Text)

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On agenda:	8/7/2017	Final action:			
Title:	<p>(1) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO APPROVING AN UPDATE TO THE CITY OF SAN PABLO MASTER LANDSCAPE PLAN AND AUTHORIZING THE CITY MANAGER TO REMOVE AND REPLACE 40 STREET TREES IN POOR HEALTH; AND</p> <p>(2) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AMENDING CHAPTERS 12.16 AND 17.48 OF THE SAN PABLO MUNICIPAL CODE INCLUDING INCORPORATING THE CITY OF SAN PABLO MASTER LANDSCAPE PLAN AND REPLACING REFERENCES TO DIRECTOR OF PARKS AND RECREATION AND PLANNING COMMISSION WITH REFERENCES TO THE PUBLIC WORKS DIRECTOR AS IT RELATES TO MANAGEMENT OF LANDSCAPE IMPROVEMENTS IN THE PUBLIC RIGHT OF WAY AND ON PUBLIC FACILITIES</p>				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	<p>1. RESO 2017-### Landscape Master Plan Update, 2. City of San Pablo Master Landscape Complete Set Rev.6.27.17.pdf, 3. ORD 2017-### DRAFT Ordinance Modifying Chapters 12.16 and 17.48 in the Municipal Code for Landscape management authority in public right of way, 4. Public Hearing Notice Master Landscape Plan 080717.pdf, 5. PC Reso 17-13, 6. Notice of Public Hearing Master Landscape Plan 080717.pdf, 7. Proof of Publication Notice of Hearing Master Landscape Plan Aug 7.pdf</p>				

Date	Ver.	Action By	Action	Result
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PREPARED BY: BARBARA HAWKINS
SUBJECT:

DATE OF MEETING: 08/07/17

(1) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO APPROVING AN UPDATE TO THE CITY OF SAN PABLO MASTER LANDSCAPE PLAN AND AUTHORIZING THE CITY MANAGER TO REMOVE AND REPLACE 40 STREET TREES IN POOR HEALTH; AND

(2) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AMENDING CHAPTERS 12.16 AND 17.48 OF THE SAN PABLO MUNICIPAL CODE INCLUDING INCORPORATING THE CITY OF SAN PABLO MASTER LANDSCAPE PLAN AND REPLACING REFERENCES TO DIRECTOR OF PARKS AND RECREATION AND PLANNING COMMISSION WITH REFERENCES TO THE PUBLIC WORKS DIRECTOR AS IT RELATES TO MANAGEMENT OF LANDSCAPE IMPROVEMENTS IN THE PUBLIC RIGHT OF WAY AND ON PUBLIC FACILITIES

CITY MANAGER RECOMMENDATION

Adopt Resolution

Conduct public hearing; waive first reading; introduce Ordinance

COMPLIANCE STATEMENTS

FY 2015-2017 Council Priority Workplan

Landscape maintenance of public places, is an adopted policy item under the FY 2015-17 City Council Priority Workplan, effective October 1, 2016.

CEQA Compliance Statement

This action is not a project under CEQA pursuant to Guidelines Section 15378(b)(5): Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment. If a project, then it has been determined to be categorically exempt from the provisions of the California Environmental Quality Act, (CEQA), under CEQA Guidelines § 15061(b) (3) (in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment); section 15308 (actions by regulatory agencies for the protection of the environment; and section 15304 (minor alterations to land).

BACKGROUND

Master Landscape Plan

In 1995 the City of San Pablo prepared a Master Landscape Plan with a wide range of plant species. The past policy allowed property owners to pick a tree based on its looks, or a species they were familiar with, rather than create a pre-planned planting palette for each street. This practice created a random distribution of trees throughout the City.

The draft update to the Master Landscape Plan recommends a distribution of plant species broken up into eight zones along the City's arterial (major) and collector (minor) streets. In residential zones, the selection of plant species is based on adjacent arterial or collector streets and site specific constraints, such as sidewalk width and overhead wires. A map of the zones is included for reference.

When the list of street trees in the original Master Landscape Plan was compiled, relatively little was known about their eventual impact on sidewalks, curbs, gutters, building foundations, and maintenance needs. In recent years there has been a tremendous amount of progress made identifying trees suitable for the urban landscape. The draft Plan proposes a list of plant species with minimal impact while aesthetically enhancing the City's streetscape. In addition, there has been an emphasis placed on drought tolerant trees, shrubs and ground cover. A subset of the ground cover palette that needed further study was plants that could survive in bioswales, areas designed to treat storm water runoff. All this knowledge has been used to update the Master Landscape Plan.

The plan consists of two matrices; one for tree species and another for shrubs and ground. Within the matrices, species are identified by street type, location, foliage, flowers/fruits, microsite conditions, root zone management, nursery availability, litter issues, pest and disease concerns. Additionally, comments are provided for those trees that would work well under high voltage lines, varieties that are more suitable to the local climate and maintenance specific observations. At the end of the document, there are sections on planting, street-placement, staking guidelines, maintenance, pruning, and tree removal.

Replacement of Trees in Poor Health

As a result of recent droughts followed by a year of oversaturated soils, many trees in the city are in poor health or have uplifted the sidewalk, creating potential tripping conditions. Section 12.16.04 of the City of San Pablo's Municipal Code provides that trees that interfere with visibility, sidewalks, intersections, or are weakened in such a manner as to be dangerous to persons lawfully using the streets or sidewalks constitute a nuisance, which shall be abated or removed to eliminate the

interference, obstruction, or condition. It is recommended by the Public Works Director that 13 trees on San Pablo Avenue, 26 trees on Rumrill Boulevard, and 1 tree on 23rd Street be removed and replaced with trees listed in the draft update to the City of San Pablo Master Landscape Plan. A copy of the list specific locations and reasons for removal is included as an attachment.

It is proposed that once the trees are removed that they be replaced within six months to maintain the integrity of the City's streetscape. Or in the case of Rumrill Boulevard, the trees may be planted as part of the Rumrill Boulevard Complete Streets project. At this time all trees are to be removed between September 1 and January 31. If delayed for any reason, trees removed between February 1 and August 31 are to be evaluated by a biologist to ensure there is no impact on local birds or nesting sites.

San Pablo Municipal Code

Currently two sections in the City of San Pablo's Municipal Code are inconsistent as to management of trees, shrubs and ground cover in public places. Sections in Chapter 12.16 of the City of San Pablo's Municipal Code, "Trees, Shrubs and Plants in Public Places," and Chapter 17.48, "Landscaping," in the Zoning Ordinance, reference different responsible agents. Chapter 12.16 gives authority to make decisions on trees, shrubs and ground cover in the public right of way and on public facilities to the Director of Parks and Recreation while Chapter 17.48 gives the same authority to the Planning Commission.

Currently, landscape management in the public right of way or on public facilities is the responsibility of the Public Works Department and that effort is guided by the Master Landscape Plan. The sections in the Municipal Code that assign that responsibility to other entities seem to have been written when there was a different maintenance structure in the City and where roles were unclear as they relate to public landscaping.

Rather than the Public Works Department maintaining the trees, it appears the Parks and Recreation Department, currently known as the Community Services Department, had that responsibility. Thus the Director of Parks and Recreation, as manager of the Parks and Recreation Department, was given the authority to make landscape decisions in the public right of way and on public facilities. In addition, the Planning Commission was given authority to make landscape decisions for plants in the public right of way and on public facilities as part of their authority to impose landscaping conditions on applications for development projects, some of which required improvements in the public right of way. Direction from the Planning Commission for specific plant selection and maintenance procedures is appropriate as it relates to private property, but it does not seem practical for the Planning Commission to make final landscape decisions for plants in the public right of way or on public facilities.

On July 18, 2017 staff presented the proposed Ordinance to the Planning Commission who voted to support changes to Chapter 17.48 per Planning Commission Resolution 17-13 on a unanimous vote (4-0 with one absence). A member of the public commented on the need to be aware of smaller plants being trampled in some areas with the example given of San Pablo Dam Road near I-80. Staff realizes that this can occur and included hardier plants in the Master Landscape Plan to help address these problem areas, such as the Cupressanaceae "Wilton" (Creeping Juniper), Iris douglasiana (Douglas Iris), and Dwarf Nandina (Dwarf Heavenly Bamboo). In addition, there was some later discussion about future consideration of whether there should be standard requirements for planting street trees with new, or substantially renovated, development applications.

Public Safety Standing Committee Review

On July 25, 2017, the Public Safety Standing Committee (Calloway/Morris) reviewed the proposed Landscape Master Plan as proposed. The Standing Committee took action to recommend its formal consideration to the City Council at their next regular meeting on August 7, 2017.

Public Hearing Notice

For the proposed amendment to Chapter 17 of the Municipal Code, which is part of the Zoning Ordinance, State law requires a public hearing. A public hearing notice was published in the newspaper on July 27, 2017.

Conclusion

Staff recommends Chapters 12.16 and 17.48 of the Municipal Code be modified to authorize the Public Works Director or designee to make landscape related decisions in the public right of way and on public facilities rather than the Director of Parks and Recreation. In addition to changing the agent authorized to make landscape decisions on public property, the proposed revisions eliminate the use of gender specific references, and the modify landscape specific guidelines to reference the City of San Pablo's Master Landscape Plan as the source of all landscape related decisions in the public right of way and on public facilities. In doing so, if updates are needed, then the Plan can be modified rather than the Municipal Code.

Attached is a copy of the Draft City of San Pablo Master Landscape Plan and the ordinance containing the modifications to Chapters 12.16 and 17.48 in the Municipal Code. By introducing the ordinance and ultimately approving the ordinance, there will be consistency in the Municipal Code. Assuming no objection, the second reading of the ordinance will be placed on consent calendar with the redlining removed for the final version of the ordinance.

By adopting the attached resolution, Council will be approving the update to the Master Landscape Plan and approving the removal of 40 trees in poor health, which will be replaced with appropriate trees from the Master Landscape Plan.

FISCAL IMPACT

There are no fiscal impacts by approving the ordinance that modifies Chapters 12.16 and 17.48 of the San Pablo Municipal Code or by adopting the resolution to approve the updated Master Landscape Plan. However, this action also authorizes the removal and replacement of 40 identified street trees due to poor health and ill-suited species, which will occur over the space of a few years and will be accomplished within existing budgetary resources.