



# City of Morgan Hill

## Legislation Text

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File #: 16-392, Version: 1

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### **CITY COUNCIL STAFF REPORT MEETING DATE: JUNE 1, 2016**

PREPARED BY: Andrew Crabtree, Director/Community Development  
APPROVED BY: City Manager

### **MUNICIPAL CODE AMENDMENT (ZA-16-04: STREET TREES) AN AMENDMENT TO TITLE 12, CHAPTER 12.23 RESTRICTIONS ON REMOVAL OF SIGNIFICANT TREES TO ADD SEPARATE SPECIFIC PROVISIONS FOR THE REPLACEMENT OF STREET TREES**

#### **RECOMMENDATION(S)**

1. Open/Close Public Hearing;
2. Waive the First and Second Reading of the Ordinance; and
3. Introduce Ordinance.

#### **COUNCIL PRIORITIES, GOALS & STRATEGIES:**

##### **Ongoing Priorities**

Protecting the environment  
Preserving and cultivating public trust

#### **REPORT NARRATIVE:**

Morgan Hill has adopted within its Municipal Code "Restrictions on the Removal of Significant Trees" with the goal of preserving trees as part of the natural environment, recognizing that trees make a positive contribution to a variety of environmental, aesthetic and economic factors within Morgan Hill. The Planning Division administers a Tree Removal Permit process to implement this section of the Municipal Code.

The proposed Ordinance would amend the Municipal Code provisions to provide greater clarity and address concerns that staff has observed through administration of the Tree Removal Permit process, including comments received from members of the Morgan Hill community. Specifically the Ordinance would add a definition for "street tree", allow replacement of a street tree with a "suitable" street tree as a finding to issue a Tree Removal Permit, and make other clarifying text changes that would align with existing City practices. The goals for these changes are to provide greater clarity for applicants, staff and community members, ensure that street trees are subject to the Tree Removal Permit process, allow removal of non-suitable street trees, and clarify that replacement trees are

required.

Staff also proposes to maintain a list of "Suitable Street Trees". A draft of this list is attached for reference.

**COMMUNITY ENGAGEMENT: Inform**

The item has been publicly noticed as required, including publication in the newspaper.

**ALTERNATIVE ACTIONS:**

N/A

**PRIOR CITY COUNCIL AND COMMISSION ACTIONS:**

The current Ordinance was adopted by the City Council in 1980. Section 12.32.030 - Permit-Required was modified in 2009.

**FISCAL AND RESOURCE IMPACT:**

N/A

**CEQA (California Environmental Quality Act):**

Categorical Exemption

This Ordinance is exempt from environmental review under Section 15061(b)(3) of the State CEQA Guidelines. The proposed text amendments are covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed amendments are minor changes to text within the Municipal Code and will not result in any direct impact upon the physical environment. Any tree removal or required replacement tree, as a result of a tree removal permit, subject to the revised standards will undergo an independent analysis pursuant to the requirements of CEQA.

**LINKS/ATTACHMENTS:**

1. Proposed Ordinance Amendment
2. Street Tree Master Plan
3. Proposed Suitable Tree List