

**STAFF REPORT – PLANNING  
CITY OF TEMECULA  
PLANNING COMMISSION**

**TO:** Planning Commission Chairperson and Members of the Planning Commission

**FROM:** Patrick Thomas, Director of Public Works

**DATE OF MEETING:** June 19, 2024

**PREPARED BY:** Julie Tarrant, Principal Management Analyst

**PROJECT SUMMARY:** (Continued from March 20, 2024 Planning Commission Meeting)  
Long Range Application No. LR24-0028, Amending Chapter 8.48 of the Temecula Municipal Code

**RECOMMENDATION:** Recommend the City Council adopt an Ordinance amending Chapter 8.48 of the Temecula Municipal Code

**CEQA:** Categorically Exempt  
Sections 15378 (b)(5) and 15061 (b)(3)

**BACKGROUND SUMMARY**

On March 20, 2024, staff provided a staff report and brief presentation regarding the Amendment to Chapter 8.48 of the Temecula Municipal Code, to establish the City of Temecula Protected Tree Ordinance. The Amendment effectively provides for a name change to Chapter 8.48 of the city's municipal code, from the original 'Heritage Tree' Ordinance, as adopted by City Council on July 28, 2009, to 'Protected Tree'. The Amendment also adds new language to incorporate the City's Urban Forest Management Plan which sets forth the City's policies and guidelines for planting, maintenance, and care and protection of its trees, new and updated definitions, consolidated verbiage for designation of protected trees, the size, diameter, and species.

After considerable review, multiple questions posed, and recommendations made by Members of the Planning Commission, staff was asked to take the additional time needed to address the Commissioners requests and bring the item back for consideration at a later meeting. Staff have now completed their review of all major points of concern that were raised by the Planning Commission at the March 20, 2024 meeting, and compiled a list of these key topics, along with responses and notations that effectively address each item.

On April 17, 2024, staff met with the Planning Commissions Municipal Code Maintenance Sub-Committee, including Commissioner's Hagel and Ruiz. At the meeting, staff presented the list of the most pertinent issues brought about at the March 20, 2024 meeting, and reviewed each topic with the Commissioner's.

Each of the items were thoroughly discussed and effectively addressed to resolve any concerns and answer further questions throughout the meeting, as follows;

1. Fire Hazard/Health & Safety Concerns – permit is required except;

*Edited - Fire department personnel have determined that removal of the tree is necessary to their firefighting efforts.*

*Added – An owner of real property is prohibited from obtaining insurance coverage to adequately secure and protect said property.*

**(Refer to: Section 8.48.210 B. 4 & 5, pg.10)**

All other exceptions remain as is per original Ordinance – (i.e. tree is diseased or dead or poses imminent danger; removing or relocating in conjunction with a capital improvement, right of way, site line, utilities, etc.).

2. Clarification of permit application & approval process (applies to all owners of real property) – an applicant for a Protected Tree removal or relocation permit shall submit an application, and;

*If five or fewer trees on a single parcel, the ‘Director’ shall review and make determination to approve or deny.*

*For more than five trees application is reviewed by ‘Planning Commission’.*

*If denied by ‘Director’ it may be appealed to the ‘Planning Commission’.*

*If denied by ‘Planning Commission’ it may be appealed to the ‘City Council’.*

**(Refer to: Section 8.48.220 A - D, pgs. 10-11)**

3. Violations, Enforcement, Restitution – removal of Protected Tree without a permit;

*Violations include intimidating, harassing, or retaliating against any one who seeks to meet compliance, and any one causing, permitting, aiding, abetting, or concealing a violation of this Chapter.*

*Any violation of this Chapter is subject to criminal misdemeanor penalties and administrative citations per Chapter 1, Sections 1.16, 1.20 & 1.21 of the municipal code. (Ch. 1, Section 1.16-notice to appear in court / issuance of citations by designated officers or employees; Section 1.20-subject to misdemeanor charges and associated penalties, fine or imprisonment; Section 1.21-administrative citation & fine per fee schedule- 1<sup>st</sup> offense-\$50, 2<sup>nd</sup> offense-\$150, 3<sup>rd</sup> offense-\$250, (in accordance with Government Code Section 53069.4)*

*Remedies of the Chapter – City may seek to remedy any violations by a civil action, including, without limitation, administrative or judicial nuisance abatement, or civil or criminal code enforcement proceedings, and suits for injunctive relief.*

*In addition to any other remedy or penalty of this Chapter, the City may seek restitution from any person. The ‘Director’ shall determine the form of restitution*

*and may include fines to include costs to procure, transport, plant, establish, and maintenance for a period of 3 years, having the approximate size, age, and health, and at a ratio of 3:1 for every one damaged or destroyed tree.*

Therefore, fines could be well in excess of the recommended \$5,000 flat fee.

Decisions of the ‘Director’ may be appealed to the ‘Planning Commission’.  
(Refer to: Sections 8.48.300, 8.48.310, & 8.48.320, pgs. 12 – 14)

4. Approval of Permit for the removal or relocation of Protected Tree – ratios & size of replacement trees;

*The ‘Director’ shall make determination to approve or deny permit for the request to cut, remove, relocate, or for encroachment and may impose conditions to offset or mitigate, to include, but not limited to the following;*

*Relocate subject tree to another site.*

*On-site planting at 3:1 ratio of replacement trees of species which will achieve same approximate size at maturity as Protected Tree.*

*Off-site planting of 2:1 ratio of 48” box trees of species which will achieve same approximate size at maturity as Protected Tree, when not feasible to plant on-site.*

*The initiation of a maintenance and care plan for a period of 5 years.*

*Payment of a fee equal to the cost to procure, plant, establish and maintain one replacement tree for every one Protected Tree.*

Replacement trees for off-site planting are to be 48” versus 36” box trees, or as determined by ‘Director’, when and/or where feasible.

(Refer to: Section 8.48.230 C.1-5, pg. 12)

5. Applicability of Amended Ordinance as it pertains to Private Property- right of way;  
Edited – *Any Protected Tree that is located on private property.*

(Refer to: Section 8.48.120 A.1, pg. 2)

Summary of Revisions to Chapter 8.48, to include but not limited to, as follows:

#### **Title 8 – Chapter 8.48:**

- *Change Title of Chapter 8.48 from ‘Heritage’ Tree Ordinance to ‘Protected’ Tree Ordinance, and*
- *Incorporate UFMP to set forth City’s policies and guidelines for planting, maintenance, and for care and protection of its trees, and trees on the street tree master list shall be periodically reviewed, and*

- *Include species of oak trees, common names and Latin names genus of each tree species protected by ordinance, and*
- *Update the definition of a Certified Arborist, as an arborist that is certified by either the International Society of Arboriculture (ISA) or American Society of Consulting Arborists (ASCA), and*
- *Revise applicability to any protected tree located on private property, and*
- *Add specificity and align with International Society of Arboriculture (ISA) standards, and*
- *Specify diameter at standard height (DSH) measurement to be taken for identifying a protected tree, and*
- *Add designation of protected trees as a valued environmental asset, ecological resource, permit requirements and exemptions, trunk diameter, and protected species of trees including oak trees, and*
- *Add clarification on pruning, routine maintenance, and determination to be made by a certified arborist that a tree is dead or diseased, or poses a danger to public safety or property damage, and*
- *Add details regarding the permit review process to remove or relocate protected trees, person responsible for decision making, standards of approval.*

***(Refer to: Copy of Amended Ordinance Chapter 8.48-Protected Tree Ordinance, as provided in Agenda Packet to review all incorporated ‘highlighted’ changes)***

## **ENVIRONMENTAL DETERMINATION**

In accordance with the California Environmental Quality Act, the proposed project has been deemed to be categorically exempt from further environmental review as there is no possibility the proposed ordinance would have a significant impact on the environment pursuant State CEQA Guidelines Sections 15061 (b)(3) and 15378 (b)(5). The amendment to Chapter 8.48 of the Temecula Municipal Code makes revisions to the Heritage Tree Ordinance and updates to tree care and preservation regulations. The amendment does not permit any physical changes to the environment and no construction of any kind will occur due to the passage of this Ordinance. A Notice of Exemption will be prepared and will be filed in accordance with CEQA and the State CEQA Guidelines.

### **ATTACHMENTS:**

1. Draft City Council Ordinance
2. CEQA Notice of Exemption