

CITY OF MONTEREY
RESOLUTION NO. 03-32

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MONTEREY ESTABLISHING
GUIDELINES FOR DETERMINING REPLACEMENT TREE REQUIREMENTS FOR
TREES APPROVED WITH PERMIT AND CIVIL PENALTY STANDARDS FOR TREES
REMOVED WITHOUT PERMIT**

WHEREAS, the City of Monterey City Council is adopting revisions to the Preservation of Trees and Shrubs Ordinance, Chapter 37 of the Monterey City Code; and,

WHEREAS, the Preservation of Trees and Shrubs Ordinance requires certain permitted tree removals to be replaced by planting new trees while trees removed in violation of permit requirements are subject to civil penalties; and,

WHEREAS, the Preservation of Trees and Shrubs Ordinance does not provide standards specific enough to be used by the staff or the public to identify, in advance, the replacement tree requirement or civil penalty; and,

WHEREAS, the City Council has determined that specific standards for determining replacement trees and civil penalties are appropriate and necessary to assure consistent and equitable tree removal decisions,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
MONTEREY that it shall be policy of the City of Monterey to require replacement trees for certain approved tree removals and civil penalties when trees are removed without permit and that this policy shall conform to the guidelines outlined in the attached Exhibit "A";

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this
18th day of March, 2003, by the following vote:

AYES: 4 COUNCILMEMBERS: ALBERT, DELLA SALA, ROBERSON, VREELAND

NOES: 1 COUNCILMEMBERS: CANEPA

ABSENT: 0 COUNCILMEMBERS: NONE

APPROVED:

/s/DANIEL ALBERT

Mayor of said City

ATTEST:

/s/BONNIE GAWF

City Clerk thereof

Guidelines for Determining Replacement Tree Requirements for Trees Approved with Permit and Civil Penalty Standards for Trees Removed without Permit

1. On-site replacement shall be the primary objective when replacing trees that are approved by permit in accordance to procedures contained in the Trees and Shrubs Ordinance, Chapter 37.
2. Use of in-lieu tree planting fee shall only be approved by the City Forester upon determination that on-site planting is not possible due to the number of existing on-site trees and insufficient landscape yard area. The in-lieu fee shall be used to accomplish an off-site tree planting at a location approved by the City Forester. The in-lieu fee shall be equivalent to the value of the replacement tree plus the planting cost.
3. The replacement for tree removals approved by the City Forester shall be one tree for each tree removed. The replacement ratio is 1 to 1. The minimum replacement size for trees approved by the City Forester shall be 5-gallon. The maximum size shall be 15-gallon. All Monterey Pine trees and all trees under 20" in trunk diameter measured 4'-6" above the ground, Diameter Breast Height (DBH), shall be replaced with a 5-gallon size tree. All other trees larger than 20" DBH shall be replaced with 15-gallon size trees. Two 5-gallon size trees will be considered equivalent to one 15-gallon size specimen and can be planted in place of a single 15-gallon tree.
4. The replacement for tree removals approved by the Architectural Review Committee (ARC) shall be up to three trees for each tree removed. The replacement ratio is a maximum 3 to 1. The minimum replacement size for trees approved by the ARC shall be 5-gallon. The maximum size shall be 24"-box. All Monterey Pine trees and all trees under 10" DBH shall be replaced with a 5-gallon size tree. All non-Monterey Pine trees between 10" and 20" DBH shall be replaced *by* three 15-gallon trees. All other trees larger than 20" DBH shall be replaced by two 15-gallon and one 24"-box size trees. The exceptions to this replacement policy are:
 - The ARC determines, based on the total number of trees to be removed and the total number of trees to be preserved, that there is inadequate room on the site to accommodate a full 3 to 1 replacement ratio, an alternative ratio can be required. The alternative ratio may be as low as one to one (1 to 1) or it may include payment of an in-lieu fee equivalent to the replacement ratio that is specified by the ARC in their decision. The in-lieu fee shall be used to accomplish an off-site tree planting at a location approved by the City Forester. The in-lieu fee shall be equivalent to the value of the replacement tree plus the planting cost.
 - The development project includes a botanical report with a specific replacement tree ratio and the ARC proposed replacement tree ratio is approved by the City Forester and consistent with the ratio that is designated in the botanical report or as a condition of the Use Permit.

5. Native Coastal Live Oak, Monterey Pine, and Monterey Cypress trees that are removed are encouraged to be replaced with matching native trees. Replacement Monterey Pine trees shall be grown from locally collected seed. Replacement Coastal Live Oak should be grown from locally collected seed because it is best acclimated to the area. All replacement trees shall be subject to the review and approval of the City Forester.

6. The civil penalty for trees removed in violation of the Preservation of Trees and Shrubs Ordinance shall be substantial. The penalty shall include both on-site tree replacement and a penalty fee. The minimum on-site replacement tree shall be no less than 24"-box size. The maximum on-site replacement shall not exceed 48"-box size. The penalty fee shall be two times the value of the required replacement tree. The size of the replacement tree shall be determined by the size of the removed tree according to the following table:
 - 0" – 10" DBH replaced by 24"-box size specimen
 - 11" – 20" DBH replaced by 36"-box size specimen
 - 21" DBH and larger replaced by 48"-box size specimen

The replacement tree shall be planted on the property from which the original tree was removed. The City Forester is not permitted to waive the on-site replacement requirement. The penalty fee shall be used to support tree maintenance and urban forestry projects in the City of Monterey.