

REPORT TO CITY COUNCIL

DATE: OCTOBER 27, 2010

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

SUBJECT: PRE-SCREEN OF ZONING ORDINANCE AMENDMENT REGARDING PARKING LOT TREE CANOPY COVERAGE FOR RETAIL PROJECTS

Staff respectfully seeks non-binding City Council comments through a Pre-screen Review on a possible Zoning Ordinance Amendment pertaining to parking lot tree canopy coverage for retail projects.

Currently Section 9654.5.C of the Zoning Ordinance regarding parking lot tree canopy coverage states as follows:

“Parking lot landscaping shall include shade trees, from an approved list, placed so as to cover fifty (50) percent of the total parking area with tree canopies within fifteen (15) years after the issuance of the building permit for the related building, structure or other improvements.”

In order to comply with the Landscape Ordinance in the Zoning Code, applicants of all commercial projects are required to submit a landscape plan which includes a planting plan, an irrigation plan, water usage calculations, as well as a tree canopy coverage plan. The proposed landscaping is evaluated against standards which include, depending on the zone, minimum 10% to 20% landscape coverage of the entire site, minimum 15% landscaping of the parking lot, as well as the aforementioned minimum 50% tree canopy coverage of the parking lot after 15 years.

There are many benefits of tree canopy coverage in parking lots. The tree canopy breaks up the “sea of parking” effect, reduces heat generated by paved surfaces, provides shade coverage for parked vehicles, contributes to the reduction of noise and pollution, and improves the outdoor experience for pedestrians. Moreover, reintroducing trees after the development of a vacant parcel helps retain some of the vegetation that once occupied the site.

However, the parking lot tree canopy coverage requirement has caused unintended consequences of reduced visibility of tenant signage and poor visual quality when pruning is done poorly. Staff has heard comments from shopping center owners and commercial brokers about their tenants’ desire for storefront sign visibility, and that the tree canopy blocks visibility of the storefront and signage. Moreover, current Los Angeles County Fire Department policies dictate that no trees be planted in the parking lot in which canopies would overhang in fire equipment access areas, and

that trees cannot be located close to buildings for fuel modification reasons. Also, difficult sites, such as small or unusually shaped or sloped properties, have difficulties in meeting the 50% tree canopy requirement. Unlike other development standards in the Zoning Ordinance in which the requirements are met when the construction is completed, the 50% tree canopy coverage requirement in 15 years is more akin to a target that is reached prospectively 15 years in the future, but is subject to natural and manmade events that could profoundly alter the actual canopy coverage over the course of those 15 years.

Staff met with the Economic Development Committee on two occasions regarding the possibility of amending the Zoning Ordinance section pertaining to the 50% parking lot tree canopy coverage requirement for retail projects, including shopping centers. Staff proposed that the EDC recommend that the current ordinance be modified as follows:

1. Change the 50% tree canopy coverage requirement to 30%, but pedestrian amenities could be added to the landscape plan to achieve a 50% equivalency. The combination of tree canopy coverage and pedestrian amenities would allow for greater creativity in developing a site layout and provides flexibility in the design for difficult sites. Trees can be strategically placed such that they do not interfere with visibility, thus obviating the need for aggressive pruning to expose signs for visibility. Examples of pedestrian amenities include shade structures, enhanced pavement materials, planter benches, fountains, pedestrian scaled landscaping, arbors, public art, and trellised carports. Another option is to keep the tree canopy coverage at 50% but to change it from a requirement to a guideline as recommended by Kay Greeley, the City landscape and oak tree consultant, in the attached memorandum.
2. Advocate increased pedestrian level amenities – Instead of placing total focus on meeting the tree canopy requirement, staff would propose developing new language in the “purpose” section of the landscape ordinance meant to enhance the pedestrian experience and visual interest with the pedestrian level amenities as mentioned above. Pedestrian level amenities would also include pedestrian safety features, especially in shopping center parking lots. Unlike trees that take up to 15 years to reach maturity, pedestrian amenities have immediate benefit.
3. Institute an in-lieu fee payment – In the past, the City has used the payment of an in-lieu fee option for projects that cannot meet the City’s Oak Tree Ordinance. The in-lieu fee has been used in the past for the City to purchase open space land for permanent protection. Consideration could be given to extending this option to the tree canopy requirement and to explore other uses for the in-lieu fee such as street trees and park trees. Acceptance of the in-lieu fee option would be at the discretion of the City and could be limited to hardship cases such as difficult sites.

These modifications would apply to new development and major re-development and can be used in combination with each other. The modifications would also apply to maintenance of existing projects where staff has witnessed many aggressive pruning jobs in response to tenants’ desires for sign visibility. The modifications would not apply to offices and manufacturing uses but only to retail, as the visibility of signage is considered vital to the retail business community.

Retail establishments are used mostly by our residents and they would enjoy the benefits of pedestrian amenities. It takes 15 years of growth for the trees to reach a level of maturity and half of the parking lot area becomes shaded. One day of over-pruning, for the sake of sign visibility, can destroy 15 years of growth and canopy coverage. While staff believes that the original intent of the canopy coverage requirement was good, the difficulties in implementation and enforcement, as well as the consequences of loss of signage visibility, need to be addressed. The proposed approach by staff, as outlined above, attempts to strike a balance between the City's goals of quality sustainable development with the retail business community's goal of visibility.

The EDC accepted the above three options, but recommended additional requirements regarding enforcement to promote perpetual maintenance. One additional option was to require a permit for pruning. Currently, the only trees that are protected under the Agoura Hills Municipal Code are oak trees. Thus, oak trees in shopping center parking lots are subject to an oak tree permit for pruning. The EDC suggested that one way to enforce proper pruning of tree canopy and maintenance of parking lot landscaping was to require a permit for pruning of any tree, following the establishment of pruning and tree care guidelines. The EDC also suggested that the City require a property owner to post a bond for landscape maintenance as a way to enforce proper pruning of tree canopy.

Staff recommends that, in order to expedite processing of this ZOA, the Council may wish to limit the scope of the proposed ZOA, at this time, to planning and design only and not to enforcement. At Council's direction, staff could return with additional analysis of enforcement options for maintenance at a later date, under a separate Pre-screen Review.

Staff has also preliminarily surveyed other cities in the area regarding their requirements, policies, and enforcement of parking lot tree canopy coverage. One city has a 50% canopy coverage requirement, but is enforced only at design. Two cities have 50% canopy coverage as guidelines only, and places emphasis on maintenance of mature protected trees, such as oak and sycamore trees, or restrictions on removal of mature trees through special permits. Deferring discussion regarding enforcement for maintenance would allow staff to more fully research other options used by cities.

RECOMMENDATION

Staff is requesting the City Council provide non-binding comments and direction regarding the proposed Zoning Ordinance Amendment regarding canopy coverage requirement for retail centers. Staff will make a Power Point presentation at the meeting to assist the Council in its deliberation.

Attachments:

- Memorandum from the City Oak Tree/Landscape Consultant, Kay Greeley
- "Parking Lot Landscaping – Tree Canopy Coverage" Handout

Memo

To: Mike Kamino, City of Agoura Hills
From: Kay Greeley, Landscape and Oak Tree Consultant
Date: January 20, 2010
Re: Parking Lot Canopy Coverage

This memo summarizes my recommendations with respect to issues associated with Municipal Code Section 9654.3.C.1, which states "Parking lot landscaping shall include shade trees, from an approved list, placed as to cover fifty (50) percent of the total parking area with tree canopies within fifteen (15) years after the issuance of the building permit for the related building, structure or other improvement."

Over the years, this requirement has resulted in a number of issues, including the following:

1. Merchants and shopping center owners express frustration with respect to visibility of signage for commercial establishments located in shopping centers, especially those removed from the immediate right-of-way.
2. Current Los Angeles County Fire Department policy that dictates that no trees may be planted that will ever overhang any area that might be accessed by fire equipment. This policy effectively eliminates most trees surrounding structures and vastly limits tree planting in parking lots, especially those presenting limited circulation options.
3. Tight and unusual parcel geometry creates design challenges in new developments that only allow for small planters that are generally not suitable for shade tree planting.
4. Poor tree maintenance practices rarely allow trees to reach their full potential and the value of the canopy coverage is rarely achieved.

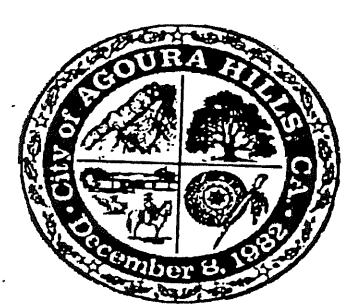
Some commercial sites have achieved the canopy coverage goal over the years. One notable example was the Mann Theater center on Agoura Road. We maintained a very strong working relationship with the property manager and had excellent cooperation for many years. However, the property changed hands in the last year or so and the new owners chose to top the trees, despite the fact that we had met with them and discussed the importance of maintaining the current canopy coverage. The value of the canopy developed over twenty years was lost in a single day. It can never be regained due to the damage to the basic structure of the trees.

Given the difficulties associated with design and sustainability of canopy coverage, it is my recommendation that the City of Agoura Hills consider amending the Municipal Code to change the canopy coverage requirement to a guideline for landscape development. To balance the loss of the canopy coverage requirement, the new guidelines could also suggest that applicants create a more comprehensive pedestrian-oriented landscape design.

A more pedestrian-oriented landscape plan could consider the following elements:

- More intricate plant palette and arrangement
- More interesting and pronounced hardscape elements, including enhanced pavement
- Vined trellises, benches, fountains, art, etc. to create more scale and visual interest in lieu of trees
- Other design concepts that would continue to promote the natural, rural feel of the City of Agoura Hills, but that would specifically consider the challenges faced by commercial centers in today's economic climate.

Please advise if you have any questions at this time.



The City of Agoura Hills

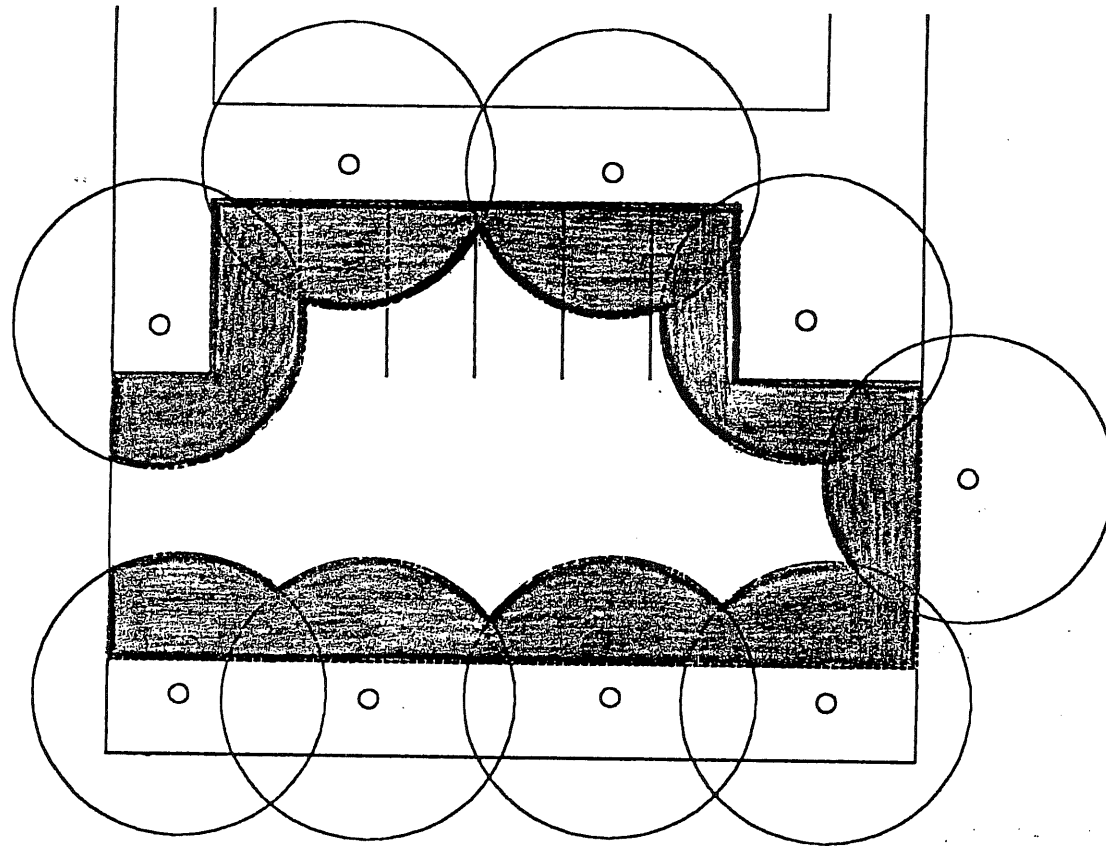
Parking Lot Landscaping - Tree Canopy Coverage

Agoura Hills Municipal Code Section 9654.5.C.1: Parking lot landscaping shall include shade trees, from an approved list, placed so as to cover fifty (50) percent of the total parking area with tree canopies within fifteen (15) years after the issuance of the building permit for the related building, structure or other improvement.

The intent of this section is to provide attractive landscaping by regulating the size, placement, and design of parking lot landscaping. Parking lot landscaping is intended to enhance the visual environment, promote public safety, moderate the temperature, and reduce noise and glare.

The exhibit on the reverse side provides how the tree canopy coverage requirement can be met. A small parking lot is shown, having an area of 3,462 square feet. The parking lot area includes driveways and parking aisles, in addition to the parking stalls. The shaded area on the diagram is the portion of the parking lot covered by the mature tree canopy. In this example, the shaded area covers 1,930 square feet, or 56% of the parking lot area. Sample trees are shown surrounding the parking lot. The diameter of these trees at fifteen years is assumed to be approximately 75% of the maximum value listed for trees in the Sunset Western Garden Book.

Parking Lot Landscaping Tree Canopy Coverage



Parking Lot = 3,462 square feet

Area covered by canopy = 1,930 square feet or 56%

Section 9654.5C.1

Scale: 1"=20'

5/2000