

**ORDINANCE NO. 2036**

**AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, AMENDING CHAPTER 12.35 “TREES AND SHRUBS” OF TITLE 12 “STREETS, SIDEWALKS, AND PUBLIC PLACES” OF THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA TO INCORPORATE NEW BEST PRACTICES AND REGULATIONS TO PRESERVE THE URBAN FOREST**

**BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

**WHEREAS**, several best practices, procedures, and standards in tree maintenance and preservation have evolved and changed since the preceding ordinance was adopted in 1960;

**WHEREAS**, the City of Santa Clara 2010 – 2035 General Plan identifies preservation of City-designated Heritage Trees;

**WHEREAS**, the City of Santa Clara 2013 Climate Action Plan includes a goal of mitigating the heat island effect through shading and cooling practices with specific reference to Urban Forestry and tree plantings;

**WHEREAS**, nature-based climate solutions, such as tree plantings and vegetation management, have been widely identified as a key component to a balanced climate action strategy; and,

**WHEREAS**, the Arbor Day Foundation identifies updating the Trees and Shrubs ordinance to enhance the City of Santa Clara’s Tree City USA Growth Award activities.

**NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

//

//

**SECTION 1:** Current Chapter 12.35 entitled “Trees and Shrubs” of Title 12 entitled “Streets, Sidewalks and Public Places” of The Code of the City of Santa Clara, California (“SCCC”) is repealed in its entirety.

**SECTION 2:** New Chapter 12.35 (entitled “Trees and Shrubs”) is added to Title 12 (entitled “Streets, Sidewalks and Public Places”) of “The Code of the City of Santa Clara, California” to read as follows:

“Chapter 12.35

**TREES AND SHRUBS**

**Sections**

- 12.35.010 Purpose.**
- 12.35.020 Definitions.**
- 12.35.030 Enforcing authority.**
- 12.35.040 Official City Tree list.**
- 12.35.050 City Tree planting, maintenance, and removal.**
- 12.35.060 Park Strip landscaping.**
- 12.35.070 Private Trees and plants.**
- 12.35.080 Protected Trees.**
- 12.35.090 Protected Tree preservation and removal.**
- 12.35.100 Construction and Development.**
- 12.35.110 Prohibited acts.**
- 12.35.120 Public nuisance.**
- 12.35.130 Interference.**
- 12.35.140 Penalty for violation.**

**12.35.150 Appeals.**

**12.35.160 Liability.**

**12.35.010 Purpose.**

The purpose of this chapter is to:

- (a) Ensure the preservation of the City's Urban Forest;
- (b) Regulate the installation, maintenance, removal, and management of trees and plants in Public Places;
- (c) Encourage the protection of trees to support nature-based climate solutions, mitigate the effects of climate change, store carbon, reduce the heat island effect, provide shade, beauty, wind protection, air filtration, mitigation of noise, soil protection, habitat, screening between buildings, and enhancement of property values.

**12.35.020 Definitions.**

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

- (a) "A" definitions:
  - (1) "ANSI A300 Standards" means the A300 standards adopted by the American National Standards Institute (ANSI) regarding tree, shrub or other woody plant maintenance, and all successor standards adopted by ANSI.
  - (2) "Arborist" means an individual engaged in the profession of arboriculture who, through experience, education, and related training, possesses the competence to provide for, or supervise the management of, trees and other woody plants.
- (b) Reserved for future use.

(c) "C" definitions:

(1) "City" means the City of Santa Clara.

(2) "City Manager" means the City Manager of the City or a duly appointed representative designated by the City Manager.

(3) "City Tree" means trees located on land within the City's public rights-of-way or easements, or on public streets, avenues, or ways within the City, and the City's parkland inventory that have been approved to be planted by the City.

(4) "City Tree List" means the list of Trees approved by the City to be planted in Public Places.

(5) "Critical Root Zone" means the minimum volume of roots necessary to have for tree health and stability.

(d) "D" definitions:

(1) "Damage" means any action which causes injury, death or disfigurement of a tree. Actions include, but are not limited to, cutting, girdling, poisoning, overwatering or underwatering, tree topping, unauthorized relocation or transportation of a tree, compaction of soil or any work within the root zone of a tree, trenching, excavating, or altering the grade or paving within the dripline of a tree.

(2) "Development" means any improvement of real property which requires the approval of a subdivision, development review approval, a conditional use permit, a minor use permit, a planned development zoning approval, a variance, a grading permit, a demolition permit or a building permit.

(3) "Dripline" means the outermost line of the tree's canopy projected straight down to the ground surface.

(e) Reserved for future use.

(f) Reserved for future use.

(g) Reserved for future use.

(h) "H" definitions:

(1) "Hazardous" means an imminent threat to the safety of persons or property.

(2) "Heritage Tree" means trees designated as significant by the City due to their age, commemoration of an event, or memory of a person or event in history.

(i) "I" definitions:

(1) "International Society of Arboriculture (ISA)" means the organization that promotes the professional practice of arboriculture and fosters a greater worldwide awareness of the benefits of trees through research, technology, and education.

(j) Reserved for future use.

(k) Reserved for future use.

(l) Reserved for future use.

(m) Reserved for future use.

(o) Reserved for future use.

(p) "P" definitions:

(1) "Park Strip" means the public area between the curbing and sidewalk.

(2) "Permit" means written authorization from the City of Santa Clara to perform work in conformance with this chapter.

//

(3) "Person" means individuals, firms, associations, and corporations, and agents, employees or representatives thereof, excluding the City agents, employees or representatives thereof.

(4) "Private Tree" means trees on land lying outside of the public right of way or public park of the City.

(5) "Property Owner" means the owner of record or contract purchaser of any parcel of land fronting on any city street.

(6) "Protected Tree" means any class of tree specified in Section 12.35.080.

(7) "Prune" means to detach or separate from a tree any limb or branch over one inch in diameter, or to remove branching structures, as designated by the ANSI A300 Standards.

(8) "Public Place" shall mean any property owned or controlled by the City including, but not limited to, parks, parkways, open space, public streets, public rights-of-way, City owned property, and Park Strips.

(q) Reserved for future use.

(r) Reserved for future use.

(s) "S" definitions:

(1) "Street Tree" means trees located on land within the public rights-of-way on all streets, avenues, or ways within the City that have been approved to be planted by the City.

//

//

(2) “Structurally Compromised” means any alteration of a tree that is likely to become hazardous over the next few years as determined by the City Manager.

(t) “T” definitions:

(1) “Tree Protection Zone” means the area surrounding a tree defined by a specified distance, in which excavation and other construction-related activities should be avoided. The tree protection zone is variable depending on species, factor, age and health of the plant, soil conditions, and proposed construction.

(u) “U” definitions:

(1) “Urban Forest” means those native or introduced trees and related vegetation in the urban and near-urban areas, including, but not limited to, urban watersheds, soils and related habitats, City Trees, residential trees, natural riparian habitats, and trees on other private and public properties.

(v) Reserved for future use.

(w) Reserved for future use.

(x) Reserved for future use.

(y) Reserved for future use.

(z) Reserved for future use.

#### **12.35.030 Enforcing authority.**

The primary responsibility for enforcement of the provisions of this chapter shall be vested in the City Manager. The City Manager is hereby authorized to act as an agent of the City with the power to inspect, issue notices of violation, and write citations for any violation of this chapter.

#### **12.35.040 Official City Tree list.**

(a) The Department of Public Works shall maintain and periodically review the City Tree List for trees planted in the public right-of-way, and may add to, delete from, or otherwise modify the list.

(b) The Department of Parks and Recreation shall maintain and periodically review the City Tree List for trees planted in City parks, and may add to, delete from, or otherwise modify the list.

(c) No tree shall be planted in a Public Place or overhang any city park unless the tree is on the City Tree List.

**12.35.050 City Tree planting, maintenance, and removal.**

(a) No person shall plant or cause to be planted any tree or plant in a Public Place, apart from Park Strip landscaping as indicated in 12.35.060 of this chapter.

(b) The City shall have jurisdiction and control of the planting and placement of all City Trees, and shall have supervision, direction, and control of the structural pruning of the canopy, removal determination, relocation, and replacement thereof. Planting and maintenance shall conform to ANSI A300 Standards and follow all tree care Best Management Practices published by ISA.

(c) Property Owners are responsible for watering City Trees within their property, clearing the sidewalk of City Tree debris, and removing all debris associated with the normal growth cycle of City Trees including, but not limited to, fallen leaves and needles, small fallen branches, fruit debris, and seeds.

(d) Property Owners are responsible for notifying the City of hazardous or Damaged City Trees within their property, and in the Park Strip in front of their property.

//



(e) The City shall maintain criteria for evaluating City Tree removals that may be updated from time to time. No tree shall be removed unless it meets the removal criteria, unless specified in an approved mitigation plan.

(f) In the event that the City Manager determines a City Tree has become Hazardous or Structurally Compromised because of the actions of the Property Owner or his/her tenants, the City may perform the work and charge the Property Owner for the costs of curing the issue including, but not limited to, enforcement, administrative time, equipment, and time to perform the work. The City shall send an invoice of the costs to the Property Owner, and if such costs are not paid within thirty (30) days, the City may record a nuisance abatement lien or special assessment on the property.

(g) In the event that the City Manager determines a City Tree has become or a nuisance because of the actions of the Property Owner, or his/her tenants, the City may require the Property Owner, at Property Owner's expense, to prune or remove the City Tree or take other appropriate action after being issued a Permit. Failure to complete the required work within thirty (30) days shall be a violation of this chapter. Additionally, if the Property Owner fails to complete the required work within thirty (30) days, the City may perform the work and charge the Property Owner for the costs of curing the issue including, but not limited to, enforcement, administrative time, equipment, and time to perform the work. The City shall send an invoice of the costs to the Property Owner, and if such costs are not paid within thirty (30) days, the City may record a nuisance abatement lien or special assessment on the property.

//

//

(h) The City may authorize the pruning or removal of a City Tree by a Property Owner, at the Property Owner's own expense, if the removal or pruning meets the established criteria but has been deemed a lower priority for action by the City. The City's authorization of such action by a Property Owner is conditioned upon the Property Owner first obtaining a Permit from the City. All pruning and removal work must conform to ANSI A300 Standards and follow all tree care Best Management Practices published by ISA.

(i) If a vacant site where a Street Tree was removed is suitable to support a new Street Tree, the site shall be replanted with a suitable tree species from the City Tree List.

**12.35.060 Park Strip landscaping.**

(a) No permit or prior approval from the City is required for the planting of landscaping such as shrubs and ground cover in the Park Strip, as long as the item to be planted complies with all requirements of this chapter and is maintained by the property owner.

(b) No Person shall plant or cause to be planted any tree in a Park Strip.

//

//

//

//

//

//

//

//

(c) The property owner is responsible for maintaining all shrubs and landscaping, excluding trees, in the Park Strip so that all walkways and roadways are clear and free of obstruction. During special circumstances, the City may be required to prune or remove any plant in the Park Strip. If a plant that was planted by the Property Owner in the Park Strip is determined to be objectionable or a nuisance by the Department of Public Works, the City may require the Property Owner to prune, remove or maintain the plant, or the City may perform the work and charge the Property Owner for the costs of curing the issue including, but not limited to, enforcement, administrative time, equipment, and time to perform the work. The City shall send an invoice of the costs to the Property Owner, and if such costs are not paid within thirty (30) days, the City may record a nuisance abatement lien or special assessment on the property.

**12.35.070 Private Trees and plants.**

(a) Except as otherwise provided in this chapter, trees and plants on private property are the responsibility of the Property Owners to keep, remove, and maintain as deemed appropriate by the Property Owner in accordance with all applicable laws and City ordinances.

//

//

//

//

//

//

//

(b) In the event that the City Manager determines that a private tree or plant has become a public nuisance, the City Manager may require the Property Owner to prune, remove or maintain the tree or plant. Failure to complete the required work within thirty (30) days shall be a violation of this chapter. Additionally, if the Property Owner fails to complete the required work within thirty (30) days, the City may perform the work and charge the Property Owner for the costs of curing the issue, including enforcement, administrative, and time and equipment to perform the work. The City shall send an invoice of the costs to the Property Owner, and if such costs are not paid within thirty (30) days, the City may record a nuisance abatement lien or special assessment on the property.

#### **12.35.080 Protected Trees.**

The following trees shall not be removed without first obtaining a permit from the City:

- (a) Heritage Trees in all zoning districts.
- (b) All specimen trees with a diameter of twelve (12) inches or more when measured at fifty-four (54) inches above natural grade of the following species on private property:

- (1) *Aesculus californica* (California Buckeye);
- (2) *Acer macrophyllum* (Big Leaf Maple);
- (3) *Cedrus deodara* (Deodar Cedar);
- (4) *Cedrus atlantica* 'Glauca' (Blue Atlas Cedar);
- (5) *Cinnamomum camphora* (Camphor Tree);
- (6) *Platanus racemosa* (Western Sycamore).
- (7) *Quercus* (native oak tree species), including:

- (A) *Quercus agrifolia* (Coast Live Oak);
- (B) *Quercus lobata* (Valley Oak);
- (C) *Quercus kelloggii* (Black Oak);
- (D) *Quercus douglasii* (Blue Oak);
- (E) *Quercus wislizeni* (Interior Live Oak);
- (8) *Sequoia sempervirens* (Coast Redwood); and
- (9) *Umbellularia californica* (Bay Laurel or California Bay);
- (c) Approved development trees.
- (d) A private tree which has a trunk with a diameter of thirty-eight (38) inches or more measured at fifty-four (54) inches above natural grade.
- (e) A multi-branched private tree which has major branches below fifty-four (54) inches above the natural grade with a diameter of thirty-eight (38) inches or more measured just below the first major trunk fork.

**12.35.090 Protected Tree preservation and removal.**

(a) Any Person who owns, controls, or has custody or possession of any real property within the City shall use reasonable efforts to maintain and preserve all Protected Trees located thereon in a state of good health pursuant to the provisions of this chapter. Failure to do so shall constitute a violation of this chapter.

(b) Any person who conducts any activities such as Development, grading, excavation, demolition or construction on a property shall do so in such a manner as to not Damage, threaten the health or viability, or cause the removal of any Protected Tree. All work shall be done in accordance to ANSI A300 Standards and follow all tree care Best Management Practices published by ISA necessary to protect the vitality of the tree.

(c) Protected Tree Removal.

(1) It is unlawful for any Person to remove, or cause to be removed, any Protected Tree from any parcel of property in the City without first obtaining a permit from the City. Any Person who vandalizes, grievously mutilates, Damages, destroys, or unbalances a Protected Tree without a permit or beyond the scope of an approved permit shall be in violation of this chapter.

(2) An application for a tree removal permit shall be filed with the Community Development Department and shall contain the following information:

(A) A drawing outlining the location of the tree(s) and proposed tree replacements;

(B) A written explanation of why the tree(s) should be removed;

(C) An arborist report from an arborist certified by the ISA;

(D) Signature of the property owner and/or homeowner's association (where applicable) with proof of a vote of the homeowner's association;

(E) Photograph(s) of the tree(s);

(F) Permit fee, where applicable; and

(G) Other information deemed necessary by the Department of Community Development to evaluate the tree removal request.

(3) The Community Development Department shall have the final review and determination on applications for the removal of all Protected Trees, except Heritage Trees.

(A) City Council shall have the final review and determination on applications for the removal of Heritage Trees.

(4) The Department of Community Development shall approve a tree removal permit for a Protected Tree only after making at least one of the following findings:

(A) That the tree or trees are irreversibly diseased, are in danger of falling, can cause potential damage to existing or proposed essential structures, or interferes with private on-site utility services and cannot be controlled or remedied through reasonable relocation or modification of the structure or utility services;

(B) That the location of the trees restricts the economic enjoyment of the property by severely limiting the use of property in a manner not typically experienced by owners of similarly zoned and situated property, and the applicant has demonstrated to the satisfaction of the Department of Community Development that there are no reasonable alternatives to preserve the tree(s).

(C) That the tree(s) are a detriment to the subject property and cannot be adequately supported according to good urban forestry practices due to the overplanting or overcrowding of trees on the subject property.

(D) That the trunk of the tree(s) are five (5) feet or less from the existing residence, secondary unit or garage.

(E) That the trunk of the tree(s) are five (5) feet or less from the centerline of a below-ground utility line or pipe.

//

//

//

//

(F) That the tree(s) are on a private property single-family lot and are unsuitable species for single-family lots, including: *Eucalyptus globulus* (Blue Gum), *Liquidambar styraciflua* (Sweet Gum), *Pinus* (Pines), *Ailanthus altissima* (Tree of Heaven), *Liriodendron tulipifera* (Tulip tree), *Ulmus pumila* (Siberian Elm), *Ceratonia siliqua* (Carob tree), and Palm trees.

(5) The Department of Community Development shall approve, conditionally approve or deny the tree removal application.

(A) The City may make an investigation of the site where a Protected Tree is proposed to be removed to evaluate if it meets the criteria for removal before issuance of a permit.

(6) No Protected Tree shall be removed unless it meets the removal criteria, unless specified in an approved mitigation plan.

(7) At the discretion of the Department of Community Development, replacement trees will be required as a condition of issuance of a tree removal permit, or as a condition of any discretionary permit for development or redevelopment that involves the removal of a tree at the following replacement ratios:

Dead tree or unsuitable tree (e.g. Eucalyptus, Liquidambar, Pine, Tree of Heaven, Tulip tree, and Palm tree)	1:1 Replacement ratio, minimum 15-gallon
Single-Family Residence	1:1 Replacement ratio, minimum 15-gallon
Multi-Family / Commercial / Industrial	2:1 Replacement ratio (24" box), or 4:1 Replacement ratio (15-gallon)

//

//

//



(8) Where it can be demonstrated that it is not feasible to provide a replacement tree on-site, the applicant may work with the City to propose an alternative means of replacement (e.g., planting of a Street Tree per City direction), subject to the approval of the Director of Community Development.

#### **12.35.100 Construction and Development.**

When site Development is occurring and a discretionary permit and a public hearing are required excluding R1-6L Single Family Residential zoned properties, the developer or Property Owner shall meet the following requirements:

(a) Tree Survey. A tree survey conducted by an Arborist who has been certified by ISA shall be submitted as part of the required application materials for all use, design or special development permits on developing or redeveloping property. The survey shall show the location, size, and species (both common and Latin names required) of all trees on the site. A written report by an ISA certified Arborist shall be included when any City Tree or Protected Tree is proposed to be removed explaining why the tree(s) cannot be relocated.

(b) Plan Modifications.

(1) The Department of Community Development shall have the ability to require the reasonable alteration of a proposed building in order to retain trees.

(2) The Department of Community Development shall have the ability to require relocation (on or off-site) of Protected Trees which the applicant proposes to remove.

(3) The Department of Public Works shall have the ability to require relocation (on or off-site) of City Trees which the applicant proposes to remove.

(c) Replanting Plans.

(1) When City Trees must be removed, replanting plans shall be submitted to the Department of Public Works and the Department of Community Development as part of the landscaping plan for the proposed project.

(2) When Protected Trees must be removed, replanting plans shall be submitted to the Department of Community Development as part of the landscaping plan for the proposed project.

(3) Replacement trees are required to be planted at replacement ratios specified in Section 12.35.090(c)(7) above, or the applicant must propose an alternative means of replacement if it is demonstrated that planting a replacement tree on-site is not feasible, subject to the approval of the Director of Community Development.

(d) Tree Protection Plan. The developer shall submit written plans prepared by an ISA certified Arborist that outline protection measures as a tree protection plan for City Trees and Protected Trees. The plan shall include tree protection measures that will occur during and after construction, and specifically identify the Tree Protection Zone. City Trees and Protected Trees shall be protected by use of the following methods:

(1) Protective fencing shall be installed no closer to the trunk than the Dripline, and far enough from the trunk to protect the integrity of the tree. The fence shall be a minimum of four feet in height and shall be set securely in place. The fence shall be of a sturdy but open material (i.e., chain link) to allow visibility to the trunk for inspections and safety.

//

//

(2) The existing grade level around a tree shall normally be maintained out to the Dripline of the tree. Alternate grade levels, as described in the tree protection plan, may be approved by the Department of Community Development.

(3) Drain wells shall be installed whenever impervious surfaces will be placed over the root system of a tree (the root system generally extends at least to the outermost edges of the branches).

(4) Pruning that is necessary to accommodate a project feature, such as a building, road or walkway shall be reviewed and approved by the Community Development Department.

(5) In the event a tree dies or begins to decline in poor health, the Property Owner will be required by the City to replace the aesthetic value of the tree that was lost in accordance with recommendations set forth by the City Manager.

(f) Soil Mitigation. The Community Development Department shall have the authority to require underground soil or planting measures, such as placement of structural soils, and removal of contaminated soils in any location deemed appropriate for future or existing healthy tree growth.

#### **12.35.110 Prohibited acts.**

Unless specifically authorized by the City Manager, it is unlawful for any Person to:

(a) Intentionally Damage, break, cut, carve, mutilate, deface, kill, injure, or destroy any City Tree or Protected Tree;

(b) Transplant or remove any City Tree or Protected Tree;

//

//

(c) Attach any rope, wire, nails, advertising posters, sign or other contrivance to any City Tree or Protected Tree in such a way that could Damage the health of the tree;

(d) Allow to come in contact with the roots, leaves, bark or any part of any City Tree or Protected Tree any gaseous, liquid, or solid substance harmful to such tree;

(e) Cause or permit any wire charged with electricity to come in contact with any City Tree or Protected Tree that could Damage the health of the tree;

(f) Make any excavation, place any fill, compact the soil, or construct any structure, walkway, driveway, pavement, or public utility within fifteen feet of any City Tree or Protected Tree that could Damage the health of the tree.

#### **12.35.120 Public nuisance.**

The following are hereby declared public nuisances:

(a) Any diseased, infested, dead or dying tree or plant on private property so near to any City Tree or Protected Tree as to constitute a danger to such tree, or to any street or portion thereof;

(b) Any tree or plant on any private property or within the City easement of a type of species apt to destroy, impair or otherwise interfere with a City Tree or Protected Tree, street improvement, sidewalk, curb, gutter, sewer or other public improvement, including any main or service;

(c) Any trees or plants growing into or over any City Trees or Protected Trees, or any public hydrant, pole or electrolier;

//

//

(d) The existence of any tree or plant on private property within the City limits that is infested, infected or in danger of becoming infested or infected with destructive parasites, insects, scales, fungus, viruses or growth injurious to trees and their structural stability;

(e) The existence of any tree or plant on private property which interferes with the visibility on, or free use of, or access to, any City right-of-way for vehicular, bicycle or pedestrian travel;

(f) Any concrete, asphalt, tar paper or plastic membranes or other types of impervious materials placed in the City easement in such close proximity to a City Tree or Protected Tree as to impede the movement of soil, air and water which are necessary to sustain tree growth and development.

**12.35.130 Interference.**

(a) No Person shall interfere with any City employee or City contractor acting under this chapter.

**12.35.140 Penalty for violation.**

(a) Any Person who intentionally or negligently violates any of the provisions of this chapter or any permit issued pursuant to it, the City may assess a monetary penalty in a sum not to exceed five thousand dollars (\$5,000).

(b) In the event that the violation results in any substantial injury, Damage, or removal of a City Tree or Protected Tree as determined by the City Manager, an additional penalty shall be assessed in the amount of the monetary value of the tree, which is determined based on location, species and tree size. The appropriate penalty shall apply separately to each tree affected by the improper action.

(c) The City Manager shall have the authority to require an administrative hearing for any violations of the provisions of this chapter.

(1) The hearing officer may impose such penalties, reasonable expenses, and landscaping deemed necessary to replace the aesthetic value of the tree based on generally accepted arboricultural practices.

(2) The failure of any recipient of a "Notice of Violation" to appear at the administrative hearing shall constitute a waiver of any objections to the imposition of a penalty or other appropriate remedy imposed by the hearing officer and constitutes a failure to exhaust administrative remedies.

(d) In any civil action brought to seek such civil penalties, and/or to obtain injunctive relief for violation of any provision of this chapter, in which the City prevails, the court shall determine and impose reasonable expenses, including the costs of employee time and attorneys' fees incurred by the city in the investigation and prosecution of the action.

(e) The remedies provided for in this section are in addition to and do not supersede or limit any and all other remedies, civil or criminal.

#### **12.35.150 Appeals.**

All appeals to a violation shall be heard by City Council.

#### **12.35.160 Liability.**

Nothing contained in this Section shall be interpreted to impose any liability upon the City, its officers, employees, or agents, nor to relieve the owner of any private property from the duty to keep any Tree or plant located upon the adjacent Park Strip or upon the owner's private property from becoming a hazard or public nuisance."

**SECTION 3: Environmental Review.** The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378(b)(2) in that it is a general policy making activity that will not result in direct or indirect changes in the environment.

**SECTION 4: Ordinances Repealed.** With exception of the provisions protected by the savings clause, all ordinances (or parts of ordinances) in conflict with or inconsistent with this ordinance are hereby repealed.

**SECTION 5: Savings clause.** The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

//

//

//

//

//

//

//

//

//

**SECTION 6: Effective date.** This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of "The Charter of the City of Santa Clara, California."

PASSED FOR THE PURPOSE OF PUBLICATION this 16<sup>th</sup> day of November, 2021, by the following vote:

AYES: COUNCILORS: Becker, Chahal, Hardy, Jain, Park, and Watanabe, and Mayor Gillmor

NOES: COUNCILORS: None

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: None

ATTEST:



NORA PIMENTEL, MMC  
ASSISTANT CITY CLERK  
CITY OF SANTA CLARA

Attachments incorporated by reference: None