

C/S Amending The Albuquerque Traffic Code To Update § 6-6-2-4 Required Street Trees To Establish Standards That Enhance, Improve And Maintain The Quality Of The Public Environment

(Benton, by request)

AMENDING THE ALBUQUERQUE TRAFFIC CODE TO UPDATE § 6-6-2-4 REQUIRED STREET TREES TO ESTABLISH STANDARDS THAT ENHANCE, IMPROVE AND MAINTAIN THE QUALITY OF THE PUBLIC ENVIRONMENT.

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

SECTION 1. THE TRAFFIC CODE: REQUIRED STREET TREES REGULATIONS IS HEREBY AMENDED BY REPLACING THE TEXT IN § 6-6-2-4 REQUIRED STREET TREES REGULATIONS AS SHOWN BELOW.

§ 6-6-2-4 REQUIRED STREET TREES

(1) Required Street Trees.

(a) All applicants for building permits for construction of a new building or building addition of over 200 square feet shall submit a street tree plan for those parts of the lot abutting a major street, a major local street, or another street where street trees are required.

(b) Any person who constructs a new building addition of over 200 square feet or who paves a parking lot or required off-street parking area for apartments and/or non-residential development on a lot abutting a major street, a major local street, or another street where street trees are required shall plant street trees according to a street tree plan approved by the Mayor. Such planting shall occur no later than 30 days after the completion of construction and shall occur before final inspection as required in the Building Code.

(c) Street trees shown on an approved street tree plan and required to meet the requirements of §14-16-3-10(H) shall be maintained alive and healthy. Maintenance and trimming of street trees and replacement of dead trees are the responsibility of the owner of the lot abutting or on which the tree is located.

(d) The Parks and Recreation Department shall maintain a list of trees, as part of the Official Albuquerque Plant Palette and Sizing List, generally suitable for use as street trees in Albuquerque. This Street Tree List shall include a description of the physical characteristics and cultural requirements of each species.

(e) City Staff, in coordination with appropriate private sector input, shall develop and make available information regarding the required soil volume for trees of a given mature size, the

Planning Director shall make this available. This soil volume consists of un-compacted and irrigated soil. The root space may be long and linear, to match a parkway size, and/or the space may be created through mechanical de-compaction, or the use of either structural soils under pavements, or soil vault systems under pavements.

(f) Conflicts can occur with large trees near overhead electric utility lines. The larger the tree, the farther it should be located from an electric utility line. Small growth trees (those under 25 feet high at maturity) can be near the electric utility lines. If possible, locate medium growth trees (those under 40 feet high at maturity) at least 15 feet away from the electric utility lines and locate large growth trees (those under 80 feet high at maturity) at least 25 feet from electric utility lines. Trees that grow into or near electric lines may be trimmed back to prevent any growth into the lines.

§ 6-6-2-5 STREET TREE POLICIES.

The following city policies govern the placement of all street trees which are planted on private property, abutting the public right-of-way, or which are required to be planted near streets pursuant to city plans, policies and ordinances; the policies are applicable for all street trees:

(1) Size of the trees at maturity should be in proportion to the planting space provided for them. Spacing between evenly spaced street trees should be no greater than the diameter of the tree canopy at maturity, per the Official Albuquerque Plant Palette and Sizing List. Smaller species of trees will require closer spacing, and larger trees will require greater spacing. Spacing shall be approved as part of the plan approval process.

a. Adequate room and spacing for Street Trees (subsection citation) shall be accommodated/provided: minimum 80 sq. ft. planting area for each tree; and maximum of 25 feet spacing on-center. For planting areas with over 800CF of un-compacted soil, tree spacing may be increased to up to 35 feet on-center.

b. The planting hole shall be twice as wide as the root ball of the tree being planted, but only as deep as the distance from the bottom of the root ball to the top of the highest first-order root in the root ball. Details and specifications for planting holes shall be developed by the City Forester.

c. On sites where evenly-spaced street trees are not possible or do not conform to the overall design objectives of the site, random clustering of street trees may be acceptable, provided that the number of trees planted equals or exceeds the number that would be required if the trees were evenly-spaced.

(2) Street trees shall be placed between the curb and the public sidewalk and in the parkway, unless traffic safety requires different locations of trees, as specified in division (2) of this division (b).

a. The standard setback of trees located between the curb and the public sidewalk depends on the relationship of the sidewalk to the curb.

i. Where more than four feet of space exists between the back of curb and the sidewalk, street trees shall be planted with their centerline two feet from the sidewalk.

ii. Where less than three feet of space exists, street trees shall not be planted into the parkway strip. Any street trees required by the City shall be planted within 20-feet of the back of curb of the abutting street. In addition to fulfilling the street tree requirement, such trees can be included in the calculation described in 14-16-3-10(E)(2). Furthermore, if an off-street parking area is located along the frontage of the site, these trees may also be used to fulfill the landscaping regulations for these areas, in possible addition to the street tree and coverage requirements

iii. Where the sidewalk is at the curb, two planting schemes are possible:

i. Preferably, the tree shall be planted at least two feet beyond the property-side edge of the sidewalk; or

ii. If the sidewalk is six feet wide or wider, street trees may be planted in cutouts in the sidewalk, and provide the minimum soil volume requirement per the City Forester. The centerline of the tree shall be at least two feet from the back of curb, and at least four feet from the property-side edge of the sidewalk. If the remaining clear sidewalk space between the tree well and the property-side edge of the sidewalk is less than four feet, a grate shall be used to cover the planting hole. The grate shall be of a size and design approved by the City Forester. In all cases, the minimum effective clear sidewalk width (including grate overlap) shall be four feet to allow for wheelchair access.

b. Conflicts can occur with large trees near overhead electric utility lines. The larger the tree, the farther it should be located from an electric utility line. Small growth trees (those under 25 feet high at maturity) can be near the electric utility lines. If possible, locate medium growth trees at least 15 feet away from the electric utility lines and locate large growth trees at least 25 feet from electric utility lines. Trees that grow into or near electric lines may be trimmed back to prevent any growth into the lines.

3. Notwithstanding the standards in division (1) above, the location of street trees shall be

determined by the Development Review Board if the standards of division (1) above would result in a tree being located less than eight feet from the face of the street curb. In making decisions on tree location, the Development Review Board shall balance traffic safety with the appearance of the streetscape. The Board shall consider the purposes of §6-6-2-1 et seq as well as traffic speed and other relevant traffic aspects which may impact public safety.

(a) Street trees shall be selected from the species in the Official Albuquerque Plant Palette and Sizing List maintained by the City Forester. The most appropriate species will depend upon the conditions of the particular site.

(b) Street trees shall be at 2.0 inches in caliper at the time of planting.

(c) Notwithstanding the other provisions of this section, trees planted abutting the public right-of-way or in easements for underground utilities should be located so as not to interfere, either at the time of installation or later, with the function of overhead and underground utility lines. Where this is not possible, street trees shall be planted near but off the public right-of-way. Reasonable location is the responsibility of the person preparing the street tree plan and the person planting the tree. Per criteria that is acceptable to the City Forester, the Planning Director or his/her designee may approve alternative planting schemes if it can be shown that the resulting tree canopies will still provide adequate shading for the sidewalk.

(d) Property owners acknowledge that approved landscaping and trees installed and maintained in public rights-of-way abutting private properties are the property of the City, and that that the City reserves the right to remove it if necessary for a transportation project without compensation, but at no cost to the property owner. Landscaping installed in the abutting public right-of-way by property owners and later removed by the City shall not impact previously approved Net Lot Area calculations for required landscaping as described in §14-16-3-10 (E)(2).

(e) Street trees should normally be deciduous. Adequate vertical clearance below the branches must be maintained for pedestrians, cars, and bicyclists. The minimum height to the lowest permanent branch overhanging a sidewalk shall be seven (7) feet; the lowest height of a permanent branch overhanging a street shall be 14 feet. Coniferous trees may be used as street trees only when the minimum required vertical clearance over streets and sidewalks can be maintained throughout the life of the tree and only where they will not at maturity block solar access to abutting buildings.

(f) As it is desirable to have a mix of species and genera represented in the urban forest in order to protect against the loss of trees due to disease, insects or environmental conditions,

the following guidelines shall be used:

1. Plantings of five (5) or fewer trees may all be of the same genus;
2. Plantings of six (6) to ten (10) trees must use at least two different genera, with roughly equal numbers of each;
3. Plantings of more than ten (10) trees shall use no more than 30% of trees in any one genus.

(g) One of every three street trees planted may be an accent tree per the Official Albuquerque Plant Palette and Sizing List, provided the guidelines in §14-16-3-10(G)(1) are met.

§ 6-6-2-6 STREET TREE PROGRAMS.

(1) The Mayor shall prepare, distribute, and continue to keep available to the public a booklet or other printed material encouraging street trees, indicating recommended species, city regulations, appropriate street tree locations, and tree care.

(2) The Mayor shall, through the Capital Improvements Program, cause street trees to be planted near the street frontages of all city-owned lots, at least meeting the requirements of §6-6-2-1 et seq.

(3) The Mayor shall propose to the City Council appropriate major streets for special assessment districts for the planting and maintenance of street trees. The Mayor shall designate appropriate city staff to administer such supports.

(4) Whenever a city project on the public right of way removes or kills one or more street trees, the Mayor shall replace each such tree with one of the same species in approximately the same location, unless the species or location is contrary to §6-6-2-1 et seq or to related regulations or plans, in which event each such tree shall be replaced with a tree of conforming species and location.

§ 6-6-2-7 MORE DETAILED REGULATIONS.

Regulations detailing the provisions of §6-6-2-1 et seq should be enacted in coordination with and through the Parks and Recreation Department, and be amended by the Environmental Planning Commission at an advertised public hearing.

§ 6-6-2-8 WAIVERS AND VARIANCES.

The Mayor, upon application of land owners, may waive or modify requirements §6-6-2-1 et seq, if it is found that:

- (1) Street trees would necessarily contribute to unsafe conditions on the public right-of-way;

(2) The lot frontage is sufficiently forested to be in general compliance with the intent of §6-6-2-1 et seq; or

(3) Alternative landscaping plans, in harmony with the surroundings and meeting the intent of §6-6-2-1 et seq are proposed.

Appeals.

Appeals from the decision of the Mayor on requests for waivers or variances may be taken to the Environmental Planning Commission by filing written notice with the Planning Division within 15 days after the request for variance has been denied.

SECTION 2. EFFECTIVE DATE AND PUBLICATION. This legislation shall take effect five days after publication by title and general summary.

SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provisions being declared unconstitutional or otherwise invalid.

Section 4. COMPILATION. Section 1 of this ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

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