

0.2016.006

**CITY OF ALBUQUERQUE
CITY COUNCIL**

INTEROFFICE MEMORANDUM

TO: Richard J. Berry, Mayor

FROM: Jon K. Zaman, Director of Council Services

Jon 4/13/16

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. C/S O-16-6 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), which was passed at the Council meeting of April 4, 2016 by a vote of 8 FOR AND 0 AGAINST.

Excused: Sanchez

In accordance with the provisions of the City Charter, your action is respectfully requested.

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**CITY of ALBUQUERQUE
TWENTY-SECOND COUNCIL**

COUNCIL BILL NO. C/S O-16-6 ENACTMENT NO. 0-2016-006

SPONSORED BY: Isaac Benton, by request

1 ORDINANCE

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

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

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

10 **§ 6-6-2-4 REQUIRED STREET TREES**

11 **(1) Required Street Trees.**

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

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

24 **(c) Street trees shown on an approved street tree plan and required to**
25 **meet the requirements of §14-16-3-10(H) shall be maintained alive and**

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1 healthy. Maintenance and trimming of street trees and replacement of dead
2 trees are the responsibility of the owner of the lot abutting or on which the tree
3 is located.

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

9 (e) City Staff, in coordination with appropriate private sector input, shall
10 develop and make available information regarding the required soil volume for
11 trees of a given mature size, the Planning Director shall make this available.
12 This soil volume consists of un-compacted and irrigated soil. The root space
13 may be long and linear, to match a parkway size, and/or the space may be
14 created through mechanical de-compaction, or the use of either structural
15 soils under pavements, or soil vault systems under pavements.

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

24 **§ 6-6-2-5 STREET TREE POLICIES.**

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

29 (1) Size of the trees at maturity should be in proportion to the planting
30 space provided for them. Spacing between evenly spaced street trees should
31 be no greater than the diameter of the tree canopy at maturity, per the Official
32 Albuquerque Plant Palette and Sizing List. Smaller species of trees will require

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1 closer spacing, and larger trees will require greater spacing. Spacing shall be
2 approved as part of the plan approval process.

3 a. Adequate room and spacing for Street Trees (subsection citation)
4 shall be accommodated/provided: minimum 80 sq. ft. planting area for each
5 tree; and maximum of 25 feet spacing on-center. For planting areas with over
6 800CF of un-compacted soil, tree spacing may be increased to up to 35 feet
7 on-center.

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

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

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

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

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

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

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

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

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

15 b. Conflicts can occur with large trees near overhead electric utility
16 lines. The larger the tree, the farther it should be located from an electric
17 utility line. Small growth trees (those under 25 feet high at maturity) can be
18 near the electric utility lines. If possible, locate medium growth trees at least
19 15 feet away from the electric utility lines and locate large growth trees at least
20 25 feet from electric utility lines. Trees that grow into or near electric lines
21 may be trimmed back to prevent any growth into the lines.

22 3. Notwithstanding the standards in division (1) above, the location of
23 street trees shall be determined by the Development Review Board if the
24 standards of division (1) above would result in a tree being located less than
25 eight feet from the face of the street curb. In making decisions on tree
26 location, the Development Review Board shall balance traffic safety with the
27 appearance of the streetscape. The Board shall consider the purposes of §6-
28 6-2-1 et seq as well as traffic speed and other relevant traffic aspects which
29 may impact public safety.

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

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

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

12 (d) Property owners acknowledge that approved landscaping and trees
13 installed and maintained in public rights-of-way abutting private properties are
14 the property of the City, and that that the City reserves the right to remove it if
15 necessary for a transportation project without compensation, but at no cost to
16 the property owner. Landscaping installed in the abutting public right-of-way
17 by property owners and later removed by the City shall not impact previously
18 approved Net Lot Area calculations for required landscaping as described in
19 §14-16-3-10 (E)(2).

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

28 (f) As it is desirable to have a mix of species and genera represented in
29 the urban forest in order to protect against the loss of trees due to disease,
30 insects or environmental conditions, the following guidelines shall be used:

- 31 1. Plantings of five (5) or fewer trees may all be of the same genus;
- 32 2. Plantings of six (6) to ten (10) trees must use at least two different
33 genera, with roughly equal numbers of each;

1 3. Plantings of more than ten (10) trees shall use no more than 30%
2 of trees in any one genus.

3 (g) One of every three street trees planted may be an accent tree per the
4 Official Albuquerque Plant Palette and Sizing List, provided the guidelines in
5 §14-16-3-10(G)(1) are met.

6 **§ 6-6-2-6 STREET TREE PROGRAMS.**

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

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

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

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

23 **§ 6-6-2-7 MORE DETAILED REGULATIONS.**

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

28 **§ 6-6-2-8 WAIVERS AND VARIANCES.**

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

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

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

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

5 Appeals.

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

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

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

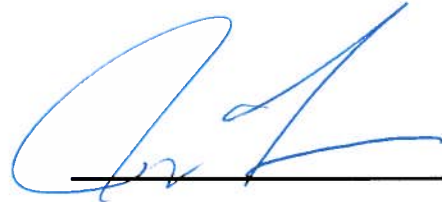
19 Section 4. COMPILATION. Section 1 of this ordinance shall be incorporated
20 in and made part of the Revised Ordinances of Albuquerque, New Mexico,
21 1994.

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1 PASSED AND ADOPTED THIS 4th DAY OF April, 2016
2 BY A VOTE OF: 8 FOR 0 AGAINST.

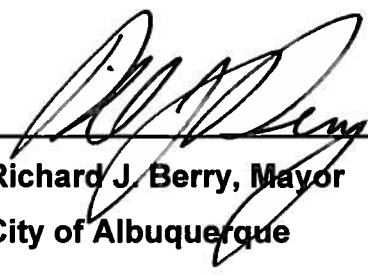
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4 Excused: Sanchez

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9 Dan Lewis, President
10 City Council

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14 APPROVED THIS 22nd DAY OF April, 2016

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18 Bill No. C/S O-16-6

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21 
22 Richard J. Berry, Mayor
23 City of Albuquerque

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26 ATTEST:

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28 
29 Natalie Y. Howard, City Clerk

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