

ORDINANCE NO. 2024-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARINA AMENDING MARINA MUNICIPAL CODE (MMC) SECTION 17.62.090.A TO ALLOW A TERM OF TWO YEARS FOR TREE COMMITTEE MEMBERS.

1. During the COVID-19 pandemic, the City temporarily discontinued or combined certain City committees and boards, including transferring the duties and obligations of the Tree Committee to the Planning Commission.

2. On August 16, 2022, the City Council adopted Resolution No. 2022-11, directing staff to reconstitute the Tree Committee. On February 7, 2023, the City Council adopted Resolution No. 2023-11 appointing the membership of the Tree Committee for a one-year term. On November 21, 2023, the City Council adopted Resolution No. 2023-126 extending the term of the sitting Tree Committee for another year, expiring on January 1, 2025.

3. The proposed amendment will codify a two-year term for the Tree Committee beginning January 1, 2025, and allow for a more reliable, efficient, and effective process for the review of Tree Removal permits and other Committee tasks as needed.

4. The City Council reviewed the proposed amendments and considered the recommendations of the Planning Commission and held a duly noticed public hearing on April 16, 2024.

5. In accordance with the California Environmental Quality Act (CEQA), this ordinance is not subject to CEQA pursuant to the State CEQA Guidelines, California Code of Regulations, Title 14, Article 5, Section 15378 because the proposed ordinance will not, either directly or indirectly, result in a significant effect on the environment. Therefore, the adoption of this ordinance is exempt from CEQA and no further environmental review is necessary.

NOW, THE CITY COUNCIL OF THE CITY OF MARINA DOES HEREBY ORDAIN AS
FOLLOWS:

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. The City Council of the City of Marina determines the proposed ordinance amendment is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15378.

SECTION 3. The City Council hereby adopts the ordinance amendments as follows noting that ~~strike through~~ and underlined sections refer to those that are recommended for deletion or addition, respectively:

Chapter 17.62

TREE REMOVAL, PRESERVATION AND PROTECTION

17.62.010 Purpose and intent.

A. The city recognizes that the maintenance and new growth of healthy trees facilitates drainage, combats soil erosion, reduces global warming, adds real property and aesthetic values, and provides habitat for wildlife. To enhance the beauty of the city, while at the same time recognizing individual rights to develop private property, the city council adopts this chapter, establishing basic standards and measures to preserve and maintain existing trees and to encourage new tree planting.

B. It is the intent of the city by the adoption of these regulations to limit and restrict the removal of healthy and desirable trees in the city. However, regarding single-family residential properties which cannot be further subdivided, the intent is to limit and restrict only the removal of landmark trees.

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17.62.090 Tree committee.

The committee members shall be appointed and the committee shall operate according to Chapter [2.12](#) and in the following prescribed manner:

A. The committee shall be established and appointed by the city council for a term of two years ~~on an annual basis~~ by a majority vote of the city council upon a recommendation from the planning commission.

B. The committee shall consist of five members plus one alternate as follows:

1. *Members 1 through 3.* At least three committee members shall be members of the public-at-large. One public-at-large member may reside outside the city. All other public-at-large members shall be residents of the city. All public-at-large members should preferably have a background, or some knowledge, of planning, landscaping, and/or trees, or any related field.

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SECTION 5. Severability. If any portion of this Ordinance is found to be unconstitutional or invalid the City Council hereby declares that it would have enacted the remainder of this Ordinance regardless of the absence of any such invalid part.

SECTION 6. The City Manager is directed to execute all documents and to perform all other necessary acts to implement this Ordinance.

SECTION 7. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its final passage and adoption.

I HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance introduced at a regular city council meeting held on April 16, 2024, and passed and adopted by the City Council of the City of Marina at a regular meeting duly held on May 7, 2024, by the following vote:

AYES: COUNCIL MEMBERS: McAdams, McCarthy, Biala, Delgado

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Visscher

ABSTAIN: COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk