ORDINANCE NO. 3176

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, EXTENDING THE TEMPORARY SUSPENSION OF THE APPLICATION OF THE CITY'S PARKWAY TREE MANUAL AND MUNICIPAL CODE SECTION 12.40.100(D) TO ADDRESS POTENTIAL FUTURE HEALTH AND SAFETY HAZARDS AND MAKING A FINDING THAT THIS ORDINANCE IS EXEMPT FROM CEQA.

WHEREAS, the City of Whittier, pursuant to its police power, may enact regulations for the public peace, health, safety and welfare; and

WHEREAS, Chapter 12.40 of the Whittier Municipal Code ("WMC") regulates the planting, maintenance, and removal of trees in public places and references the provisions of the City's Parkway Tree Manual for guidelines on these topics and as a reference relating to work around City trees; and

WHEREAS, the Parkway Tree Manual requires, among other things, that the City undergo an extensive notice and hearing process prior to tree removal that often delays for extended periods the removal of potentially dangerous trees and potentially dangerous conditions on adjacent streets and sidewalks; and

WHEREAS, WMC Section 12.40.050 provides that the Parkway Tree Manual should be reviewed and revised every five (5) years, but the last revision was in 2016, more than ten (10) years ago;

WHEREAS, in order to protect the health and safety of its citizens, on November 18, 2025 the City Council adopted Ordinance No. 3172, with an expiration date of June 30, 2026, which temporarily suspended application of the Parkway Tree Manual and WMC Section 12.40.100(D) to allow the City Manager to expeditiously remove potentially dangerous trees and correct potentially dangerous conditions on public property without the time-consuming procedures required by the Parkway Tree Manual, but still exercising discretion in a manner consistent with the Parkway Tree Manual and primarily based on professional arborist recommendations to the City Manager; and

WHEREAS, on January 27, 2026 the City Council approved an agreement with Michael Baker Inc. (MBI) to prepare an Environmental Impact Report (EIR) for the Council's consideration of a replacement of Chapter 12.40.100(D) of the Whittier Municipal Code and the provisions of the Parkway Tree Manual; and

WHEREAS, the City of Whittier has an inventory of over 20,000 street and parkway trees, with an uneven age structure and a majority of trees over 50 years old, which is beyond the average lifespan of urban street trees; and

WHEREAS, California Department of Forestry and Fire Protection (CalFire) provides for a process to assist in development of an Urban Forest Management Plan

(UFMP) with an urban forest vision statement. These plans can encompass several components, including but not limited to, current urban forest status, strategic planning, long term engagement, and tree preservation ordinances; and

WHEREAS, established urban forestry principles emphasize that a healthy, functioning urban forest requires right tree/right place replacement with climate-resilient species, adequate soil and rooting space, water-wise site design, and a diverse mix of species and ages so that cities do not become vulnerable to pests, drought, or extreme heat. Established urban forestry principles further stress that trees succeed only when replacement includes long-term establishment care and community stewardship; and

WHEREAS, the City Council finds that it is in the public interest to develop an UFMP for the City Council's consideration, which includes continuous planting, replacement, and care, supported by an adopted tree care ordinance, sustained annual investment, and ongoing community engagement; and

WHEREAS, the City Council finds that consideration of a principled UFMP that guides expeditious tree replacement with appropriate species and site standards is important to avoid the potential for furthering the uneven age structure of City trees, widening canopy gaps, or increasing the risk of a large-scale die-off requiring mass removals and risks to public health and safety; and

WHEREAS, the City Council finds that consideration of a principled UFMP is important to maximize the City of Whittier's public safety, reduce liability, and strengthen fiduciary responsibility; and

WHEREAS, on March 10, 2026, the City Council authorized the approval of Amendment No. 1 to Agreement No. A26-004 with MBI to provide the City of Whittier with an UFMP and EIR for future City Council consideration; and

WHEREAS, as of March 1, 2026, 22 trees have been removed since the temporary suspension of the Parkway Tree Manual under Ordinance Nos. 3171 and/or 3172, and all such removals have been done with the support of a professional arborist report and recommendation as to each specific tree removal; the number and methodology of removals during suspension have been directly in line with prior removals under the Parkway Tree Manual before suspension, so that removals have been based upon substantive conclusions that all preservation measures have been exhausted and/or deemed impractical, as previously considered under the Parkway Tree Manual; and

WHEREAS, during the extended temporary suspension of the Parkway Tree Manual enacted by this Ordinance, decisions to remove trees will continue to be made by the City Manager in consultation with professional staff, with the support of a professional arborist report and recommendation relating to each removal, with the intent that all preservation measures have been exhausted and/or deemed impractical, as previously considered under the Parkway Tree Manual; and

WHEREAS, the City uses its own workforce for such tree removals, which further necessarily limits the number and frequency that such removals can be conducted; and

WHEREAS, the City Council finds and determines that the extension of the suspension of WMC § 12.40.100(D) and the Parkway Tree Manual -- first enacted by Ordinance Nos. 3171 and 3172, and reaffirming the findings therein -- is necessary for the preservation of the public peace, health and safety while the City Council considers potential plans and tools to manage the City's trees and to maximize the City's public safety, reduce City liability, and strengthen fiduciary responsibility, and that the extension of such suspension will not have any significant impact on the environment as discussed further below; and

WHEREAS, subsequent to the adoption of Ordinance No. 3172, the City received a letter on November 24, 2025 from the California Insurance Pool Authority, from which the City obtains its insurance coverage, which recommended both temporary suspension of the Parkway Tree Manual and that the City consider permanent replacement of the Manual or face consideration of termination from the insurance pool by the Board of Directors; and

WHEREAS, there have been incidents relating to street trees, and trees have also created conditions, sometimes recurring, that are a risk to health and safety, inclu ding vector control risks, sewage backup, water intrusion etc.

WHEREFORE, THE MAYOR AND THE CITY COUNCIL OF THE CITY OF WHITTIER DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The application of the Parkway Tree Manual as referenced in Chapter 12.40 of the WMC shall be suspended until January 1, 2028. The notice and posting requirements of Section 12.40.100(D) of the Whittier Municipal Code shall also be suspended until January 1, 2028. During this time, those sections of Chapter 12.40 that invoke the contents of the Parkway Tree Manual shall instead invoke the discretion of the City Manager, which discretion shall be exercised by considering the dual purposes of preserving the City's urban forest and providing the public with usable and safe infrastructure. Utilizing established principles of urban forestry, City staff shall present for the City Council's future consideration a completed EIR and UFMP, and revisions to Chapter 12.40 and shall do so prior to January 1, 2028.

SECTION 2: Environmental Review. The City Council finds and determines that the adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA).

(a) The Ordinance is exempt under State CEQA Guidelines Section 15301, which consists of the "repair, maintenance … or minor alteration of existing public or private … topographical features, involving negligible or no expansion of existing or former use." Section 15301 provides that the list of examples that follows is "not intended to be all-inclusive of the types of projects which might fall within Class 1" and the "key

consideration is whether the project involves negligible or no expansion of use." The Ordinance, and the extension of the suspension of the application of the Parkway Tree Manual, does not involve any expansion of the existing use of the existing facilities. In addition, subdivision (c) of Section 15301 specifically lists as an example of a qualifying existing use "existing highways and streets, sidewalks, gutters … and other alterations such as … transit improvements and additions or alterations to existing facilities such as bus lanes, pedestrian crossings, street trees…" Adoption of the Ordinance to facilitate providing the public with usable and safe infrastructure fits within this exemption as the Ordinance allows for the maintenance and alteration of these existing facilities without "creat[ing] additional automobile lanes."

(b) The Ordinance is separately and independently exempt under State CEQA Guidelines Section 15269, which provides that emergency projects are exempt from CEQA, including "[s]pecific actions necessary to prevent or mitigate an emergency." This exemption expressly applies where "the anticipated period of time to conduct an environmental review of [a] long-term project would create a risk to public health, safety, or welfare." The Ordinance is necessary to the extent it allows for the expeditious removal of potentially dangerous trees and to correct potentially dangerous conditions on public property.

(c) Alternatively, the Ordinance is not subject to CEQA on the separate and independent bases that it will not result in a direct or reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15060(c)(2)) and it can be seen with certainty there is no possibility the adoption of this Ordinance will have a significant effect on the environment (CEQA Guidelines Section 15061(b)(3)). The Ordinance extends an existing suspension of the application of the Parkway Tree Manual and thus maintains the status quo for the removal and replacement of hazardous trees within the City. In addition, the Ordinance does not itself authorize any tree removals or other physical changes to the environment; during the extended temporary suspension of the Parkway Tree Manual, decisions to remove trees will continue to be made by the City Manager in consultation with professional staff and based upon certified arborists' reports and recommendations relating to each removal, with the intent that all preservation measures have been exhausted and/or deemed impractical, as previously considered under the Parkway Tree Manual.

SECTION 3: Repeal of Inconsistent Sections. Any provision of the Whittier Municipal Code or appendices thereto inconsistent with the provisions of the Ordinance, to the extent of such inconsistencies and no further, are repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 4: Severability. If any section, subsection, clause or phrase or portion of this code is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of all other provisions of this Ordinance. The City Council of Whittier hereby declares that it would have passed the Ordinance and each section, subsection, sentence, clause and phrase or portion thereof, irrespective of the fact that any one or more of the sections,

subsections, sentences, clauses, or phrases or portions thereof be declared invalid or unconstitutional.

SECTION 5 Attestation: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the same to be published pursuant to State Law. This Ordinance shall become effective 30 days after its adoption .

PASSED, APPROVED AND ADOPTED this 24th day of March 2026.

_____
Joseph A. Vinatieri, Mayor

ATTEST:

_____
Rigoberto Garcia Jr., City Clerk
(seal)

APPROVED AS TO FORM

_____
Keith F. Collins, City Attorney

Date:_____

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 3176 was introduced on the 10th day of March 2026, and was adopted by the City Council of the City of Whittier at the regular meeting held on the 24th day of March 2026, by the following vote:

AYES:	4	Council Members:	Vinatieri, Martinez, Dutra, Warner
NOES:	1	Council Members:	Pacheco
ABSTAIN:	0		
ABSENT:	0		

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RIGOBERTO GARCIA JR., City Clerk
(seal)